

NEW MEXICO LAW ENFORCEMENT ACADEMY

REGULAR BOARD MEETING

March 6, 2018

9:00 a.m.

New Mexico Law Enforcement Academy

4491 Cerrillos Road

Santa Fe, New Mexico 87507

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

Sheriff Wesley Waller

Chief Darren Soland

Jaime Quezada

Kelly Burnham

ALSO PRESENT

Stephan Marshall, Director

Brian Coss, Deputy Director

Joseph M. Dworak, Esq.

Monica Medrano, Case Manager

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Attached:

Exhibits A-D - Certifications of Law Enforcement Officers

Exhibits A-B - Certifications of Public Safety Telecommunicators

P R O C E E D I N G S

ITEM NO. 1: CALL TO ORDER

A.G. BALDERAS: Good morning, everyone. Now that we have our other Board Member here, I want to welcome everyone. And I hereby call this meeting to order.

ITEM NO. 2: ROLL CALL

A.G. BALDERAS: First I would like to ask Monica to call the roll call, please.

MS. MEDRANO: The Honorable Hector Balderas.

A.G. BALDERAS: Here.

MS. MEDRANO: Mr. Scot Key.

(No response.)

MS. MEDRANO: Chief Pete Kassetas.

CHIEF KASSETAS: Here.

MS. MEDRANO: Sheriff Wesley Waller.

SHERIFF WALLER: Here.

MS. MEDRANO: Chief Darren Soland.

CHIEF SOLAND: Here.

MS. MEDRANO: Chief Chris McCall.

CHIEF McCALL: Here.

MS. MEDRANO: Sergeant Jaime Quezada.

SERGEANT QUEZADA: Here.

MS. MEDRANO: Ms. Kelly Burnham, J.D.

MS. BURNHAM: Just barely here. I'm so

1 sorry, everybody. I got lost.

2 MS. MEDRANO: Dr. Elisabeth Miller.

3 (No response.)

4 A.G. BALDERAS: Thank you.

5 ITEM NO. 3: APPROVAL OF AGENDA

6 A.G. BALDERAS: Next we need to approve the
7 agenda for this meeting. If you'll take a few seconds
8 to take a look and see if there are any suggestions or
9 changes.

10 If there are no changes, I'll entertain a
11 motion to approve the agenda for this meeting.

12 MS. BURNHAM: Mr. Chairman, I move to approve
13 the agenda.

14 A.G. BALDERAS: There is a motion. Is there
15 a second?

16 SHERIFF WALLER: Second.

17 A.G. BALDERAS: There is a second. All in
18 favor to approve the agenda, all in favor say aye.

19 (Those in favor so indicate.)

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

22 ITEM NO. 4: APPROVAL OF MEETING MINUTES

23 A.G. BALDERAS: We can now go to item No. 4,
24 the approval of the minutes. These are the minutes
25 from the last Board meeting, which occurred on

1 December 12th, 2017. Copies of those minutes were
2 distributed to Board Members and are always available
3 on the LEA website. Please review. If there are any
4 corrections to the meeting, we can consider those as
5 well.

6 CHIEF KASSETAS: Mr. Chair, I would like to
7 make a motion to approve the minutes.

8 A.G. BALDERAS: There is a motion to approve
9 the minutes. Is there a second?

10 CHIEF SOLAND: Second.

11 A.G. BALDERAS: There is a motion and a
12 second to approve the minutes as presented. All in
13 favor say aye.

14 (Those in favor so indicate.)

15 A.G. BALDERAS: Any opposed? The motion
16 passes to approve the minutes, the minutes are
17 approved.

18 ITEM NO. 5: OPEN MEETINGS ACT RESOLUTION

19 A.G. BALDERAS: We should now go to item
20 No. 5, Open Meetings Act resolution. Copies of the
21 resolution should be in everyone's packet. Is there
22 any discussion on this resolution?

23 CHIEF KASSETAS: Mr. Chair, I only think
24 that, being that your office is at the leading edge
25 when it comes to open meetings and the Open Meetings

1 Act, that everything in here seems to correspond with
2 what we need to do legally, correct?

3 A.G. BALDERAS: Yes. Actually if we can
4 defer. Do you want to say what this consists of?

5 MR. DWORAK: Sure. Chairman, Chief Kassetas,
6 Members of the Board, this Open Meetings Act
7 resolution follows the same format and requirements
8 from the prior year's resolution.

9 Under the Open Meetings Act, public bodies
10 subject to the act are required to determine annually
11 what constitutes reasonable notice. So there are
12 minimum requirements that are required under the Open
13 Meetings Act.

14 And this resolution clarifies those
15 requirements and includes the addition of paying for
16 publication in a newspaper as well. So this does
17 satisfy the requirements of the State statute. And
18 I'm happy to answer any questions, if there are any.

19 CHIEF KASSETAS: And the Board would need to
20 vote to adopt this?

21 A.G. BALDERAS: Yes. It's being presented so
22 that we can review and consider a motion for approval.

23 CHIEF KASSETAS: So I would like to make a
24 motion to approve the Open Meetings Act resolution
25 unless there are other questions by the other Board

1 Members.

2 A.G. BALDERAS: There is a motion to approve
3 the Open Meetings Act resolution. Is there a second?

4 CHIEF McCALL: Second.

5 A.G. BALDERAS: All in favor of approving the
6 2018 Open Meetings Act resolution say aye.

7 (Those in favor so indicate.)

8 A.G. BALDERAS: Are there any in opposition?
9 The motion for the 2018 Open Meetings Act resolution
10 passes and is adopted. Thank you.

11 ITEM NO. 6: ELECTION OF VICE CHAIRMAN

12 A.G. BALDERAS: We can now go to item No. 6
13 in our agenda. That is the election of our Vice
14 Chair. At this time we will entertain nominations
15 from the Board.

16 What I'd like to do is first hear if there
17 are any nominations and comments from the Board on
18 respective nominees.

19 CHIEF KASSETAS: Mr. Chair, I would like to
20 nominate Chris McCall again. I think he's doing a
21 fine job.

22 SHERIFF WALLER: I second that.

23 A.G. BALDERAS: Chief Kassetas, I'm little
24 worried about fine job. If you can do better than
25 that.

1 CHIEF KASSETAS: Very fine job. Certainly
2 better than I ever did.

3 A.G. BALDERAS: He does a great job. Is
4 there any other discussion or any other nominations?
5 Great. I'd like to entertain a formal motion to
6 appoint Chief McCall as our Vice Chair.

7 CHIEF KASSETAS: So moved.

8 A.G. BALDERAS: Great. All in favor of
9 appointing Chief McCall as our Vice Chair.

10 (Those in favor so indicate.)

11 A.G. BALDERAS: Any opposed? Great.
12 Congratulations, Chief McCall. Let's give him a round
13 of applause.

14 (Applause.)

15 ITEM NO. 7: DIRECTOR'S REPORT

16 A.G. BALDERAS: Great. We are now on item
17 No. 7, our Director's report. At this time I'll yield
18 to our Director Marshall.

19 DIRECTOR MARSHALL: Thank you, Chairman
20 Balderas, Members of the Board. I apologize for my
21 lack of voice, I've been battling a cold for about a
22 week. But I will endeavor to get through this.

23 It's a privilege to once again address the
24 Law Enforcement Academy Board and to again welcome you
25 to our academy. We are proudly celebrating our 50th

1 anniversary this year. There is no more fitting way
2 to kick off our celebration than this meeting. So we
3 appreciate the fact that you could all be here for us.

4 My staff and I continue to strive to find the
5 best ways to serve this Board, the law enforcement
6 agencies of New Mexico, and the men and women who are
7 the cadets, officers, and telecommunicators of this
8 State as well as members of the public.

9 I respectfully present the following
10 information highlighting the activities that have
11 taken place at the Law Enforcement Academy and the
12 satellite academies since the last Board meeting on
13 December 12th in Albuquerque.

14 The New Mexico Law Enforcement Academy Basic
15 Police Officer Training Class No. 196 began on
16 January 28th of this year. We had 80 applicants show
17 up for the initial assessment on January 12th.

18 As we've said before, we are trying to limit
19 our class size to approximately 60 cadets. The last
20 class we only had 50 show up and 38 passed the
21 assessment. This time we had 80 show up and all 80
22 passed the assessment.

23 So we had to make some tough choices. We
24 tried to accommodate as many as possible. We took 62.
25 I think, if we take more than that, the training level

1 suffers. And that's why we have to cap it because of
2 our size.

3 But the Southeastern New Mexico Law
4 Enforcement Academy, which is represented here today
5 by Dr. Fons and Walter Coburn, the Director, they were
6 starting an academy a week later. And they very
7 graciously agreed to take seven of our overflow
8 applicants, although their class was already close to
9 full.

10 In addition, the Western New Mexico Academy
11 in Silver City was starting at about the same time,
12 and they took two more. So we were able to
13 accommodate a good number of the 80 that showed up.

14 We currently have a class that's down to 55
15 primarily through voluntary withdrawals. They're
16 still in class at this time. They'll graduate I
17 believe on the 16th of May.

18 The Southeastern New Mexico Law Enforcement
19 Academy was starting 30 cadets next week. They had
20 two withdraw so they're down to 28. They graduated 13
21 from the previous class, which was the same date as
22 our last Board meeting.

23 The Albuquerque Police Department graduated
24 43 on December 17th of last year, about a week after
25 our last meeting. They'll graduate 27 more in May.

1 The New Mexico State Police Academy will
2 graduate 32 on March 23rd at the Hispanic Cultural
3 Center. If you haven't been to a State Police
4 graduation, they're fairly impressive. I would
5 encourage everybody to attend that, if they can.

6 The Bernalillo County Sheriff's Office
7 Academy is graduating a class of 30 scheduled to
8 graduate July 20th. The Las Cruces Police Department
9 has a class of 20 cadets scheduled to graduate
10 April 23rd.

11 The San Juan Criminal Justice Authority has a
12 class of 30 cadets scheduled to graduate on June 8th.
13 In addition to our basic academies, we also have a
14 certification-by-waiver class of 20. It started
15 yesterday and it's meeting down the hall.

16 Our Public Safety Telecommunicator program
17 continues to grow and develop. We graduated 29 in
18 December. We graduated 24 more two weeks ago. So
19 we've produced a large number of certified officers
20 and telecommunicators since the last meeting.

21 I also wanted to speak briefly about our data
22 maintenance system. We're very pleased with the
23 progress that's being made on the implementation of
24 the system. Mr. Brian Coss, the Deputy Director, and
25 Layla Reyes will be demonstrating some of the features

1 of this system as the next item on the agenda.

2 I just wanted to express my gratitude to the
3 Department of Public Safety; to my bosses, Amy Orlando
4 and Scott Weaver, the Deputy Secretary and Cabinet
5 Secretary, for supporting this system.

6 I think it's one of the biggest advancements
7 in law enforcement in the State in the last number of
8 years. So it will be a great benefit not only to law
9 enforcement, but to everybody in the State to have
10 these records in one place and available and
11 consistent.

12 I also want to mention briefly, we continue
13 to move forward on our firearms range. We purchased
14 it last year. It's the same range we've been using
15 for decades. We've got an architect contracted for
16 range improvements. We continue to work on a range
17 that will provide a facility to appropriately train
18 the cadets and officers in this State.

19 We addressed at the last meeting the sexual
20 assault kit initiative. We continue to move forward
21 in that area as well. We're developing a tracking
22 system that will give us the necessary tools to make
23 sure this is not a recurring problem.

24 And I appreciate the efforts of this Board
25 and others in getting the word out about the

1 requirements that all the sexual assault kits be
2 submitted.

3 For disciplinary matters our agenda is kind
4 of abbreviated today. We had kind of a quiet spell.
5 For about three months, we did not receive a lot of
6 LEA-90 complaints. But we had about 25 cases arrive
7 within a fairly short period of time.

8 So we've had lulls before. But they haven't
9 really shown up at the meetings because we've had a
10 backlog enough that it kind of filled in the gaps. We
11 got rid of most of the backlog.

12 So this meeting is going to be pretty brief.
13 But I'm confident we'll be back up to the other
14 numbers soon. We had about 25 cases come in in about
15 a two-month period.

16 I wanted to update the Board briefly as well
17 about trauma kits under House Bill 9 that was passed
18 last year. As we talked before, we've worked to
19 implement the trauma kit bill to get the training out
20 there. Mr. Coss and I did a lot of traveling early on
21 for train-the-trainer type classes.

22 The trauma kit bill is known as 29-7-7.7. It
23 was funded initially through Chief Pete Kassetas of
24 the New Mexico State Police. And the Department of
25 Public Safety provided enough kits that we should be

1 able to give every officer in the State of New Mexico
2 a trauma kit.

3 New Mexico is the first state in the nation
4 to do this sort of training on a statewide basis. And
5 we're very proud of that. We've distributed over
6 2,000 kits so far. We continue to try to get every
7 agency involved.

8 We are now doing a monthly train-the-trainer
9 class. And, in fact, we have a large class going on
10 in Classroom 1 this morning of more officers learning
11 how to train others in the use of tourniquets. And we
12 will continue to travel the state to provide the
13 training wherever requested.

14 Most importantly there have been two saves
15 attributable to these kits since we've implemented
16 this program. Two New Mexico residents are still
17 alive because of this endeavor. So if the question is
18 ever is this worth the time or the expense, I think we
19 should ask those people and their families if it was
20 worth it. So I believe it was.

21 In conclusion, as we begin a new year, I want
22 to address the goals of the academy. Obviously we'll
23 strive to continue to train as many cadets as we can
24 and to provide the best possible training. We will
25 continue to seek innovative, challenging, applicable

1 training for our advanced training program.

2 I'm very proud of the fact that our advanced
3 calendar is looking pretty full these days. The
4 building is filled with students every day. New
5 officers, new dispatchers, and experienced public
6 servants are seeking the best training that we can
7 make available.

8 Some days it's hard to find parking in front
9 of this building. And I love that. The building is
10 full. We're drawing people in. We continue to seek
11 new avenues including partnerships with qualified
12 outside vendors and educational organizations to
13 provide the necessary training.

14 As we continue to review the New Mexico
15 Administrative Code, we will strive to find ways to
16 improve the curriculum and to improve the individual
17 lesson plans. It's an ongoing process. We seek to
18 empower every instructor to view the material
19 critically and address any improvements that are
20 available.

21 As we mentioned before, the Bureau of Justice
22 Statistics Census of Law Enforcement Training
23 Academies shows that our academy is approximately a
24 week longer than the national average for a state
25 POST.

1 But it's more than the number of hours. Each
2 of our satellites is dedicated to producing the best
3 training available. And we will continue to strive
4 for that goal here as well.

5 At this point I would like to take a moment
6 to thank my staff who make this possible. You know
7 Mr. Coss, he's at every meeting; Monica Medrano, who
8 sets this up.

9 We have others here as well today.
10 Mr. Joaquin Nielsen, who manages the
11 certification-by-waiver program for officers who come
12 in from other states and also runs basically all the
13 physical plant within this agency.

14 We have Ashley Lopez here who runs our
15 dispatch academy. We've talked about her at meetings
16 before. We have taken a program that was fairly
17 neglected years ago and turned it into an equal
18 partner here. And we're getting dispatchers that are
19 qualified and certified.

20 We have Ms. Layla Reyes here, who is going to
21 demonstrate the new software system. She's the one
22 that's been kind of on the leading edge of getting it
23 implemented. She's the one who really understands it.
24 And she's going to teach the rest of us how to use it.
25 So we appreciate that.

1 We also have in the room our Basic Training
2 Program Director, our Advanced Training Director I
3 believe is here. I think he's actually teaching the
4 tourniquet kits. We have some of our instructors
5 here.

6 These are the reasons this program is
7 successful. They all take great pride in making this
8 operation as successful as possible. None of it would
9 be successful without the support of the Secretary and
10 the Cabinet Secretary. And we appreciate them very
11 much as well.

12 I would also like to take a moment to thank
13 the Board. While under no obligation to do this, you
14 subject yourselves to criticism, to complaints, and
15 having to make tough decisions. You do so for no
16 reason other than your true and honest support of the
17 people of this State and law enforcement in this
18 State.

19 You've been supportive of our efforts. I
20 want to take a moment to thank you on behalf of
21 myself, on behalf of the academy, and on behalf of the
22 citizens of this State. You guys put yourselves
23 through a lot of work for us for no particular benefit
24 other than to help us out. And we appreciate it.
25 With that I'll answer any questions that you may have.

1 A.G. BALDERAS: Thank you. Any questions or
2 follow-up?

3 Thank you, Director, I appreciate it.

4 DIRECTOR MARSHALL: Thank you, sir.

5 ITEM NO. 8: ACADIS READINESS SUITE DEMONSTRATION

6 A.G. BALDERAS: I'm going to move on to item
7 No. 8, a presentation on the Acadis Readiness Suite.
8 And at this time I'll yield to Deputy Director Coss.

9 MR. COSS: Mr. Chairman, thank you. Members
10 of the Board, audience members, we appreciate the
11 opportunity.

12 We've been discussing this Acadis Readiness
13 Suite for about two years now. And, in fact, myself
14 and the Director kind of consciously stopped talking
15 about it because we weren't making progress. We're
16 making progress now.

17 It is a single-source management solution.
18 So it's far more than just a records management
19 solution. It's far more than just a data management
20 solution. It was specifically designed for folks in
21 our particular setting, the POST academy setting. And
22 ultimately it will be utilized by every law
23 enforcement agency in the State of New Mexico.

24 The end goal is that our records here will be
25 identical to every other agency's records across the

1 State. Right now our legacy system, if you will, is
2 dependent upon the agencies sending us the
3 information.

4 So just to give you kind of a snapshot of
5 what that looks like, you'll go online, you'll fill
6 out a form. You'll print off that PDF form, whatever
7 form that may be; and you will email it to us, you'll
8 mail it to us, you'll hand-deliver it, you'll fax it.
9 However it arrives here. Yes, we still have fax
10 machines here.

11 Then we will turn around and manually reenter
12 all of that data into our system. You can see the
13 complexities with that just off the front edge. This
14 system will be a truly automated and integrated
15 system. And I'll give you a brief example of that.

16 The agencies will be identified by their
17 directors, their chiefs. And they will identify a
18 handful of people that will have read-write privileges
19 onto many components of this program.

20 So, in other words, you could be sitting in
21 Jal PD and you're looking at your records and going,
22 well, you know, our chief has changed recently. And
23 we hadn't received that yet. So they'll have the
24 ability to go in and make that edit.

25 Once that edit is made in the example I gave,

1 then it will move forward to hit our firewall. And
2 then whichever staff member is responsible for
3 checking that system or that particular application,
4 if you will, will review it.

5 If it's good, push a button, it's in the
6 system. If there's problems with it -- and I'll give
7 you an example.

8 If it's firearms qualification as an example
9 and a serial number is missing or there's not a score
10 listed, then the person responsible for that will look
11 at it, they'll get, you know, ready reminders, both
12 through the system and through email, that they need
13 to check the system to look at it, and they'll go,
14 okay, well, we're missing this thing. So it will
15 reject it.

16 And when it rejects it, it sends it back to
17 the sender. And they will have a note in there that
18 we're missing a serial number or we're missing a
19 qualification score. They fix that, it sends it up,
20 it's in the system. It comes back and hits our
21 firewall. We double-check and verify the information
22 and it goes in.

23 So that's kind of a brief overview. This
24 will handle everything from online testing, there's
25 some training components, there's housing, scheduling,

1 facilities. It's an all-encompassing truly integrated
2 program.

3 And so the hope is that down the road
4 agencies will no longer have to maintain a separate
5 Excel spreadsheet or whatever it is they're tracking
6 their training records on. They will have, you know,
7 the system that everybody will be on.

8 Now, each agency will only be able to view
9 their agency. But as a chief or, you know, a training
10 coordinator or whatever, you'll be able to get onto
11 that system yourself and see where your training is
12 at, where the qualifications are at.

13 You know, if you have members that they're
14 instructor certification is coming up to expire, they
15 will be able to see all of that stuff in real time.
16 They won't have to call us up and go, hey, you know,
17 what's the status on A, B, or C. They will all have
18 that access.

19 As the Director said, this has the potential,
20 and I believe it truly will, to revolutionize the
21 recordkeeping and overall operations for both us at
22 the Law Enforcement Academy but also in our POST
23 setting as well.

24 Ms. Layla Reyes and Mr. Joaquin Nielsen are
25 up here to kind of give you guys a brief overview.

1 And I sincerely apologize because you have a really
2 big screen and you're two feet away from it. But that
3 kind of gives you a snapshot of what the portal looks
4 like.

5 I can't see it from here because my eyes are
6 bad. But you can see kind of the individual
7 components that are in there. It's everything from
8 people in resources to career planning to specific
9 organizations to resource availability and again so
10 much more.

11 But I'm going to talk about a couple other
12 components and then turn it over to them so that you
13 can see. What Mr. Nielsen just pulled up, there is a
14 list of every law enforcement agency in the State of
15 New Mexico.

16 So part of this component, as you guys that
17 have been around for awhile and those in the audience
18 understand, the LEA-82, the employee action form,
19 that's what kind of triggers everything. When you
20 hire somebody new, certified or not, you promote them,
21 they resign, retire, fired, whatever the case may be.

22 That all ties in integrally into this
23 program. That's kind of where it all starts and
24 stops. But, you know, what's also important for the
25 Board to know is that that process is what ultimately

1 ties back to the registry.

2 And the registry then is what allows agencies
3 and then their individual officers to receive Law
4 Enforcement Protection. That's what it's based off
5 of, is this registry. So this is going to be a much,
6 much cleaner process.

7 Instead of us continuing to send out
8 quarterly reports in an email, a spreadsheet attached
9 to an email, and then one of your administrators has
10 got to go through it and make sure that everything is
11 correct or make any changes that are necessary, you'll
12 be able to review it in electronic format and you'll
13 be able to review it in real time rather than trying
14 to get everything caught up when the quarterly
15 registry comes out.

16 So when that final registry goes out, you
17 know, somewhere around February or March, then, you
18 know, following by those disbursements from the LEPF
19 fund, we know everything is solid. And everybody will
20 have that ability to do that.

21 But again, just as importantly, I think this
22 will give every agency and administrator the ability
23 to look in there and track their people. As well as
24 us, as the certifying authority, we will have that
25 ability as well. But again we'll be partnering with

1 the agencies around the State as we roll this out.

2 It's a super intuitive program, super
3 user-friendly. We are going to provide as much
4 training as necessary, from producing some YouTube
5 type videos to doing some online training through the
6 vendor as well.

7 But again it's super, super intuitive. If
8 anybody has, you know, spent any time on a computer,
9 you know, this is going to be a really, really simple
10 format for everybody to continue to move forward.

11 Little nuances. You know, for giving the law
12 enforcement officer certification exam as an example,
13 you know, it can be done now in a totally electronic
14 format. The questions can be randomized.

15 So it's the exact same test, but they appear
16 in random order. So that the person sitting on this
17 computer station and the person sitting on that
18 computer station, they're taking the exact same test
19 but not necessarily in the same order. So it kind of
20 helps on that endeavor.

21 But it also helps us as far as, you know,
22 sending people across the State to administer a pen
23 and paper test on a sheet that's brought back,
24 scanned, and then finalized. Once the test is done,
25 it's done, you know. The student will know

1 instantaneously what their score was.

2 And then, on any other block test, it will
3 also do the test analysis for us. If there's a
4 problem with a question, was it a problem that
5 developed back to the curriculum, was it a problem
6 that developed back to the lesson plan, or was there
7 just a structural problem. It will help us to
8 identify those things in our block test as we're
9 moving forward.

10 Do you all have any questions before I turn
11 it over to the folks that actually know the ins and
12 outs of the system so they can give you a quick demo?

13 MS. BURNHAM: Mr. Chairman, I have a
14 question. I saw that report writing is part of the
15 system or reports are part of this system?

16 MR. COSS: Report generation, yes, ma'am.

17 MS. BURNHAM: Report generation. What does
18 that mean, what will it include?

19 MR. COSS: If we needed to run a report on a
20 certain agency to understand whether they've met the
21 in-service training requirements for a two-year cycle.

22 MS. BURNHAM: Okay. It doesn't refer to the
23 individual officer's reports?

24 MR. COSS: It does not. But, you know,
25 basically this system, you can break it down and

1 search on any level that we need to. If an agency
2 needs to know how many instructors they have in a
3 given subject, it's there.

4 More importantly the agency can do that.
5 They don't have to call us up to figure that out. If
6 an instructor's certification is about to expire, we
7 can set those notifications as much as six months out.
8 Hey, Brian, your, you know, instructor's certification
9 in vests is about to expire, you need to do something
10 about that.

11 So it's kind of a tickle system that will
12 help. But it will also help with any of the other
13 certification requirements or in-service requirements,
14 qualifications, that sort of thing. Thank you.

15 Any other questions? Perfect. I'll get out
16 of the way and let -- Ms. Layla's voice has gone the
17 way of the Director's voice. Yes, sir.

18 MR. MECHELS: Yes. Mr. Coss, thank you. I'm
19 glad you have your new system. My question would be,
20 as a member of the public, since public access has
21 been quite a problem, what does this offer the public
22 as far as visibility.

23 I would like to see things like your class
24 schedules and your class curriculums for the various
25 academies made publicly available. Will this system

1 offer any of that?

2 MR. COSS: It will not. It will not at this
3 point. It's just like any other system. It's based
4 on user licenses. But what it will do is it will make
5 any request so much more refined, any request that we
6 receive. It's going to be one system that houses all
7 of them. So it will be more responsive in that end.

8 CHIEF KASSETAS: Let's just see the demo,
9 Mr. Coss.

10 MR. COSS: Absolutely.

11 MR. NIELSEN: Mr. Chairman, Members of the
12 Board, thank you. Ms. Reyes will kind of drive
13 through. Deputy Director Coss explained a lot of
14 stuff to you already. I want to give a little more
15 light to things.

16 As an agency, and our agency is up here on
17 the panel, you'll also be able to go in and get any
18 certifications. So if your agency has a guy that's
19 coming up for promotion, they can come into the system
20 through their training liaison and actually pull their
21 records out instead of having to come up to Santa Fe
22 or call Santa Fe. So that's another feature to it.

23 Mr. Coss also mentioned about testing. We
24 will have applications for our firearms instructors to
25 have out in the field. If they have access to their

1 mobile phone, they will be able to record scores
2 on-site. So again one less thing to have to worry
3 about there.

4 What Ms. Reyes is looking at here has
5 actually occurred, it's what somebody looked at as
6 they came through the portal from their agency to look
7 at their information.

8 So they'll come in, they'll see their
9 certification number, their mailing address, pretty
10 much all their personal identifiers. They will be
11 able to see what their certifications are. Not only
12 their law enforcement certification but any instructor
13 certifications they have as well.

14 Also what organization they belong to,
15 meaning agency in this case, and then their training
16 record will show up as well. So they will be able to
17 go in and review this, either the liaison for their
18 agency or the individual officer, if they sit with the
19 liaison, and go through and see their training records
20 and make sure that those are current.

21 So if they took a class and something didn't
22 make it into the system, they can talk to that
23 training coordinator. And that training coordinator
24 actually through the portal will be able to update
25 that information in real time. So again instead of

1 having to send everything up to Santa Fe.

2 In addition, as you guys create courses or we
3 put in courses from vendors out from the public, once
4 that course number is in there, the accreditation
5 number is in there, you'll be able to search for that
6 accreditation number and add rosters.

7 So as your agency goes through and has a
8 training, they can find that class. If it's
9 accredited, it will be in there. They'll add their
10 names in there, they'll attach a scanned version of
11 the sign-in sheet, and we'll get that here in
12 Santa Fe.

13 Once we check it, we'll be able to say, yeah,
14 it passes muster and we're good to go. We hit an
15 accept button and those records automatically update
16 into those individual records.

17 So again it's taking out that human interface
18 of somebody having to scan it on your end or mail it
19 to us with 1,000 copies of whatever and have us have
20 to go through and verify it that way. We actually
21 have a system that checks all that information for us,
22 checks Social Security numbers, and makes sure all of
23 that information is verified through the system.

24 Again you can see here is a version of those
25 classes that we entered into the system. This right

1 here is what we call our sandbox. It's actually where
2 we're able to go in and test information before we
3 push it out live for the agencies to look at.

4 So you can see we have a couple
5 cert-by-waiver classes in there that we already put in
6 the system. On the far side is our registry button.
7 Again it gives brief information as to what's required
8 for that class.

9 This will work very nicely for our satellite
10 academies as well. They will be able to go in and
11 create their own version of whatever, a basic class, a
12 cert-by-waiver class, a dispatch class, and have all
13 the records and all the class materials ready for you
14 as well. So it's a benefit to you guys as well.

15 Instead of us always having to call each
16 other and say, hey, can you email me this, can you
17 email me that, all that information is right there
18 ready at your disposal along with that testing system
19 that Mr. Coss talked about.

20 So when you guys get ready for your
21 certification exam, we'll give you a link, you pull it
22 up on the computer, and you can test. And we get
23 those results and you get those results in real time.

24 One of the ones that Deputy Director Coss
25 mentioned as well under academy resources is the

1 LEA-82 or personnel action form, we're moving a lot of
2 stuff through into these web forms. You can see there
3 are some other examples there, the Basic Academy
4 application.

5 Instead of going through that 20 or so pages
6 of paper, it's all going to be on a web form. So you
7 guys can go through and enter that. And it will start
8 that process for your potential applicant.

9 In addition, you do one of these, which is
10 the 82. The same information you guys were filling
11 out on the paper form, it's just now electronic. You
12 can see your different actions there, hire,
13 termination, resigned, retired, whatever the case may
14 be. Put your effective date, rank, title, so forth
15 and so on, through.

16 You can see just all the different drop-downs
17 that we use that will be available to you guys as a
18 resource. Ultimately in this the nice thing is, once
19 you get this done, whoever the originator is will get
20 an email confirmation saying that the information has
21 been updated and it's now accurate in the system.

22 In addition, if we have emails for whoever
23 else, the chief, sheriff, administrators, directors,
24 things of that nature, those can be added to the
25 system as well so it will generate out to everyone

1 that's in the loop as far as did that LEA-82 actually
2 happen in the system.

3 One of the big things we're going to do, when
4 we start rolling this out, the first step that we're
5 going to do -- you saw that we have a list of all the
6 agencies already in there. We're slowly but surely
7 entering all of the data for the agencies.

8 Taos County has volunteered to be one of our
9 testing resources. So they're going to look at all
10 their folks, look at their training, make sure that
11 it's all current and accurate. And once we start
12 doing that, we'll roll out agency by agency throughout
13 the State.

14 So we just finished loading all that data.
15 You can see that was relatively quick, what Ms. Reyes
16 was able to do there. And now that update would
17 happen in real time in the system.

18 So this is more our side, this is the Law
19 Enforcement Academy side of what we'll go through. As
20 those things come through, we will get little
21 notifications up there where that bell is to know that
22 there's work there.

23 So whoever the representative is for that
24 area will go in every morning or throughout the day
25 and check their work, make sure there's something

1 there. Again they'll go through the process.

2 For example, that LEA-82 that came through
3 will show up with all that information. And in this
4 case Ms. Melissa Romero would go through, validate all
5 that information, hit okay, and now that action is
6 completed.

7 Really at this point we don't have a whole
8 lot else to show because we're in the early stages of
9 building this. But now you've seen a few things.
10 We'll open it up for any additional questions that you
11 might have. Yes, ma'am.

12 DEPUTY SECRETARY ORLANDO: I just want to
13 make a comment.

14 Mr. Chairman, Members of the Board, I just
15 want to commend my team here and the Secretary's team.
16 While it looks like it's super easy and efficient, you
17 all need to know what they went through. It involved
18 SPO, it involved LFC, DFA, DoIT. And now Layla is
19 probably a better expert than even the company that
20 puts it together.

21 So I mean I really have to commend them.
22 They've taken it on. And I think it will be a huge,
23 huge benefit to all law enforcement and to the public
24 to get accurate information when it's required. We'll
25 be able to know who is certified pretty much

1 immediately rather than a hand search.

2 So I just can't tell you guys how much of a
3 great team we have here at LEA with the Director
4 guiding them. I just want to make sure and appreciate
5 them, because they really have been learning things
6 that aren't even their skill set. So thank you, guys.

7 (Applause.)

8 CHIEF KASSETAS: Mr. Chair, I'll point out, I
9 have to echo what Deputy Secretary Orlando said. She
10 said it and I think she meant it.

11 The public may not have direct access to this
12 information because that's difficult. But when the
13 public requests information through IPRA, it is a
14 quicker, more efficient system that will be able to
15 provide and deliver that information. And I think
16 that's important.

17 So although there's not a direct access,
18 which obviously there are issues regarding IT and
19 making sure we have a structure that nobody can alter
20 or get in, it definitely enhances the way we interact
21 with the public. And that's important. So thank you.
22 Great job, Deputy Secretary Orlando and your team.
23 Great.

24 A.G. BALDERAS: I also want to, just from a
25 maybe little bit different perspective, not only

1 commend you but encourage you to keep going as State
2 employees and also as kind of what I would encourage
3 is the best of the best. You should be really proud.
4 And thank you.

5 I've seen a lot of other agencies fail at
6 implementing modernization and technology, even though
7 the technology is out there. So you really are
8 leading innovation for law enforcement. You're leap
9 years ahead of organization and database and
10 transparency.

11 So you should really be commended and keep
12 going. We kind of need to brag about you a little bit
13 more among the other agencies. So I appreciate it.
14 And keep up the good work.

15 MR. COSS: Thank you very much. And just so
16 the Board and members of the public understand, you
17 know, this has been a three-year endeavor. So that
18 reinforces some of what you're talking about. Some of
19 our processes within the State indeed take some time
20 to be able to work their way through.

21 So where we're at now is actually cleaning up
22 the legacy data within our current systems, combining
23 some of our other stand-alone systems and cleaning up
24 that data for Envisage or Acadis Readiness Suite to
25 actually migrate into the system. So that's kind of

1 where we're at.

2 Our ultimate goal is we will have this thing
3 up and running in opened up out to the public by
4 June 30th. The training, you know, naturally will
5 occur prior to that and will continue to be ongoing.

6 But as any of you all know, you know, with
7 data migration, you know, that takes a tremendous
8 amount of time to assure that, you know, clean,
9 accurate data is getting included into the new system.
10 So that's where the team is really spending the bulk
11 of their time, assuring that the data is accurate and
12 is complete and is being transferred over.

13 As Mr. Nielsen said, the Taos County
14 Sheriff's Office was kind enough to be our pilot
15 agency. So that will also help us with the training
16 because there will be questions and answers that come
17 up out of that. So what they're experiencing is what
18 other agencies will experience. And so we'll have the
19 ability to help them on the front edge rather than on
20 the back edge.

21 But this definitely will bring us into -- and
22 I've mentioned this to the Director a couple times.
23 Sometimes we go into the 21st century kicking and
24 screaming. But it is absolutely going to drag us into
25 the cutting edge.

1 The Acadis Readiness Suite is used by I
2 believe at this point eight other state POSTs as well
3 as a host of federal agencies, from the Federal Law
4 Enforcement Training Centers to IADLEST. I mean it's
5 endless. These are the experts in the field. And
6 we're very fortunate to be able to be a part of that.

7 A.G. BALDERAS: Great.

8 MR. COSS: Any other questions, I'll be glad
9 to try to answer them for you.

10 A.G. BALDERAS: I appreciate the update.
11 Thank you.

12 ITEM NO. 9: POSTING SUMMARIES OF DISCIPLINARY ACTIONS
13 FOR LE AGENCY AND PUBLIC INFORMATION PURPOSES

14 A.G. BALDERAS: We will now go to agenda item
15 No. 9, posting summaries of disciplinary actions for
16 LEA and public information purposes. This agenda item
17 will be presented by Chief Kassetas at this time. You
18 have the floor.

19 CHIEF KASSETAS: Mr. Chair, Members of the
20 Board, thank you. I brought this up at the last
21 meeting.

22 The reality is that we're not doing anything
23 really groundbreaking other than recapping what our
24 decisions are in a concise, all-encompassing document
25 that we can deliver to the public via the website that

1 DPS has.

2 I looked at the last set of minutes. And
3 it's 84 pages long. And within that document there's
4 four pages per page, if that makes any sense. So I
5 think, when we make our decisions, folks have to wait
6 for the minutes to be posted if they're not here.

7 And then it's somewhat difficult to go
8 through the agenda items and then actually determine
9 what was the outcome. I've asked the Director to help
10 work up a summary. And I think you have an example.
11 Did you bring it, Steve?

12 DIRECTOR MARSHALL: I'm sorry, sir. I did
13 not bring it.

14 CHIEF KASSETAS: The Director will be
15 directed to bring it next time. We worked on a
16 summary I think.

17 DIRECTOR MARSHALL: Yes.

18 CHIEF KASSETAS: I would like to adopt it. I
19 mean it's hard to do without looking at it. Maybe we
20 can print it out or have somebody print it out.

21 DIRECTOR MARSHALL: I can get it printed out
22 and bring it to you in a few minutes. Basically it's
23 just a summary of the name, the agency, the date of
24 the resolution, and the outcome. And then the Chief
25 has requested that we attach to that the actual order

1 or the stipulated agreement, and we can do that as
2 well.

3 A.G. BALDERAS: I think, if you want to bring
4 a copy, we can review it. And I think we can also
5 advance the discussion. I think that's a decent idea.

6 CHIEF KASSETAS: Mr. Chair, the Director is
7 correct. It lists those four items in chronological
8 order and attaches the agreed-upon stipulated orders,
9 and it puts it all in one convenient place.

10 The question is what time frame can we expect
11 that in. I know we spoke about 30 days. I think
12 that's a little too long. Is there any way we can
13 compress it to two weeks after the meeting?

14 DIRECTOR MARSHALL: If I may, Mr. Chairman,
15 the reason we suggested 30 days is because on some of
16 them, if it's not an agreed stipulation, they have the
17 right to appeal. And if they're appealing it to
18 district court, I wasn't sure if we wanted to post it
19 prior to the time that would expire for the appeal.

20 So that was the reason I was suggesting
21 30 days on some of them. We can certainly have it
22 within a week I think as far as a summary and the
23 actual orders that are done.

24 CHIEF KASSETAS: Well, I think the week time
25 frame is great because a lot of the chiefs and

1 sheriffs that send us cases are sometimes not here and
2 they're relying on that information. I think that's
3 more of a legal question. And I think they're
4 discussing it now.

5 DIRECTOR MARSHALL: If it's the Board's
6 desire, from this meeting within a week we can post
7 the orders and the summary. Like I said, the summary
8 doesn't say anything other than what I just outlined.
9 I can print up a copy at the next break, if you like.
10 But that's all it says.

11 CHIEF KASSETAS: Is there a legal issue with
12 that or is it fine?

13 MR. DWORAK: Chairman, Chief Kassetas,
14 Members of the Board, I have no concern with that. I
15 think one approach could be to also have us supplement
16 the meeting transcript as minutes. So there would be
17 more of a concise set of minutes. And then, if
18 someone wanted to read the exact testimony of the
19 meeting, they could read the full transcript.

20 And so I could work with the Director and
21 staff, if that's the intention, to have those as the
22 official minutes in addition to the transcript.

23 MR. COSS: How long does it take to post the
24 minutes?

25 DIRECTOR MARSHALL: Good question.

1 MR. COSS: Usually within two weeks.

2 CHIEF KASSETAS: So you're advocating posting
3 the minutes and the summary at the same exact time.

4 MR. DWORAK: They need to be ready within ten
5 days, whatever the minutes are. I mean they can be
6 amended and expanded on after that. But they need to
7 be available within days after the meeting under the
8 Open Meetings Act.

9 So I can work with the Director and his staff
10 to kind of come up with a more clear proposal and see
11 if that meets the wishes of the Board.

12 CHIEF KASSETAS: I hate to put any more work
13 on the staff than necessary. And this is an added
14 step. I think it would be acceptable to just keep it
15 the same time frame as the minutes. And then you can
16 work with them on the process. But ten days, if that
17 coincides with the minutes, is fine with me.

18 A.G. BALDERAS: So counsel will work with you
19 on that. And we can get an update and move forward on
20 that.

21 DIRECTOR MARSHALL: Yes, sir.

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

23 CHIEF KASSETAS: Also so I'm clear,
24 Mr. Chair, I think we're at a point now where counsel
25 can work with the Director and we can actually move on

1 it at this meeting.

2 I don't think it's a voting issue. It's more
3 of a procedure the Board would like to see implemented
4 by the Law Enforcement Academy, correct? So does that
5 have to become an agenda item for the next meeting or
6 can we just implement it now?

7 MR. DWORAK: We could provide an update as to
8 what was done after this meeting, if that's fine. You
9 could take action now. No vote in my opinion would be
10 needed on this.

11 CHIEF KASSETAS: We could just simply say to
12 the Director as a Board we've discussed this, we like
13 the idea, work with legal counsel. But we want to
14 see, as a result of this meeting, within ten days that
15 summary posted along with the minutes. That's the
16 direction.

17 DIRECTOR MARSHALL: If I may, sir, my crack
18 staff has found a copy of it immediately. So this is
19 what we proposed.

20 The reason it's as brief as it is is because
21 we didn't want to include anything that wasn't
22 absolutely voted on by the Board. I didn't want to
23 add any details that weren't part of the Board's vote.

24 So that's why the summary was pretty
25 succinct. But we can attach that with the minutes,

1 with the actual orders, if that's the desire of the
2 Board, and we can do that with this meeting.

3 CHIEF KASSETAS: This document you handed out
4 makes very clear the action we took. People don't
5 have to dig for it and decipher. Because really what
6 happens is, when we come back out of closed session
7 and we go through our findings rather quickly, it can
8 be confusing for folks to follow along.

9 This is a great summary of what we've done.
10 And it's backed up by not only the minutes, because
11 there's the testimony; and then the third part of it
12 is the stipulated orders, if they do exist or whatnot,
13 which is public record anyway, is attached.

14 So it cleans it up a lot. And also too I
15 think it helps the IPRA process, because a lot of it
16 is already there, correct?

17 DIRECTOR MARSHALL: Yes, sir.

18 CHIEF KASSETAS: Thank you.

19 DIRECTOR MARSHALL: And this one won't be
20 published because I'm not entirely sure this is
21 exactly the final version that we will end up with.
22 But we can start published at the next meeting, if
23 that's acceptable.

24 CHIEF KASSETAS: This is a good example of a
25 go-by. We can start with the results of this meeting

1 moving forward.

2 DIRECTOR MARSHALL: Yes, sir.

3 MS. BURNHAM: It does leave off the agency.
4 That's the only thing that you mentioned that isn't
5 there.

6 DIRECTOR MARSHALL: And that's why I thought
7 this might not be the final version. I added the
8 agency to the ones that I sent to Chief Kassetas.

9 CHIEF KASSETAS: I think we agree. Add the
10 agency and let this process run its course. And then
11 don't put any undo burden on the Director's staff and
12 just coincide it with the required ten days with the
13 minutes.

14 I mean, quite frankly, Deputy Secretary
15 Orlando or Cabinet Secretary Weaver could have
16 actually band-aided this without even our involvement.
17 But it's something that we want to be transparent and
18 they want to work with us. I think it's a win for
19 everybody. Thank you.

20 DIRECTOR MARSHALL: Yes, sir.

21 A.G. BALDERAS: Thank you, Chief, Director.

22 ITEM NO. 10: DISCUSS: "THE ROLES OF THE LEA BOARD
23 AND DPS IN POLICE TRAINING"

24 A.G. BALDERAS: We now move to item No. 10,
25 discussion of the roles of the LEA Board and DPS in

1 police training. At this time we will hear from
2 Mr. Mechels. Mr. Mechels, you have the floor.

3 MR. MECHELS: Mr. Chairman, Members of the
4 Board, just if you would excuse me for a second, I
5 would like to speak to something before I begin with
6 my agenda item.

7 This discussion we just had about the
8 minutes, Mr. Goad and I have been coming to this Board
9 now for four years, calendar years. My observation is
10 that during that time the public access to these
11 meetings has gotten worse and worse.

12 CHIEF KASSETAS: Mr. Chair, I object. This
13 is not an agenda item, it's not the public comment
14 part of it. It's discuss the roles of the LEA Board
15 and DPS in police training, which I'm interested in
16 hearing.

17 MR. MECHELS: Pardon me. That's an example.
18 When do we get -- you give us an agenda item and I'm
19 to be restricted to precisely the agenda item. If
20 it's a public comment period, I'm to be restricted to
21 five minutes or less. Mr. Kassetas, you have been
22 trying to cut off public input now for four years.

23 CHIEF KASSETAS: Mr. Mechels, I haven't. I
24 think that we are restricted to what is on the agenda
25 item as a Board. And I want to follow the rules as

1 much as you want to follow the rules.

2 And I think the agenda item is No. 10, the
3 roles of the LEA Board and DPS in police training. I
4 believe right after that you would have the floor in
5 public comment to talk about I think what you're going
6 to talk about now, which is your disdain with the
7 Board, which I completely appreciate and embrace. I
8 just think it's about timing, sir.

9 MR. MECHELS: Please. Could we invoke rules
10 of order. I'm tired of being interrupted. Go through
11 the Chair. You claim you're following rules of order
12 and you don't follow it.

13 A.G. BALDERAS: I'm going to take control
14 right now. And that goes for both of you actually.

15 Mr. Mechels, I will say this. Immediately,
16 if you look at the agenda, the roles of the LEA Board
17 and DPS, you started off with an opinion that stated
18 very clearly that it was your opinion that somehow
19 it's gotten worse over the four years.

20 I would appreciate it if you would stick with
21 discussion of the roles of the LEA Board and DPS, and
22 we would gladly engage you in that discussion.

23 You have the floor and you won't get
24 interrupted. Please stick to the roles of the LEA
25 Board and DPS, and we look forward to your discussion.

1 You have the floor.

2 MR. MECHELS: As I've said, Mr. Goad and I
3 have been coming to these meetings now for some four
4 years. This subject has been coming up for four
5 years.

6 The question that we raised four years ago,
7 the question that's being raised today, is is the Law
8 Enforcement Academy Board a POST organization. The
9 only evidence that I can see that you are a POST
10 organization is that you send in your dues.

11 A.G. BALDERAS: I'm sorry. I couldn't quite
12 understand what you said. What were the words?

13 MR. MECHELS: The only evidence that I can
14 see that you are, in fact, a POST organization --

15 A.G. BALDERAS: A POST? What is that?

16 MR. MECHELS: Police Officers Standards and
17 Training.

18 A.G. BALDERAS: Okay.

19 MR. MECHELS: IADLEST is the national
20 organization for that today. You are chartered as a
21 Police Officers Standards and Training organization.
22 This chronology, which I won't read in detail, goes
23 through the history of this process.

24 Once upon a time, in 1969, you were given a
25 statutory charter to be a POST organization. It

1 wasn't to do whatever you wanted, it wasn't to have
2 DPS run the training. DPS already had their training.
3 They weren't DPS, they were the State Police at the
4 time. They had their training. Albuquerque had their
5 training. This was an orderly approach to police
6 training in this State and across the nation. That
7 was the whole purpose of the initiative.

8 If you look at their website, which I have
9 provided today as I have before, if you look at the
10 website, there's a model standard that you use. The
11 standard is how you develop your curriculum.

12 The curriculum is based upon a job task
13 analysis. After you've done that which is typically
14 done by a university -- that is when it was still
15 being done, Mr. Coss knows the last one was in 2002 --
16 you then take that job task analysis and you turn it
17 into a curriculum.

18 Then you turn the curriculum into lesson
19 plans. And then from that you do testing and from
20 that you do the LEOCE. It's an orderly way of
21 educating police. It's something like the way we run
22 our high schools.

23 A.G. BALDERAS: And, Mr. Mechels, that's not
24 occurring? You said you have evidence that that's not
25 occurring?

1 MR. MECHELS: Yes --

2 A.G. BALDERAS: So what training is
3 occurring?

4 MR. MECHELS: -- at some level. This
5 chronology, which again I don't want to go through in
6 detail. But what is happening is that, following this
7 process of job task analysis followed by the
8 curriculum development, lesson plans, and so forth and
9 so on, that last took place in 2002 I believe -- you
10 can ask Mr. Coss, he was there.

11 This was last done in 2002. Then there was a
12 long hiatus because the Director of the LEA who was
13 Mr. Hart at the time, Director Hart got forced out by
14 the incoming DPS secretary, Mr. Denko under Governor
15 Richardson. And at that point in time, it froze.

16 There hasn't been a job task analysis done
17 since that point. In other words, they haven't
18 followed the POST methodology for how you develop a
19 curriculum since that time. So what happened is
20 basically the whole process froze.

21 The process froze in place and started
22 drawing a lot of criticism, because the curriculum
23 wasn't being changed, it was inflexible, it wasn't
24 this, it wasn't that. It was frozen in place.

25 The Director had been forced out by DPS.

1 They went through a series of directors. So what
2 happened was it just got frozen. And it froze during
3 pretty much the entire Richardson Administration.

4 When Gordon Eden came in as DPS Secretary
5 under Governor Martinez, this is what they said, "This
6 process is not working. The only way that we're
7 getting any changes into the curriculum is when the
8 Legislature forces them on us."

9 And then, if you look at the minutes, it
10 says, "They bitterly resented the interference of the
11 Legislature." It turned out the only way you could
12 get into that curriculum was through the legislature.
13 To some point that's still going on. The legislature
14 acts because the Board doesn't act.

15 So what happened then in this chronology is
16 that, after Gordon Eden came in, he began first to
17 address and went through the rules act here, then
18 addressed the cert-by-waiver program, and he addressed
19 the biennial training program.

20 I don't think his changes were illegal, they
21 were simply unwise. He followed a legal process.
22 Then we came to 2013 and then the whole thing went
23 illegal. What happened at that point is he brought in
24 Director Jones.

25 And under Director Jones they went off the

1 rules act. For the first time in the history -- well,
2 actually I don't think the rules act even was there
3 when they started this whole process. But again still
4 no job task analysis, nothing. They just made up a
5 new curriculum.

6 And they made up a new 16-week curriculum.
7 It could have been done legally. It wasn't done
8 legally because they didn't follow the rules act.
9 They decided to throw the rules act out and stop using
10 it so they could change the curriculum more easily.

11 Well, the whole reason you have things like
12 the rules act, which get public input, is to have some
13 sort of orderly way of changing your statutes, your
14 governing law.

15 A.G. BALDERAS: Mr. Mechels, what year are
16 you referencing now?

17 MR. MECHELS: This was 2013. I'm just
18 surprised, because I have spoken about this before.
19 This is about the third or fourth time I've raised
20 this issue to the Board.

21 A.G. BALDERAS: Well, as the Chairman I'm
22 engaged in your presentation. I'm still trying to
23 figure out how your presentation is tied to the agenda
24 of the LEA Board role. So I'm trying to be productive
25 with, I'm trying to be more than transparent.

1 You've given me a chronology starting in
2 1969. Tell me how I can help you into some type of
3 affirmative action so that I can be supportive of your
4 agenda item. What I'm trying to find out is you're
5 referencing 2011.

6 What is it that you're suggesting in terms of
7 this POST reference related to my authority in State
8 law or in regulatory rulemaking? How can I be more
9 supportive of what you're advocating for? Please tell
10 me.

11 I gave you an agenda item, item No. 10, the
12 roles of the LEA Board and DPS in police training.
13 And I want to be supportive and I'm trying to tie this
14 to my statutory authority. So how can I be
15 supportive?

16 MR. MECHELS: I'm trying to tell you that
17 what happened was in 2013 is the Board failed.

18 A.G. BALDERAS: Again I appreciate your
19 opinion, which you've colored your opinion in this
20 document. And I've got that. But your opinion
21 doesn't help me strengthen training and curriculum for
22 law enforcement. So I'm asking you, how can I be
23 helpful?

24 MR. MECHELS: If I can't take three sentences
25 to set up what you're asking me, to set up an answer

1 to what you're asking me, then would you please give
2 me just a second.

3 A.G. BALDERAS: I have given you many
4 minutes. Please go on. I'm asking a very specific
5 question, the LEA Board's role.

6 MR. MECHELS: Okay. What would I have you do
7 as the Chairman and what would I have the Board do.

8 A.G. BALDERAS: That's what I'm asking you.

9 MR. MECHELS: Today what I would have you do
10 is I would have you deal with your charter. The LEA
11 Board is chartered as an independent organization. By
12 statute you're responsible for making the curriculum.

13 By statute you are an administratively
14 detached agency. DPS does not have any right or
15 prerogatives as far as making curriculums or making
16 lesson plans. This is not their game.

17 You've given the whole thing to DPS. That's
18 not legal. You're an administratively detached
19 agency. You're independent. The Board is by statute
20 independent. Be independent.

21 So that's what I want the Board to do. And
22 if you go to the summaries, since you're trying to
23 rush me along here --

24 A.G. BALDERAS: I'm not trying to rush you.
25 Can I give you some feedback. We regularly approve

1 curriculum. We regularly approve curriculum.

2 I'm not going to interrupt you, I want to let
3 you talk. But I'm trying to engage you proactively in
4 a very positive way.

5 MR. MECHELS: But see, what you have in the
6 POST regime, if you were to follow it, is there's a
7 method for developing the curriculum. It begins with
8 a job task analysis done by typically an academic
9 agency. That's the way it used to be done.

10 If you want to do your job as a POST agency,
11 you would have a job task analysis done as the basis,
12 which establishes what a police job is about, and then
13 you train to that job task analysis and you have a
14 curriculum.

15 So what the Board should be doing is saying,
16 "Have you done your job task analysis, did that result
17 in a curriculum?" This is all well understood stuff.
18 It was being done that way prior to 2002. There's no
19 mystery here. That's the way the POST system works.

20 You don't work that way. You haven't worked
21 that way since 2002. Go back to the POST system. If
22 you claim 50 years of POST excellence, you stopped
23 doing POST initially in 1987 when your independence
24 got broken.

25 You don't appoint your own Director. The DPS

1 appoints a Director and you confirm it. That's not
2 the way it's supposed to work. They don't have
3 independent funding. No. You have to get the money
4 through DPS. DPS controls this Board.

5 That's what's wrong. Other states have done
6 this. It doesn't work. Wyoming tried this and they
7 finally had to throw DPS out again.

8 CHIEF KASSETAS: Mr. Chair, I would just like
9 to point out that I am insulted by the fact that
10 there's an accusation that DPS controls this Board. I
11 am the chief of the State Police. By statute I am
12 regulated to sit on the Board.

13 I have had many heated discussions with my
14 boss and the deputy secretary about LEA matters for
15 the benefit of LEA and the Board. And I believe that
16 the Director answers to the Board. And that's how
17 it's been since I've been on the Board.

18 And I think that's respected by the Secretary
19 and the Deputy Secretary. So I don't see that
20 happening. So it's unfortunate that I and the rest of
21 the Board is portrayed in that light. We've done the
22 best job we can.

23 And I think, being in this position, being a
24 State Police officer for 25 or 26 years, I've never
25 seen the LEA operate in a better fashion than it has

1 now. And that's a direct result of Steve Marshall,
2 Brian Coss, the staff supported by Amy Orlando.

3 I'll stand behind that, sir. So again I
4 apologize for interrupting. But I'm not a punching
5 bag.

6 MR. MECHELS: When is the last time you've
7 done a job task analysis?

8 A.G. BALDERAS: I'm going to as the Chair
9 take some discretion here. I'm going to ask you to
10 wrap up. I'm going to again round out and go back to
11 my agenda item 10 so that we're very clear and
12 transparent, if I may.

13 I want to make sure that you have an
14 opportunity so we're very clear. The discussion is
15 the roles of the LEA Board and DPS in police training.
16 And I would love for you to wrap up.

17 And I would pose the specific question once
18 more, how it is that I, as the Chair, in my statutory
19 authority and rulemaking, can strengthen our role in
20 curriculum. And you had indicated somewhat to go back
21 to academics and that we somehow subvert that
22 authority.

23 But I'll give you the opportunity one more
24 time to give me a direct ask in how we can support
25 what you're trying to articulate. One more time and

1 then please wrap it up. Thank you.

2 MR. MECHELS: If you look at the summary --
3 first I told you what you're currently doing that does
4 not comply with POST.

5 A.G. BALDERAS: Mr. Mechels, I read this
6 three times. I've given you a lot of opportunity.
7 I've read it three times.

8 MR. MECHELS: Okay.

9 A.G. BALDERAS: I'll ask the question, what
10 can I do for you?

11 MR. MECHELS: If you want to be a POST
12 organization, and I'm not clear that you do, then
13 follow the POST regime, which is job task analysis to
14 develop your curriculum. There's an orderly regime
15 that goes with being a POST organization. You haven't
16 followed that since 2002.

17 So what I would suggest is, if you want to be
18 a POST organization, they actually audit -- the
19 headquarters of IADLEST offers an audit function.
20 Colorado brought them in and had their system audited.

21 Bring in the national organization to audit
22 your local LEA. And what you will find may surprise
23 you. Because as I suggest, you are not following POST
24 in virtually any way except by paying your dues. So
25 with that I will wrap up or I will take questions.

1 A.G. BALDERAS: Any questions?

2 MS. BURNHAM: May I, Mr. Chairman.

3 A.G. BALDERAS: Board Member Burnham.

4 MS. BURNHAM: As a citizen member of the
5 Board, I will tell you that DPS does not control me.
6 Nobody controls me on this Board. I control myself.

7 I gain nothing at all by coming here and
8 participating in this Board. It's my way of serving
9 the State of New Mexico, which I love. And it
10 distresses me when you say that -- basically you're
11 saying I'm just a puppet of DPS.

12 What I see my role on this Board as is a
13 person who listens to what is and makes suggestions
14 for what ought to be. I as a Board Member cannot do
15 all the things that you seem to be able to think that
16 I should do. We have to delegate to other people.

17 And the men on this Board, some of them are a
18 product of DPS training but others are not. They come
19 from a different kind of training. They have years of
20 experience.

21 They gain nothing by being on this Board
22 except to serve the public. They are not paid for
23 what they do. They come and serve because they want
24 law enforcement to be better just as you do.

25 And my heart goes out to you because you care

1 so much. And I appreciate that. And you have many
2 suggestions that maybe this Board didn't act on as
3 quickly as you thought. But we have acted on some of
4 the things that you've suggested.

5 And I would like to ask you, what is wrong
6 with delegation by this Board to someone who has the
7 years of experience as an FBI agent and a teacher? I
8 just don't get it.

9 MR. MECHELS: If I could answer you for a
10 second. It is my understanding, and correct me if I'm
11 wrong, that when you became Board Members, you became
12 a Board Member to serve the function of the LEA Board,
13 not DPS, of the LEA Board.

14 MS. BURNHAM: And I believe I do that.

15 MR. MECHELS: The LEA Board is by charter a
16 POST organization. And within that charter they're
17 committed to a particular way, a formal way, of
18 developing curriculum, a formal way of developing
19 their training system, and so forth.

20 That goes with the charter. When you took up
21 the role as a Board Member, you took on an obligation
22 to that charter, not to DPS. And I would say you're
23 not keeping the oath. Your oath was to the Board, not
24 to DPS. And I believe that you're not following
25 through on your obligation to DPS as a POST system.

1 MS. BURNHAM: I see that we won't see things
2 the same way I think.

3 MR. MECHELS: Do you even know what the POST
4 system is, ma'am?

5 MS. BURNHAM: You know what, I'm not here to
6 answer your questions.

7 MR. MECHELS: I know you're not.

8 CHIEF KASSETAS: Okay. Mr. Chair, let's move
9 on.

10 A.G. BALDERAS: I think we're done. Thank
11 you for your presentation.

12 ITEM NO. 11: PUBLIC COMMENT

13 A.G. BALDERAS: We are going to now move to
14 item No. 11, public comment.

15 DR. FONS: Mr. Chairman, is it open to public
16 comment now?

17 A.G. BALDERAS: Yes, it is. Come on up,
18 August.

19 DR. FONS: Mr. Chairman, Members of the
20 Board, thank you. My name is August Fons. I'm
21 responsible for the academy in Hobbs, New Mexico. I
22 retired from the Hobbs Police Department after
23 23 years. Ive been doing the job I'm doing now for
24 almost 20 years.

25 I'm not directly addressing Mr. Mechels, but

1 I do feel like I'm somewhat taken aback by his
2 description that we should be training police officers
3 like we train high school students. We don't even
4 train high school students. We educate high school
5 students and we train police officers.

6 In my 20-year career of training police
7 officers, it is not just a matter of a university
8 developing some curriculum. We count on a number of
9 people including this Board to help us develop a
10 functional curriculum that turns out people that are
11 functional, we turn out officers that have a great
12 deal of responsibility, we turn out officers that are
13 willing to put their life on the line for this job.

14 And I'm pretty offended too, Mr. Mechels, to
15 tell you the truth. My work with this Board has been
16 good. I appreciate Mr. Steve Marshall, I appreciate
17 his whole staff, and I appreciate what you do. Thank
18 you.

19 A.G. BALDERAS: Thank you. I appreciate your
20 comment.

21 MR. MECHELS: I would be happy to discuss it
22 with you.

23 A.G. BALDERAS: Mr. Mechels, please. I've
24 been very respectful. But I will say this, I'm going
25 to ask that you be respectful and that you at least

1 wait until I call on you.

2 If you want me to follow the rules and afford
3 you time on an agenda and public comment, I ask that
4 you at least allow me to call on you. Will you abide
5 by that, sir, with respect, please. Yes or no will be
6 fine. That's all I'm asking.

7 MR. MECHELS: Yes.

8 A.G. BALDERAS: I'm not trying to muzzle you.
9 Would you abide by the rules. That's all I'm asking.

10 MR. MECHELS: Oh, yes.

11 A.G. BALDERAS: Great. Thank you. Let's
12 bring our sheriff from Taos County up. Come on up.

13 SHERIFF HOGREFE: Good morning. My name is
14 Jerry Hogrefe. And I am the sheriff of Taos County,
15 New Mexico.

16 I traveled here today mostly thinking that I
17 was going to be talking about in support of the Acadis
18 system that was demonstrated here, which is fabulous.

19 That's going to give us more management;
20 training abilities at low cost; and, of course, the
21 records aspect of it is something that we've
22 definitely needed for a long time at a State level to
23 really kind of form in, you know, what we're doing in
24 our individual agencies.

25 But with the person that spoke before me, now

1 I think my focus is going to shift a little bit.
2 Because, sir, I too am very offended by what you had
3 to say.

4 I just want to thank the Board for your
5 dedication, for everything that you guys do. You make
6 very difficult decisions and you have a very difficult
7 task. And I thank you for that.

8 And I know that you sometimes hear a lot more
9 of the negative than you do the positive, much like my
10 role as a sheriff. So I want to talk about that just
11 for a moment.

12 I've had now four in a row LEO cadets attend
13 this academy here in Santa Fe. I have one in the
14 training program right now. And I've got to tell you,
15 I couldn't be more pleased with the product that's
16 being turned out at the academy nowadays.

17 Perhaps there was something historically.
18 I've been a police officer now for 30 years full time.
19 I started as an animal control officer and dispatcher
20 prior to that in 1984. So I've been around a little
21 bit too.

22 And I attended this academy in 1989. It was
23 ten weeks then. It's been back and forth. And I
24 think we've settled on 16 or 17 weeks now. And that
25 seems to be producing a pretty darned good product.

1 My cadets, from when I was the chief at Taos
2 Police Department back in 2012, came home with maybe a
3 little bit of a bitter taste. But within a year they
4 were talking about the experiences that they had here.

5 What I'm seeing in the cadets that we have
6 recently graduated out of the last three academies,
7 and even the feedback I'm getting from my cadet that's
8 now in week six I believe, he just started week six,
9 I'm already seeing that.

10 It's not taking a year for them to reflect.
11 They're already reflecting on the excellent training
12 and education that they're getting. And that is due
13 to the core staff that's mostly seated in the back of
14 this room. You have some fantastic staff here as well
15 as Director Marshall and, of course, Deputy Director
16 Coss who I've known for most of my adult life.

17 The other thing I want to mention about the
18 core curriculums -- and I apologize. I didn't come
19 here prepared to talk about this. But I sat back
20 there and made notes when you were talking, sir.

21 And the core curriculum also now instills
22 values. And I think that is critical. And I love
23 what's going on with that and I like that aspect. And
24 these guys are coming home with more ethical behavior
25 than I would have expected from them.

1 We're not having to cover nearly as much in
2 our final phase of FTO training or field training as
3 we were before. And it's due to this academy and the
4 outstanding job and product that's being produced
5 here.

6 You know, medical kits, you want to talk
7 about new curriculums. There's one for you. That's
8 an outstanding thing as well. That's something that I
9 can't believe wasn't thought of long before. I'm
10 proud to be one of those instructors educated by
11 Mr. Marshall and Mr. Coss and to hopefully get to
12 bring that to the communities around Taos more as well
13 as law enforcement agencies.

14 The other thing that has opened up to me
15 since 2015 is the ability to send my rookie
16 instructors here to the academy to help in an adjunct
17 capacity.

18 That kind of does two things for us. That,
19 one, helps the academy. And they have certain roles
20 that they can fill. Certainly not being a lead
21 instructor because they're not at that quality yet.

22 But it's producing a better instructor that's
23 coming back to my agency to teach our in-services and
24 things. And that has been an opportunity that wasn't
25 there before. And I thank these gentlemen for

1 allowing us to do that.

2 I don't know how many minutes I have left,
3 but I'm going to wrap up here. I just want to say
4 that what I intended to talk about, the Acadis, it
5 will give us the management, the training, and the
6 recordkeeping ability.

7 I'm honored to have been asked to be one of
8 the first agencies to kind of demo and test and give
9 some real-time feedback on that. I think Deputy Coss
10 chose my agency because I'm small but yet larger, I
11 have 27 sworn officers in the department. I think we
12 will be able to give that real-time feedback and make
13 this thing better.

14 And, sir, God bless you. I wish the best for
15 you, I truly do. But you and I very much have
16 180-degree opinions of what's being produced out of
17 this law enforcement training academy. Thank you.

18 A.G. BALDERAS: Thank you, sir. Additional
19 other public comment.

20 SECRETARY WEAVER: Mr. Chairman, Board
21 Members, I'm Scott Weaver, I'm the cabinet secretary
22 of the Department of Public Safety.

23 I'm not going to pull any punches or provide
24 any banter. I just want to assure you that, as the
25 cabinet secretary of the Department of Public Safety,

1 it is my responsibility to hire the Director with your
2 approval.

3 And I also want to assure this Board that, if
4 there is a program or a policy or an event that can be
5 altered or improved upon, it is the directors'
6 responsibility of all the academies to go through not
7 only Steve, but as a collective group to provide to
8 you the best opportunities to make the decisions, to
9 follow the rules that we have that are statutorily
10 obligated towards to include the administrative codes
11 that we follow here today.

12 So I just want to give you that assurance,
13 that although I may be paying these people's salary,
14 it's a partnership. As crazy as it may be -- and I
15 don't know that there's anything else that we can do
16 as a Board legislatively. But the beast that we have
17 before us is the beast that we have before us.

18 And if there's ever a time and place that the
19 Law Enforcement Academy is not working under the
20 tutelage or of the direct supervision of this Board, I
21 apologize. But I don't think an apology is necessary.

22 I think we're doing a fine job. And I think
23 that the Board is doing a fine job. And I think that
24 the Law Enforcement Academy is doing a fine job.

25 Thank you.

1 A.G. BALDERAS: Come on up.

2 CHIEF CONNER: Scott Conner, I'm the chief of
3 the Belen Police Department. Board Members, I
4 appreciate you giving me just a couple minutes.

5 I just wanted to take a couple minutes and
6 thank Director Marshall and his staff for the job
7 they're doing at the academy. I come from kind of a
8 unique perspective.

9 I have two in the academy now, I graduated
10 two in the academy before this one, and four in the
11 academy before that one. So I have a pretty good idea
12 of what's coming out of the academy, and it's a good
13 product that's coming out.

14 My experience comes from both the municipal
15 and the county side. I originally started in an
16 agency of about 100 officers. And then I was sheriff
17 of an agency with a half dozen officers. So I've
18 worked closely with the academy and the Board in many
19 different situations.

20 And I believe I have a unique perspective,
21 having attended this academy myself more than 20 years
22 ago. My wife graduated from the public safety
23 telecommunicator academy in this very room. So I'll
24 say I do have some experience in knowing what comes
25 out of here.

1 And I thank you, Director Marshall, and
2 deputy director for all you do. And I just wanted to
3 give a little bit of a thanks.

4 A.G. BALDERAS: Thanks, Chief.

5 CHIEF SALAZAR. Good morning, Chairman and
6 Board Members. My name is Pat Salazar, I'm the chief
7 for Milan.

8 I heard a lot of things spoken today. First
9 of all curriculum, I'm glad that the academy has put
10 its curriculum together. Because I don't want nobody
11 from high school, teachers, college degrees that are
12 trying to put a police package together for us. We're
13 a unique individual. We need a unique package.

14 Mr. Marshall is doing an excellent job. When
15 I took over the chief of police of Milan, if I had a
16 question, had a concern, training issues, any
17 problems, I call him. If he didn't answer, he would
18 call me back in about five or ten minutes or there
19 would be an email shot to me.

20 It's hard to get that nowadays, I had no
21 issues calling Darren Soland, Chief Kassetas, even
22 Chris McCall. If I had any issues, any problems with
23 my department and I needed some directional guidance,
24 they were there to help me in a heartbeat.

25 I just want to say that I'm a person that

1 likes to be advancing, going forward, learning new
2 things. And this Acadis system is awesome. I can't
3 wait to get that going. I want to be the next testing
4 agency. So if you guys can sign me up, great.

5 I'm trying to kick paperwork out of my area
6 right now because paperwork is not the way to go right
7 now. It's all technology, it's all on computer; I
8 need something, I pull it up, it's there. Just like a
9 phone call I make to Mr. Marshall, it's back to me in
10 a few minutes.

11 So I want to tell you and your staff that I
12 appreciate what you're doing for law enforcement
13 cadets and the current officers for the State of New
14 Mexico.

15 Again with the Board, I see you all travel
16 far. I see Mr. Soland travels all the way from Ramah
17 over here. We don't do this for the money because
18 obviously there's no money in it. We do it because we
19 love it, it's our heart, it's our passion. That's why
20 we're here.

21 Like you said, we're doing it for the State
22 of New Mexico. We do it for our citizens and we do it
23 for the pure joy of the job. This is why we're here.
24 Thank you.

25 A.G. BALDERAS: Thank you, Chief. Anybody

1 else? Mr. Mechels, you signed up for public comment.
2 So one more. You can go right after him, sir.

3 UNDERSHERIFF MUNK: Mr. Chairman, Members of
4 the Board, Michael Munk, undersheriff of Cibola
5 County. I was asked to come by today from Sheriff
6 Tony Mace. He's out of state, otherwise he would be
7 here as well.

8 The basic reason why I traveled here today
9 was in support of the Director, in support of the
10 academy. Director Marshall and his staff have been --
11 they've been great. Any time that we've needed
12 anything, any time that we've had any questions, any
13 time that we've needed some guidance, we reach out to
14 them and they immediately respond back to us.

15 They immediately get on the phone and will
16 even have a teleconference with us. They've been
17 nothing but supportive and responsive to our needs.
18 The cadets have we sent to the academy have come back,
19 they're squared away. They're respectful. They come
20 back with a moral code, moral values.

21 We're getting a superior product. And I
22 think that that's, you know, directly attributed to
23 the leadership and the instructors that you have here.
24 I don't want to belabor the issue.

25 A lot of things that I would have said today

1 have already been said. We appreciate the input from
2 the Board. We appreciate your leadership as well.
3 Thank you for what you do. I know several of you on
4 the Board here individually and respect each and every
5 one of you. Thank you for what you do.

6 A.G. BALDERAS: Thank you. We've had a few
7 more people sign up. Mr. Mechels, you have the floor.
8 And then two or three more for public comment.

9 MR. MECHELS: Thank you, Mr. Chair. So now
10 that it's public comment period, I can speak to what I
11 wish to. But you won't respond because it's not --
12 because it's public comment period. So it's a
13 different set of rules.

14 The first thing I would raise is we've got a
15 real problem with public information. I've raised
16 this many times before. It's gotten much worse under
17 the current Director and the current Chair.

18 Once upon a time, when we first engaged or
19 Mr. Goad and I first engaged this Board four years
20 ago, we could actually come to a meeting such as
21 today's and we would get a handout packet of most of
22 what was under discussion.

23 I don't know why you stopped doing that. It
24 became compromised after the Chair changed. And it
25 ended when the new Director came in. If the public

1 comes to these meetings today, they don't have any
2 idea what you're talking about. You're sitting up
3 there talking to each other.

4 You don't hand the public the information,
5 they can't track what you're doing. And when the
6 meeting is over, once upon a time we had minutes. And
7 with the minutes we were -- it was right in the NMAC.
8 The minutes and all the information that had been
9 discussed, all the information from that packet.

10 That's gone. You got rid of that. You took
11 it out of the NMAC. Now we get the bare minutes. So
12 if the public comes to these meetings, they have no
13 idea what you're talking about because you won't give
14 them any information.

15 And they have no idea what you talked about
16 because you don't see fit to give them the packet of
17 what you discussed. What they get is the bare
18 minutes, which makes very little sense to them. Then
19 you wonder why the public isn't more involved. The
20 public can't be involved, you don't allow the public
21 to be involved.

22 I asked Mr. Coss this question, which I think
23 was a valid question. You're getting a new fancy
24 system. I'm glad for you. I mean you should have a
25 better administration system. Does the public get any

1 more information as a result of this system? The
2 answer apparently is no.

3 The information I've found useful, as you
4 know, I have dug into the operation. I have taken the
5 trouble to dig into the operations of the Board and
6 the academies. I suspect that I know more about
7 what's going on in your academies than most of you do.

8 But to do that I had to file a whole series
9 of IPRA requests, the things the public needs to know
10 about the academies which aren't really available to
11 them. They need to see the schedules for each
12 academy, they need to see the curriculum for each
13 academy.

14 These things should be available on websites.
15 They're not. This stuff is all buried. You have to
16 IPRA everything. The public should have the right to
17 know about what happens at a rules hearing. You've
18 had two rules hearings.

19 The hearing from August 2016 I have
20 repeatedly said should be on the website. It's not.
21 I got it from an IPRA. But I can't post it on my home
22 mailing address. Put it on the website. The public
23 has a right to know this stuff. But you're just
24 hiding it from them.

25 It's gotten much, much worse. How can the

1 public possibly participate when all you do is hide
2 the information. So if you're going to spend money on
3 information systems, consider informing the public.

4 What I would like to see you do is, before
5 you have one of these meetings, you don't have to hand
6 out packets. We're past that. Post the information
7 you're going to be discussing with the agenda.

8 You clearly know what it is, you've all
9 gotten packets. Show the public what you're doing.
10 And when you're done, show them what you did. Then
11 maybe they would begin to trust you.

12 I can appreciate that all the police here
13 think that they've got a good system of training.
14 They probably thought they had a good system of
15 training in 1969. But in 1969 it was supposed to
16 change.

17 And no, I didn't say that cops are high
18 school students. They're not. I said it's something
19 like the way we have managed teaching at high schools,
20 where they have agendas, where you have a board, where
21 the board approves the curriculum. It's a similar
22 process.

23 The POST system involves a process. If you
24 don't follow the process, just frankly you're not part
25 of POST. And today you're not part of POST. Now, if

1 you want to get out of POST, that's your option.

2 Well, no. It's not your option. The legislature
3 would have to get you out of that system.

4 So why don't you just be honest and approach
5 the legislature and say we think you've made a big
6 mistake, we should not be following the POST system,
7 and let's be honest. Let New Mexico just make up
8 their own training.

9 If that's what you really want to do, then
10 just be honest and do it. But don't pretend to be
11 following a structure that you're not following. Why
12 should the legislature not have questions about what
13 you're doing, because you're not following the
14 statutes of the state. The statutes call for a POST
15 system.

16 A.G. BALDERAS: Mr. Mechels, five minutes are
17 up. I appreciate your comments.

18 MR. MECHELS: Okay. Well, how about doing a
19 better job of informing the public.

20 A.G. BALDERAS: We have two more for public
21 comment, but I am going to take the Chairman's
22 liberty.

23 I was actually raised in public housing in
24 Wagon Mound, New Mexico. There's about 300 people
25 there. I was the first person not only to go to

1 college, but I was the first attorney from my
2 community, in the history of that homestead community.

3 And there are two things that I'm the most
4 proud of. So when people tell me I don't follow the
5 law or somehow I'm accused of hiding documents, I
6 don't actually get offended, I find it laughable.

7 But the chief stats that I govern my own
8 conduct by are that I've got the largest public school
9 embezzlement corruption case in the history of New
10 Mexico. And it was because somebody trusted me to
11 call me up. And was one of the smallest school
12 districts that was being abused.

13 And so I do get coached and talked down to a
14 lot by a lot of citizens in New Mexico that want to
15 give me advice. But I was gladly there to step in
16 when a community was transparently getting abused by
17 some of the worst heinous acts.

18 And the second one, of course, is that as I
19 signed up -- you talk about trust. When I put forth
20 the idea that I could be the chief law enforcement
21 officer of this community, what would make me
22 qualified to do that, it was not because we hide
23 documents.

24 And I take a lot of pride in the enforcement
25 of the rule of law in the Attorney General's Office.

1 And there's a reason I was the State's top vote getter
2 last term from a community that only has 150 voters
3 from Wagon Mound, New Mexico. And it's because of
4 trust. And so we are gladly enforcing the rule of law
5 up here.

6 My counsel and I also take a leadership role
7 in looking at the curriculum. And we also made
8 recommendations at the Attorney General's Office in
9 cultural competency. And I appreciate the sheriff
10 from Taos recognizing some of those recommendations
11 also in the curriculum that came from A.G. staff in
12 light of all the police shootings.

13 And I do also want to commend a very
14 uncomfortable review that took place recently. At the
15 suggestion of the Chair and some brave Board Members
16 here, they underwent a policies and procedures review.

17 For the first time in the history of the
18 State of New Mexico, these law enforcement agencies
19 voluntarily reviewed their policies and procedures on
20 police shootings across the State of New Mexico. What
21 we found is we can all do a better job.

22 There were deficiencies. But they stepped
23 forward. And I want to commend that leadership. And
24 it was the suggestion of this Board and the
25 subcommittee and Pete Kassetas. So I just wanted to

1 follow up on that.

2 We have two more commenters. Come on up.
3 You have the floor.

4 UNDERSHERIFF SHEA: Mr. Chair, Members of the
5 Board, my name is Mark Shea, I'm the undersheriff with
6 the Valencia County Sheriff's Office.

7 I want to give you a little bit of my
8 background for those who don't know me. I know most
9 everybody in the room. But just as a basis so that my
10 comments do carry some weight.

11 I graduated from a New Mexico Law Enforcement
12 Academy in this particular room back in 1977. I've
13 got 42 years in law enforcement. And that has all
14 been served in New Mexico with agencies with New
15 Mexico. And I'm proud of that. I'm proud of the fact
16 that I graduated from this academy.

17 After I retired from one job, I came back to
18 the Law Enforcement Academy to give back to the State
19 as an instructor and then served as a bureau chief
20 both in basic and advanced training here at the Law
21 Enforcement Academy for nine and a half years before
22 taking the job as undersheriff in Valencia County.

23 During that time I also earned a degree in
24 occupational education. So I can speak from the
25 perspective of curriculum because I do have that

1 credential. And as being a part of this academy for
2 that nine and a half years and being a product of this
3 academy from 42 years ago, I can say that this is --
4 and I have attended academies including Wyoming,
5 Kansas, and several other states.

6 I have gone to their state academies, to
7 their state posts. I was a member of IADLEST. And I
8 went to those organizations to see how other states
9 are doing things. And I think New Mexico is doing a
10 good job.

11 I commend the Director, Director Marshall,
12 Secretary Weaver, Deputy Secretary Orlando, and the
13 Board for doing that. We can always improve. I agree
14 with Mr. Mechels, we can always improve.

15 And I agree that the Director and the Deputy
16 Director and the staff at this academy has always
17 striven or strove to approve what the product is.

18 While I was here and since I have left, they
19 do not stand on what they did with the last academy.
20 They always look at it as to what can we do to improve
21 it for the next academy.

22 I think the fact that we have over 5,000
23 officers in this State, deputies in other capacities,
24 the number of complaints that you hear before this
25 Board for disciplinary matters, the number of

1 use-of-force complaints we have around the state, the
2 number of shootings we have, those numbers are very,
3 very small.

4 And I think that can be attributed to the
5 training that our men and women who choose this
6 profession get when they come to this academy and the
7 satellite academies.

8 And I also say this, because I was one of
9 those agencies that didn't get a cadet in this class.
10 So I've got an issue with Steve Marshall by the fact
11 that -- but he did everything in his power to make
12 sure that I got my cadet in the Hobbs academy with
13 Dr. Fons.

14 So the academy has always been responsive.
15 Any time I make a phone call, I get a reply. Any time
16 I make a suggestion, it is heard. All my suggestions
17 aren't always taken, but they are heard. And I do
18 appreciate that.

19 I do appreciate the fact that the academy is
20 responsive to the citizens of New Mexico and also
21 responsive to the profession of law enforcement.
22 Thank you.

23 A.G. BALDERAS: Thank you. Director Nunley.

24 DIRECTOR NUNLEY: Thank you. My name is Mike
25 Nunley, I'm acting director for the New Mexico

1 Corrections Department Training Academy.

2 I just wanted to say a few words. This is
3 from a little different perspective. I'm a certified
4 officer. I brought my certification here from
5 Illinois in 2014. I attended the academy here for the
6 cert-by-waiver program.

7 I received really good training. And
8 although correctional officers and probation and
9 parole officers engage law enforcement, engage people
10 in a different capacity than what we see as the norm
11 for a law enforcement officer, many of the trainings
12 dovetail, whether it's use of force, firearms, report
13 writing. All of those things dovetail.

14 I had the opportunity and privilege to work
15 with Brian Coss for a few years before he came back
16 over here from the Corrections Department Academy to
17 the Law Enforcement Academy. And he actually
18 transformed our curriculum. And I have him to thank
19 for that.

20 So indirectly the Law Enforcement Academy
21 trains not only, as Mark said, over 5,000 officers in
22 the State, but also indirectly affects approximately
23 1,400 correctional officers and probation and parole
24 officers because of the effect that he's had on our
25 curriculum.

1 And I want to thank Steve Marshall as well as
2 Brian Coss for what they've given us. And we continue
3 to seek advice and new ideas from them, and we're
4 going to continue to do so. Thank you.

5 A.G. BALDERAS: Thank you. Mr. Myers.

6 MR. MYERS: Good morning, Mr. Chair, Members
7 of the Board. I picked an interesting day to come
8 here.

9 I retired at the end of last year after a
10 really long career in law enforcement. So I came here
11 today not really expecting to hear all this but to
12 just kind of thank the Board for the work you guys do.

13 I sat on the Board for a brief time so I know
14 the challenges you guys face. And I respect the
15 awesome responsibility and authority you guys have to
16 affect every citizen in this State. And I've decided
17 to kind of go on this thank you tour of all the people
18 that have influenced me in my career.

19 And I sat on this Board during a much more
20 tumultuous time for the Board I think. And contrary
21 to what I heard here today, I think this Board is
22 healthier than it has been as long as I've been
23 following it.

24 I find it to be transparent. I find the
25 progression and the innovation coming from the Board

1 to be better than I can remember in my career. And I
2 think that's a direct reflection of you guys that sit
3 up here making those tough decisions and then the
4 people you rely on to help you come to those
5 decisions. And that's the staff here at the academy,
6 Mr. Marshall and Mr. Coss, their staff.

7 The advances -- I say advances, but there's
8 probably a better word -- to the curriculum over the
9 last few years were necessary to get this State back
10 on track and start following some of the industry's
11 best practices.

12 And it took courage from your staff to point
13 out the mistakes that were made in the past and the
14 courage to come out and fix those. So I appreciate
15 that. And I appreciate the objectiveness of this
16 Board.

17 There were times that this Board had been
18 used as some agency heads' personal kind of Internal
19 Affairs units. And I appreciate that that's going
20 away and that you guys are giving more
21 responsibilities to the agencies to discipline their
22 own and focusing on the ones that really need to be
23 addressed.

24 That's all I have. I just wanted to come by
25 and thank you guys. You guys are doing a phenomenal

1 job in my opinion. And it's coming from someone who
2 sat on that Board when it wasn't quite as healthy.
3 So thank you.

4 A.G. BALDERAS: I appreciate the comments.
5 We're going to take a quick ten-minute break.
6 (Recess.)

7 A.G. BALDERAS: I want to welcome everyone
8 back.

9 ITEM NO. 12: NMAC 10.29.7, IN-SERVICE TRAINING
10 REQUIREMENTS, PROPOSAL TO SET PUBLIC HEARING FOR
11 AMENDMENTS TO BOARD RULES

12 A.G. BALDERAS: We are on item No. 12,
13 in-service training requirements, proposal to set
14 public hearing for amendments to Board rules. This
15 agenda item No. 12 will be presented by Deputy
16 Director Coss. I'll yield to Deputy Director Coss,
17 you have the floor.

18 MR. COSS: Thank you, Mr. Chairman, Members
19 of the Board. The Board should have a three-page
20 rationale and then a couple pages of the actual rule
21 that we're proposing amending.

22 In summary, the in-service training program
23 for both law enforcement officers and
24 telecommunicators has historically had a year date
25 range attached to it in the New Mexico Administrative

1 Code.

2 So there are occasions when there are no
3 changes to the actual in-service training program.
4 But we have to come back to do a revision to the rule,
5 if we do nothing else, other than to update the date
6 range.

7 So the language changes it beginning on an
8 even numbered year and ending on an odd numbered year.
9 And there is some language to kind of help flesh that
10 out a little bit. It gets a little bit more wordy, if
11 you will.

12 But the other proposed revisions are to align
13 the in-service training requirements with the five
14 statutory annual training requirements for law
15 enforcement officers as well. So it helps to align
16 that.

17 But those are the two key components, if you
18 will, of the proposed rule change to Part 7. And I
19 would be more than happy to stand for any questions if
20 anyone has any.

21 A.G. BALDERAS: Thank you. Any questions?

22 CHIEF McCALL: I have one, Mr. Chair. These
23 five statutory mandated training, they're annually?

24 MR. COSS: Correct. That is currently the
25 language in State statutes. So off the top of my

1 head, Chief, AMBER Alert I believe, child safety,
2 domestic violence; those are annual. So assuring that
3 we can align those.

4 While they're not technically contained with
5 the biennial, if you will, in-service training
6 requirements, it's helpful I think and better for us
7 to make sure we include those five in there on an
8 annual basis.

9 I apologize, sir. The new tourniquet and
10 trauma kit training as well has an annual training
11 requirement. So we want to make sure that the
12 agencies have that information for them.

13 It will also help us with tracking it as well
14 when it's included as far as the code is concerned in
15 the in-service training requirements.

16 CHIEF McCALL: So if we end up with a
17 strangulation annual requirement, are we going to have
18 to open this back up and add that back in?

19 MR. COSS: The way I understand that, Chief,
20 is that it's contained within the domestic violence
21 training block already. It was an amendment to that
22 statute. So it's already inclusive. And that was
23 already an annual event as well.

24 A.G. BALDERAS: Any other questions? Thank
25 you for your update, appreciate it.

1 ITEM NO. 13: RULEMAKING PROCEDURE; DISCUSSION AND
2 DECISION - GUIDANCE FROM BOARD FOR STAFF FOR
3 PROCEEDING WITH FUTURE RULE CHANGES

4 A.G. BALDERAS: We will now go to item
5 No. 13.

6 MR. DWORAK: Brian, is this a request that
7 you would like to publish this?

8 MR. COSS: Mr. Chairman, if I may. I
9 apologize. This is a request for the Board to
10 formally move this towards a public hearing and then
11 coming back to the Board.

12 A.G. BALDERAS: So you want a motion?

13 MR. COSS: Please, sir.

14 A.G. BALDERAS: Go ahead.

15 MR. DWORAK: So, Members of the Board, just
16 for clarification, the motion on this would be to
17 publish the promoted changes and set it for a public
18 hearing.

19 CHIEF KASSETAS: So moved.

20 CHIEF SOLAND: Second.

21 A.G. BALDERAS: All in favor.

22 (Those in favor so indicate.)

23 A.G. BALDERAS: Any opposed? The motion
24 passes to publish for a rulemaking. Your motion
25 passes.

1 MR. COSS: Thank you, Mr. Chairman.

2 A.G. BALDERAS: On item No. 13, is there
3 additional rulemaking discussion?

4 MR. COSS: There is, Mr. Chairman. Item
5 No. 13, I just wanted to have the Board's input on the
6 actual public hearing component of any rulemaking
7 process. And there's a couple of options for us.

8 And maybe this is more a discussion item
9 right now that doesn't necessarily need an immediate
10 action. But it's something for us to consider anyway,
11 whether we continue along the process as we have it
12 set now, where we come to you just as we did for a
13 Part 7 revision.

14 Then we publish it and meet all those other
15 requirements, have a public hearing, which is
16 primarily to receive input from all the stakeholders.
17 And if there is substantive changes in that process,
18 then we have to back up to the beginning. In other
19 words, I have to come back before the Board with those
20 proposed revisions and then start the process over.

21 If the process works cleanly as it sits right
22 now, it takes us about six months to be able to make
23 that single rule change.

24 I would offer for consideration any ideas
25 that the Board has; that if the Board wants to

1 continue with that process, if you will, of coming
2 before you with a proposal, you approving to move it
3 towards public hearing, and then having the public
4 hearing, we could continue that process.

5 But again I would offer as a potential
6 suggestion that at some point that we have a whole day
7 special meeting of the Board simply to deal with
8 rulemaking processes. In other words, we could come
9 before you, just as we did before in this proposed
10 revision, Part 7. The Board could review that.

11 If you wish to move forward with it as it was
12 or amend it and then move forward, then we could move
13 straight into the public hearing component. And that
14 public hearing then would be heard by the Board.

15 The Board can then consider those public
16 comments and then move to make either slight or
17 substantive adjustments maybe from what they've heard.
18 Or if it's okay, then they can just move forward after
19 the public hearing to go back to a formalized vote of
20 the Board. In other words, it would take place in one
21 afternoon or one meeting with all of the publication
22 notice requirements having been met for both.

23 That would definitely streamline the process
24 for us. But it would also streamline the process for
25 the public or any other stakeholders because everybody

1 would be in the same room.

2 And rather than us digesting any of the
3 public comments, reducing those down to writing or the
4 Hearing Officer or whatever the case may be and
5 recommending any of those changes that are made by the
6 public or the other stakeholders, the Board would hear
7 those in real time and firsthand. And then any
8 clarifying questions could be cleared up right then
9 and there with the stakeholders or members of the
10 public.

11 I do realize that places another meeting on
12 our agenda. That meeting would need to occur here in
13 Santa Fe just because of the process. But I offer
14 that for consideration. I'm open to any other options
15 that the Board feels necessary.

16 MS. BURNHAM: Mr. Chairman, I speak in favor
17 of Deputy Director Coss' proposed alternative. I've
18 reviewed transcripts of rules hearings on at least two
19 occasions. They're very lengthy. And I think the
20 public gets confused because the person at the
21 rulemaking hearing doesn't always understand the
22 issues the way that we understand them.

23 I know it puts an extra burden on us. But
24 we're the ones who know the material best, know the
25 issues best. And I think the streamlined process

1 would help both us and the public.

2 A.G. BALDERAS: Any other discussion?

3 CHIEF McCALL: Would that process fit all our
4 statutory requirements?

5 MR. DWORAK: Chairman, Chief McCall, Members
6 of the Board, the process for a rulemaking hearing can
7 be done either by a public body as a panel or it can
8 be done by an individual Hearing Officer, similar to
9 disciplinary hearings throughout the state as well.

10 So the process the Board has followed or at
11 least is following currently has been for a Hearing
12 Officer to conduct the public comment period, receive
13 public comment, complete a record which is then closed
14 for the Board's review, and then that would be the
15 public comment in its entirety. And then the Board
16 would make a decision at the next meeting, which you
17 all do currently.

18 So the change would be that, instead of
19 having a Hearing Officer conduct the rule hearing, the
20 Board as a panel could do it. And that would, you
21 know, negate the need to have the Board review what
22 can be a lengthy transcript.

23 Administrative bodies in the State vary. You
24 know, I think the one downside is that it can take up
25 to several extra hours. So that would make your

1 meeting longer. And it also wouldn't give you as much
2 time to process any public comment received.

3 But there is also a benefit, which is having
4 heard that public comment in person. So, you know,
5 there are some pluses and minuses with either process.

6 But to answer your question, assuming all the
7 other requirements are met, there's no legal bar to
8 doing it as a panel or a Board.

9 A.G. BALDERAS: Any other questions? What's
10 the pleasure of the Board?

11 CHIEF McCALL: I think I'm in favor of
12 streamlining that process and being able to firsthand
13 hear the public input.

14 CHIEF KASSETAS: I'm also in favor of it.
15 Six months is too long. So do we need a motion unless
16 there's further discussion?

17 MR. DWORAK: I don't believe a motion is
18 necessary on this. It's just an administrative task.
19 The Board could take a motion, if that's the pleasure
20 of the Board. But I don't believe a vote would be
21 required to commence with that, unless you felt
22 strongly that you want a vote.

23 MR. COSS: We can go either way, sir.

24 MR. DWORAK: Unless the Board is split on
25 that decision maybe.

1 CHIEF KASSETAS: The way to find out is to
2 take a vote.

3 A.G. BALDERAS: I'll entertain a motion to
4 direct Deputy Director Coss to set a public hearing
5 for amendments to Board rules and for the discussion
6 and decision to occur within the same process day. Is
7 that correct?

8 MR. COSS: Correct.

9 A.G. BALDERAS: Can I have a motion?

10 CHIEF McCALL: I make a motion.

11 MS. BURNHAM: Second.

12 A.G. BALDERAS: All in favor.

13 (Those in favor so indicate.)

14 A.G. BALDERAS: Is there any opposition? The
15 motion passes. You have your change in rulemaking.

16 MR. COSS: Thank you, Mr. Chairman, Members
17 of the Board.

18 ITEM NO. 14: CREATING A PROCEDURE TO COMMUNICATE WITH
19 THE LEGISLATURE REGARDING CONSIDERATIONS OF BIENNIUM
20 TRAINING TOPICS

21 A.G. BALDERAS: One of my favorite topics,
22 creating a procedure to communicate with the
23 legislature regarding biennium training.

24 Vice Chair Chief McCall, you have the floor
25 on this topic.

1 CHIEF McCALL: All right. Let me go ahead
2 and step on this land mine now.

3 So what brought this forward was in some
4 regards to the strangulation requirement training
5 that's working its way through the legislative process
6 currently.

7 Not that it's not a great topic and it is and
8 should remain in our curriculum. But as we continue
9 to move with these hot button issues, we continue to
10 add hours and hours of mandated training onto police
11 officers.

12 And that begins to take away from other
13 things that we may need to be training in the advanced
14 stages of police training, because we're continually
15 trying to keep up with our biennium requirements as
16 well as statutory requirements that are laid upon us.

17 And at the rate we keep adding these, I can
18 foresee in the coming years that we will be doing
19 nothing but trying to keep up with state mandated
20 training. And it will damage other as important
21 training that comes along during those years that the
22 police officers need to be updated on.

23 So what I would like is input from the Board
24 or from the staff here at the academy on what kind of
25 procedure we could maybe propose to the legislature,

1 to partner with them to work on these mandated
2 training topics and how we do that moving forward in
3 the future, whether that be a system that we work as a
4 liaison or a kind of expert witness type for them in
5 that capacity or if we create a protocol that requires
6 them to move through maybe this Board to set those
7 training topics and at some point sunset those in the
8 advanced portion of training and maintain those in our
9 basic training academy, because those are two
10 different things.

11 I've been a police officer in New Mexico for
12 almost 20 years. And obviously I've heard the same
13 topics come up ten times over my career. And at the
14 time when those training topics were instituted, they
15 were very timely, they were very important.

16 But quite frankly, once you learn about AMBER
17 Alert, you know about AMBER Alert for the rest of your
18 career. And I just picked that one arbitrarily as an
19 example.

20 But that would be an interest that I would
21 have from my position as police chief, to ask this
22 Board as well as the legislature to work together to
23 try to create a protocol that would eliminate that
24 future problem that is definitely on the horizon for
25 us.

1 A.G. BALDERAS: Any discussion questions?

2 CHIEF KASSETAS: Mr. Chair, if I may, I don't
3 think it's a bad idea to use the word subcommittee,
4 form a subcommittee or a group on the Board to
5 possibly communicate with the speaker possibly. Maybe
6 there's a committee we can work with to discuss these
7 before they come up during the legislative process.

8 I've seen where, depending on maybe there's a
9 heinous crime out there, a particular legislator
10 reacts, and the next thing you know there's ten hours
11 of training mandated for a certain topic, which may
12 not be bad. Maybe it is needed.

13 But I think that as a Board we should have
14 some input and direction and maybe be able to help
15 guide that. So that may be one approach, is a group
16 from the Board be formulated to talk to -- maybe the
17 appropriate place is the speaker. And then from there
18 figure out infrastructurally how to negotiate the ins
19 and outs of the legislative body. That's one idea.

20 A.G. BALDERAS: Any other questions,
21 comments? Yes, I don't mind creating a subcommittee.
22 I would also say not only the speaker, but the interim
23 Courts, Corrections chair or committee is also a good
24 place to touch base in terms of rulemaking or
25 training.

1 And I'll actually have counsel maybe draft a
2 letter for the subcommittee to review of potentially
3 any other resources, offering up the subcommittee's
4 services, and for dialogue with that committee and
5 maybe the speaker and leadership. I think that
6 interim dialogue would be fantastic.

7 I've actually seen those discussions go on.
8 And oftentimes the Board members would probably be
9 gladly invited. I just don't think they know to ask.
10 The other one I can see our subcommittee doing
11 outreach to is the Council Service.

12 So yeah, it's a good idea. So we now have a
13 legislative subcommittee for training and outreach.

14 ITEM NO. 15: DISCUSSION AND APPROVAL OF AUTHORIZATION
15 FOR THE DIRECTOR OF THE LAW ENFORCEMENT ACADEMY TO
16 ISSUE SUBPOENAS IN THE NAME OF THE BOARD UNDER 29-7-4
17 IN DISCIPLINARY MATTERS, WITH ISSUANCE AND RESULTS OF
18 SUCH SUBPOENAS ISSUED AT THE SUBSEQUENT BOARD MEETINGS

19 A.G. BALDERAS: Item No. 15, discussion and
20 approval of authorization for the Director of the Law
21 Enforcement Academy to issue subpoenas in the name of
22 the Board under 29-7-4 in disciplinary matters. At
23 this time I'll yield the time to Director Marshall.

24 DIRECTOR MARSHALL: Thank you, Mr. Chairman.

25 What we're asking for here is a fairly

1 narrowly used provision. The statute authorizes this
2 Board to administer oaths, subpoena persons, and take
3 testimony in any manner within the Board's
4 jurisdiction.

5 When we do formal hearings, the Attorney
6 General's Office has the ability to issue subpoenas
7 that are issued through the formal Hearing Officer for
8 those formal hearings.

9 Before we get to the formal hearings, when
10 I'm handling the cases in the informal stage, I've had
11 really good success at getting the information
12 requested from the agencies. That hasn't been really
13 that much of an issue for me.

14 What we're looking at here is the new stage
15 that came up when we changed the disciplinary process
16 a couple of years ago, where we moved the Notice of
17 Contemplated Action from me as the Director to the
18 Attorney General's Office.

19 They started drafting the NCAs after the
20 informal hearings if we weren't able to reach a
21 resolution. And our prosecutors are used to having
22 more information and are seeking more information.

23 The concern that they brought to me is that
24 we have these cases. If we don't reach an informal
25 resolution, if they go to the Attorney General's

1 Office for a formal prosecution, they can't get a
2 subpoena issued through the Hearing Officer until
3 after the Notice of Contemplated Action; until they
4 haven't been able to reach a resolution and it goes to
5 a formal hearing.

6 So what they're looking for is for those
7 limited cases, where we haven't reached a resolution
8 informally, it gets referred to the Attorney General's
9 Office; but prior to the time of the formal hearing,
10 they were wondering if we could subpoena the
11 information that they're looking for to make sure that
12 they have all the information necessary.

13 I think a lot of it is some of the cases,
14 there's a lot of information there. Some of them the
15 information is fairly narrow. And I think they have a
16 concern that there may be information that they're not
17 seeing. And so they're reluctant to move forward
18 without knowing that they have all the information
19 available.

20 The fact is that information doesn't always
21 exist because, with a lot of these cases, as you guys
22 know, the officers get dismissed or they resign or
23 they flee. There's not as much of a follow-up
24 investigation as we might have liked. So that
25 information may not exist.

1 But what we're looking for here are those
2 cases where there may be more information. And the
3 prosecutors in your office, Mr. Chairman, want to be
4 confident that they have all the information
5 available. And they want to do that before it gets to
6 the formal hearing.

7 So what I'm asking is for the authority from
8 the Board, based on their statutory authority, to be
9 able to issue subpoenas for the information under your
10 authority, under my signature, to make sure that they
11 have the information necessary so that they can make
12 the decisions they need to for the Notice of
13 Contemplated Action.

14 What I would propose is I would issue the
15 subpoena at their request. And then, at the following
16 Board meeting, I would present whatever subpoenas were
17 issued and whatever information was received as a
18 result of that subpoena.

19 A.G. BALDERAS: Any questions or comments?

20 MS. BURNHAM: I have a question. What is the
21 specific statutory authorization that allows the
22 Director to issue subpoenas in the name of the Board?

23 DIRECTOR MARSHALL: The statutory language is
24 the power of the Board to issue the subpoenas. But
25 you have the power to delegate to me to do actions on

1 your behalf. And I think counsel's suggestion as well
2 was that I have the authority under your name to do
3 it.

4 And that's why I would present the subpoena
5 to you at the following meeting along with whatever
6 information was received so you could see what was
7 being done in your name.

8 MS. BURNHAM: Thank you.

9 DIRECTOR MARSHALL: And again I don't suspect
10 this is going to be something that happens a lot. I
11 would be surprised if we have two at every Board
12 meeting.

13 But in order to make the prosecutors
14 confident that they have all the information
15 available, I would like the ability to make this
16 request. So even if we get no information back, then
17 at least they'll know that there's no information out
18 there.

19 MR. DWORAK: Chairman, Members of the Board,
20 this has been reviewed, I have reviewed it. And the
21 Director and I have talked about strengthening the
22 disciplinary process set by the Board rules.

23 As you all know, there is not much guidance
24 in the statute regarding the Board's disciplinary
25 process. So it leaves the discretion or I guess

1 obligation up to the Board to provide further
2 clarification of that process in the Board's rules.

3 The Board's statute does authorize the
4 subpoenas under 29-7-4(H). The statute also
5 authorizes the Board to perform other acts necessary
6 in its duties, which is 29-7-4(I).

7 And then the Director's statute, which is
8 29-7-5(C), authorizes him to perform other acts
9 necessary to carry out his duties. And then also
10 29-7-5(E) authorizes the Director to carry out
11 policies set by the Board.

12 I believe that that authorization is broad
13 enough to allow for this delegation to occur, although
14 it was my suggestion also that a future revision of
15 the Board rules would be appropriate to codify this
16 and to make sure that there's no ambiguity in the
17 future.

18 A.G. BALDERAS: So that's what I suggested he
19 offer up, is that if we entertain a vote, that we also
20 codify. So I'm willing to entertain a motion to allow
21 him the direction of this Board to issue subpoenas in
22 the name of the Board; and then with the issuance and
23 results of those subpoenas presented at the subsequent
24 Board meeting, and entertain that motion considering
25 that we will be codifying that in the rule.

1 There are two officers that we would submit
2 adding their names to the wall. First is Sheriff
3 Steve Ackerman, the sheriff of Lea County. I think he
4 was a friend of most of the people on this Board.

5 As most of you will recall, he died
6 tragically on Tuesday, January 17th, of last year. He
7 was killed in a single-vehicle crash on Highway 285
8 near Encino in Torrance County as he was heading to
9 Santa Fe to appear before the legislature. It was a
10 single-car rollover accident.

11 He had been with the sheriff's office for 14
12 years. He had been with the Lea County Detention
13 Center for 12 years before that. He is survived by
14 his wife and children.

15 Like I said, he was a friend to most of us.
16 I don't think there's any question his name belongs on
17 the wall. We would ask that he be approved.

18 Next is Officer Houston James Largo, Navajo
19 Division of Public Safety, Tribal Police. He was shot
20 and killed on March 12th, 2017. Police Officer Largo
21 succumbed to the gunshot wounds sustained the previous
22 night while responding to a domestic violence call
23 along County Road 19 in Casa Mira Lake, New Mexico.

24 The shooting occurred at approximately eleven
25 p.m. He was flown to the University of New Mexico

1 Hospital, where he tragically passed away the next
2 day. He was a member of the Navajo Division of Public
3 Safety for five years, where he received a lifesaving
4 award and the 2016 Indian Country Officer of the Year
5 award.

6 He was also previously employed by the Gallup
7 Police Department and was named Officer of the Year
8 for Gallup in 2011. He's survived by his parents, a
9 sister, and two brothers. Again a very tragic loss in
10 the Indian Country world. We would ask that his name
11 be added as well.

12 So we would submit those two names for
13 inclusion in the 2018 memorial service.

14 A.G. BALDERAS: Thank you, Director. I'll
15 entertain a motion.

16 CHIEF KASSETAS: Mr. Chair, before we get
17 there, I have a question.

18 A.G. BALDERAS: Sure. Go ahead.

19 CHIEF KASSETAS: Mr. Chair, not as it relates
20 to these two gentlemen. But what is the determination
21 to get your name added to the memorial in New Mexico?
22 Is it the same as the national process, where it's
23 deemed to be an in-the-line-of-duty death?

24 DIRECTOR MARSHALL: Yes, sir. It is
25 line-of-duty deaths that are considered for inclusion

1 in the wall. I'm not sure of the exact specifics of
2 the national wall or the national list. We generally
3 follow I think a similar process.

4 We're looking to get their exact requirements
5 in order to make sure that we have clarified our
6 requirements, because they're not as clear as they
7 probably should be. Perhaps Mr. Coss can better
8 address it, having dealt with it more than I have.

9 MR. COSS: I would be glad to.

10 Mr. Chairman, Members of the Board, right
11 now, absent any other rules, we comply with the
12 national standards. So it will be things like -- it
13 wouldn't be alcohol related.

14 It would be truly on the job, you know, an
15 in-the-line-of-duty death. And remember that this is
16 a distinct process from any survivor benefits that may
17 also go. This is just the inclusion into the memorial
18 wall, not to dismiss that. But for the most part,
19 what we comply with currently is the national norms.

20 CHIEF KASSETAS: So I want to go on record
21 and say that I think these two apply. And I'll
22 support it.

23 But I think, as you move forward and as the
24 Board moves forward, you really need to look at the
25 statute as it relates to survivor benefits; because

1 the definitions are very vague as far as in the line
2 of duty.

3 And I think we owe it to our officers that
4 are truly killed in the line of duty, protecting the
5 lives of others, that we keep it as pristine as we
6 can. And I'm looking to the future of cases or
7 instances where that comes up here.

8 I think that you cannot rely on the statute.
9 It is very vague and ambiguous. And it ultimately I
10 fear will be turned into an insurance policy for
11 anybody that may die subsequently after the job, if
12 you can relate it to issues that aren't really I don't
13 believe an in-the-line-of-duty death.

14 So I don't want to talk in circles. I
15 support these two individuals. I know the cases very
16 well. But I think in the future this is something the
17 Board needs to really consider.

18 And again most of the cases that come up here
19 that go on the wall are very apparent. I guarantee
20 you, there are some coming up that won't be.

21 DIRECTOR MARSHALL: Thank you.

22 CHIEF KASSETAS: So I would like to make a
23 motion, Mr. Chair, to add these two names to the wall.

24 A.G. BALDERAS: There is a motion to add
25 Sheriff Ackerman and Officer Largo. Is there a

1 second?

2 CHIEF McCALL: Second.

3 A.G. BALDERAS: All in favor.

4 (Those in favor so indicate.)

5 A.G. BALDERAS: Any opposed? The motion
6 passes to add Sheriff Ackerman and Officer Largo to
7 the Law Enforcement Memorial Wall.

8 ITEM NO. 17: RATIFICATION OF CERTIFICATIONS FOR LAW
9 ENFORCEMENT OFFICERS

10 A.G. BALDERAS: Item No. 17, ratification of
11 certifications for law enforcement officers. Director
12 Marshall.

13 DIRECTOR MARSHALL: Yes, sir. Thank you,
14 Mr. Chairman. The first item we have is Exhibit A
15 from the Southeastern New Mexico Law Enforcement
16 Academy, Class No. 39, Certification Nos. 17-0288
17 through 17-0301 as well as 17-0347 through 17-0349.

18 I would attest and certify that these cadets
19 have met the requirements to be officers in the State
20 of New Mexico and ask that they be ratified by this
21 Board.

22 A.G. BALDERAS: Is there a motion?

23 MS. BURNHAM: Motion to approve.

24 A.G. BALDERAS: There is a motion. Is there
25 a second?

1 CHIEF KASSETAS: Second.

2 A.G. BALDERAS: All in favor.

3 (Those in favor so indicate.)

4 A.G. BALDERAS: Any opposed? The motion
5 passes.

6 DIRECTOR MARSHALL: If I may, sir, Exhibit B
7 is from the Albuquerque Police Department, Class
8 No. 118, Certification Nos. 17-0302 through 17-0346.
9 And I would certify that they have also met the
10 requirements for certification and ask that they be
11 approved.

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

13 CHIEF KASSETAS: I make a motion to approve
14 APD Class No. 118 for certification.

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

16 SHERIFF WALLER: Second.

17 A.G. BALDERAS: All in favor.

18 (Those in favor so indicate.)

19 A.G. BALDERAS: Any opposed? The motion
20 passes.

21 DIRECTOR MARSHALL: For Exhibit C,
22 Mr. Chairman, there's the San Juan County Criminal
23 Justice Training Authority, Class No. 41,
24 Certification No. 17-0350.

25 A.G. BALDERAS: Is there a motion?

1 SHERIFF WALLER: Mr. Chairman, I move we
2 approve Exhibit C.

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

5 CHIEF SOLAND: Second.

6 A.G. BALDERAS: All in favor.

7 (Those in favor so indicate.)

8 A.G. BALDERAS: Any opposed? The motion
9 passes for certification by the Board.

10 DIRECTOR MARSHALL: And for Exhibit D,
11 Mr. Chairman, the Western New Mexico University, Class
12 No. 62, Certification Nos. 17-0351 through 17-0353. I
13 would attest that they have also met the requirements
14 for certification and ask that they be certified.

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

16 CHIEF McCALL: So moved.

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

18 CHIEF KASSETAS: Second.

19 A.G. BALDERAS: All in favor to pass
20 Exhibit D.

21 (Those in favor so indicate.)

22 A.G. BALDERAS: Any in opposition? The
23 motion passes for certification by the Board.

24 ITEM NO. 18: RATIFICATION OF CERTIFICATIONS FOR
25 PUBLIC SAFETY TELECOMMUNICATORS

1 A.G. BALDERAS: Item No. 18, ratification of
2 certifications for public safety telecommunicators.
3 Director Marshall.

4 DIRECTOR MARSHALL: Thank you, Mr. Chairman.
5 Included in Exhibit A is Public Safety
6 Telecommunicator Class No. 137, Certification
7 Nos. 17-0085-PS through 17-0111-PS as well as
8 02-0057-PR and 08-0140-PS.

9 I would certify that these public safety
10 telecommunicators have met the requirements for
11 certification and ask that they be approved.

12 A.G. BALDERAS: I'll entertain a motion for
13 certification of Exhibit A.

14 CHIEF KASSETAS: So moved.

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

16 CHIEF SOLAND: Second.

17 A.G. BALDERAS: All in favor.

18 (Those in favor so indicate.)

19 A.G. BALDERAS: Any opposition? The motion
20 passes for certifications on Exhibit A.

21 DIRECTOR MARSHALL: Finally, Mr. Chairman,
22 for the San Juan County Criminal Justice Training
23 Authority, Public Safety Telecommunicator, Class
24 No. 4, Certification Nos. 17-0112-PS through
25 17-0117-PS as well as 15-0094-PS as contained within

1 the exhibit, I will attest that they have also met the
2 requirements for certification as public safety
3 telecommunicators and ask that they be approved.

4 A.G. BALDERAS: Thank you. I'll entertain a
5 motion to pass the certifications on Exhibit B.

6 CHIEF McCALL: So moved.

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

8 CHIEF SOLAND: Second.

9 (Those in favor so indicate.)

10 A.G. BALDERAS: The motion passes for
11 certifications on Exhibit B.

12 DIRECTOR MARSHALL: That's all I have.

13 A.G. BALDERAS: Thank you.

14 I now move that the Board go into closed
15 executive session to discuss only those matters listed
16 on the agenda under executive session pursuant to NMSA
17 10-15-1. Do I have a second?

18 MS. BURNHAM: Second.

19 A.G. BALDERAS: There is a second.

20 MR. DWORAK: Chairman, just to clarify, for
21 disciplinary matters you do a roll call vote.

22 A.G. BALDERAS: Okay. Ms. Medrano.

23 MS. MEDRANO: Honorable Hector Balderas.

24 A.G. BALDERAS: Yes.

25 MS. MEDRANO: Chief Pete Kassetas.

1 CHIEF KASSETAS: Yes.

2 MS. MEDRANO: Sheriff Wesley Waller.

3 SHERIFF WALLER: Yes.

4 MS. MEDRANO: Chief Darren Soland.

5 CHIEF SOLAND: Yes.

6 MS. MEDRANO: Chief Chris McCall.

7 CHIEF McCALL: Yes.

8 MS. MEDRANO: Sergeant Jaime Quezada.

9 SERGEANT QUEZADA: Yes.

10 MS. MEDRANO: Ms. Kelly Burnham, J.D.

11 MS. BURNHAM: Yes.

12 A.G. BALDERAS: For the members of the
13 public, we'll now go into closed session.

14 (At 11:57 p.m. the Board entered into
15 executive session.)

16 ITEM NO. 22: RETURN TO OPEN SESSION; ACTION ON
17 MATTERS DISCUSSED IN CLOSED SESSION

18 CHIEF McCALL: The Board is back in open
19 session and on the record. The current time is
20 12:54 p.m.

21 Let the record show that the matters
22 discussed during the closed session were limited only
23 to those specified in the motion for closure and that
24 no votes or official actions were taken.

25 ITEM NO. 19: CRYSTAL QUINTANA

1 CHIEF McCALL: We'll begin under disciplinary
2 matters, item No. 19, Crystal Quintana.

3 CHIEF KASSETAS: Mr. Vice Chair, as it
4 relates to item No. 19, Crystal Quintana, I would like
5 to make a motion to reject the Director's
6 recommendation and refer the matter back to the
7 prosecutor for issuance of a Notice of Contemplated
8 Action.

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

11 MS. BURNHAM: Second.

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

14 (Those in favor so indicate.)

15 CHIEF McCALL: Any opposed? Seeing none, the
16 motion passes.

17 ITEM NO. 20: DOMINIC MONTOYA

18 CHIEF McCALL: Moving on to proposed orders
19 of suspension, No. 20, Dominic Montoya.

20 CHIEF SOLAND: Mr. Chair, I would like to
21 make a motion to accept the stipulated order and the
22 approval of an 18-month suspension.

23 SHERIFF WALLER: Second.

24 CHIEF McCALL: A motion on the floor and a
25 second. All in favor.

1 (Those in favor so indicate.)

2 CHIEF McCALL: Any opposed? The motion
3 carries.

4 ITEM NO. 21: FREDERIC GYGI

5 CHIEF McCALL: Under formal Hearing Officer
6 reports, No. 21, Frederic Gygi.

7 SERGEANT QUEZADA: Mr. Vice Chair, I would
8 like to make the motion to adopt the findings of fact
9 by the Hearing Officer and make the recommendation of
10 a dismissal.

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

13 CHIEF KASSETAS: Second.

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

16 (Those in favor so indicate.)

17 CHIEF McCALL: Any opposed? Let the record
18 show I abstained from that vote.

19 ITEM NO. 23: ADJOURNMENT

20 CHIEF McCALL: We'll move to No. 23, which
21 would be adjournment.

22 CHIEF SOLAND: So moved.

23 CHIEF KASSETAS: Second.

24 CHIEF McCALL: All in favor.

25 (Those in favor so indicate.)

CHIEF McCALL: We're adjourned at 12:56 p.m.

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REPORTER'S CERTIFICATE

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2
3 I, JAN A. WILLIAMS, New Mexico CCR #14, DO
4 HEREBY CERTIFY that on March 6, 2018, the proceedings
5 in the above captioned matter were taken before me,
6 that I did report in stenographic shorthand the
7 proceedings set forth herein, and the foregoing pages
8 are a true and correct transcription to the best of my
9 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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23 JAN A. WILLIAMS, RPR
24 New Mexico CCR #14
25 License Expires: 12/31/18

A

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