



LAW ENFORCEMENT CERTIFICATION BOARD
REGULAR MEETING

DATE: Thursday, March 21, 2024

TIME: 9:00 AM

LOCATION: East Mesa Public Safety Complex
550 N. Sonoma Ranch Blvd.
Las Cruces, NM 88011



Meeting Minutes

Not official minutes and are subject to approval by the public body.

I. OPENING

A. Roll Call

Vice-Chair Chief Mirabal called the meeting to order at 9:07 am.

Law Enforcement Certification Board Misconduct Manager Laura Escarcida conducted roll call, confirming the in-person attendance of members: Sheriff Adan Mendoza, Vice-Chair Chief Summer Mirabal, Ms. Carly Huffman, Mr. Joseph Walsh, Ms. Cody Rogers Benavidez and Dr. Bobbie Green. Ms. Ball arrived at 9:15. No board members appeared in virtual attendance. Board Members Chief Erin Toadlena-Pablo and Chief Thomas Romero (Ret.) were absent. A quorum was established.

B. Approval of Agenda

Dr. Green made a motion to approve the agenda. Mr. Walsh seconded. None opposed. Motion carries unanimously.

C. Approval of Minutes from December 13, 2023, regular board meeting

Mr. Walsh made a motion to approve the December 13, 2023 regular board meeting minutes. Ms. Rogers Benavidez seconded. None opposed. Motion carries unanimously.

II. REPORTS

A. Report from Interim CEO/LEA Director Sonya K. Chavez

An update was provided by Interim CEO/LEA Director Sonya K. Chavez. The LECB was informed of the New Mexico Law Enforcement Academy staffing along with the creation of an additional Deputy Director position which has been filled internally by Cassandra Reed. Cassandra Reed will be the Deputy Director of Training while Brian Coss continues as the Deputy Director of Operations. The Board was further informed that the New Mexico Law Enforcement Training Council and regular board meetings will be held throughout the state in relation to outreach for Satellite Academy locations. Upcoming training on the Acadis platform was announced along with collaboration efforts for training with NMSU Global Criminal Justice Department. On May 22, 2024 the Law Enforcement Memorial will be held in Santa Fe and three fallen officers will be inducted into the memorial. Further, there was discussion of the need to emphasize employee wellness and to provide adequate attention and care to fellow officers around the state. The Board was also informed on the compliance numbers within law enforcement around the state and what the LEA is doing to ensure officer compliance. Upon conclusion of CEO/LEA Director announcements, LECB member Julie Ball confirmed her attendance for the meeting at 9:15 a.m.

III. PUBLIC COMMENT

No Public Comment appearances were made.

IV. NEW BUSINESS

A. Updates from Rule Making Working Groups

- 1) Misconduct Rules
- 2) Certification Qualifications and Issuance Rules

Ms. Rogers Benavidez advised her and Ms. Ball will meet to go over information and compile what they are going to do that way they can have something to bring to the board my the next meeting. Vice Chair Chief Mirabal asked if that included Misconduct Rules and Certification Qualifications and Issuance Rules. Ms. Rogers Benavidez advised that was correct.

B. Ratification and Approval of Pending Certifications

- 1) Law Enforcement Officers (Exhibit A)

Interim CEO/LEA Director Chavez advised the Board to turn to LEO Exhibit A. Interim CEO/LEA Director Chavez instructed the Board that there are several lists to ratify from the respective agencies and went through the list of academies. Interim CEO/LEA Director Chavez recommended all individuals listed on page 1-4 be contemplated for ratification. Vice Chair Chief Mirabal entertained the motion to approve Law Enforcement ratification. Mr. Walsh motioned to and Ms. Rogers Benavidez seconded the motion. Ms. Ball stated for the record that affidavits have been provided. None opposed, motion carries unanimously.

- 2) Public Safety Telecommunicators (Exhibit B)

Interim CEO/LEA Director Chavez presented Agenda Exhibit B and recommended ratification of all individuals listed on page 1 for the Board's approval. Vice Chair Chief Mirabal entertained the motion to approve the Telecommunicator certification on Exhibit B. Ms. Huffman motioned to approve. Mr. Walsh seconded the motion. None opposed, motion carries unanimously. Interim CEO/LEA Director Chavez informed that Ms. Ball noted all have accompanying affidavits as requested from the last meeting.

C. CEO Position

Interim CEO/LEA Director Chavez presented item indicating that five resume packets were received from those who have expressed interest in the CEO position and asked that the members take their time to go through them. Interim CEO/LEA Director asked that we have 3-4 members sit on the interview panel. Vice Chair Chief Mirabal asked if there are any volunteers. Members engaged in discussion about creating an interview panel of three Board Members for the CEO position. Members Sheriff Mendoza, Ms. Ball and Dr. Green volunteered to be on the interview panel. The CEO position will be open for one to two more weeks to ensure potential applicants have the chance to review and apply. Interim CEO/LEA Director Chavez advised staff would reach out to the committee to organize logistics and a timeframe. Mr. Walsh made a motion and Ms. Huffman seconded. None opposed. Motion carries unanimously.

D. Non-Compliant Certification Holders and Agencies

Interim CEO/LEA Director Chavez advised that metrics are being looked at and one was the number of where we stand with compliance with law enforcement officers and their agencies. We are a compliance agency, and it is our responsibility to make sure that officers are in compliance but that it's every Chief and Sheriff's responsibility to make sure their agencies are in compliance. Our numbers show that many agencies are not and there are a lot of factors that flow into that. A lot of what he hear is, we sent out reports to the Academy and you guys lost them, the system doesn't work and part of that is true. Over the years we have not had the bandwidth, the manpower, the infrastructure to adequately support the compliance. A commitment needs to be made to make it better. I believe that most law enforcement officers in New Mexico are fulfilling their requirements to be certified, somewhere in the process things are getting lost. Whether their agencies are turning over part of their documents, whether they're getting input incorrectly, there is multitude challenges. Since December we have been allocating a lot of extra resources to this issue. The majority of all agencies now have a designated person for Acadis to get online and validate those records to make sure they are in compliance. There are eight agencies who have not designated a person and we are following up with them personally to support them and ensure they are getting up to par. We have sent members of our staff to small agencies to help them. We are doing everything we can to ensure that our agencies are in compliance. Our process is not yet where it should be and indicated confidence that at the end of the year our numbers should be where they need to be. She further indicated that New Mexico has 5503 eligible personal out of 242 agencies, in 2022 , 36.9% were in compliance, in 2023 33.9%. As far as our PST, their biennium compliance rate is 31.2%. We need clarification through the NMAC, there is often confusion, and we are working on NMAC re-write. No motions were made at this time.

E. Non-users of the Acadis Database

Interim CEO/LEA Director Chavez advised we do have a handful of agencies that have not designated an individual to ensure their officers are complaint. We are open to suggestions as far as the process for how to address that. She will also be calling the agencies to address that. Ms. Ball asked if the certification board is fully staffed. LECB Misconduct Manager Laura Escarcida informed members that we currently have four of our twelve positions filled. We have submitted a hiring packet for a Business Operations Specialist, we've interviewed for an Operations Manager and that there are scheduled interviews for the next week for an administrative assistant and an attorney. No motions were made.

F. Misconduct Database

LECB Misconduct Manager Laura Escarcida discussed the statutory requirement for the Board to deploy a database available to the public that will provide the outcomes of misconduct investigations that result in the dismissal, suspension, or revocation of a law enforcement officer or telecommunicator certification. Ms. Escarcida indicated that the Law Enforcement Certification Office has collaborated with the Department of Public Safety's Information Technology team on this project and presented the Board with a mockup showing the current status. The Board was reminded of the requirement that the database be available by July 1, 2024. Board members indicated they will review the samples provided and will send staff any suggestions and input after their review. Dr. Green asked what database platform was being used as she has a background in technology. Ms. Escarcida informed Dr. Green that she would obtain information from our IT partners and will provide the requested information. No motions made.

G. Discussion on Newsworthy Police Misconduct in New Mexico

Mr. Walsh presented this item to discuss the New Mexico Administrative Code and legislative engagement for statutory guidance as well as receiving clarity in rules for reporting deadlines. Mr. Walsh discussed the media reports related to the Albuquerque Police Department's federal and internal investigations, which appear to be ongoing at this time. Members discussed misconduct reporting timeframes established by rules. New Mexico Law Enforcement Academy Deputy Director Mr. Coss was called upon to give a historical perspective on misconduct reporting rules and procedures.

V. DISCIPLINARY MATTERS

The meeting may be closed to the public during this portion of the agenda pursuant to the New Mexico Open Meetings Act, NMSA 1978, Section 10-15-1(H)(1), (3) and/or (7). Closed session is limited to discussion of the matter(s) identified in the motion and any final action will take place after, on the record and in open session.

Vice-Chair Chief Mirabal made a motion that the Board enter Closed Session at 10:13 a.m. pursuant to the *New Mexico Open Meetings Act, NMSA 1978, Section 10-15-1(H)(1), (3) and/or (7)*. Motion to enter Closed Session seconded Ms. Rogers Benavidez. None opposed. Motion carries unanimously.

LECB Misconduct Manager Laura Escarcida conducted roll call, confirming the in-person attendance of members: Sheriff Adan Mendoza, Chief Summer Mirabal, Ms. Carly Huffman, Mr. Joseph Walsh, Ms. Julie Ball, Ms. Cody Rogers Benavidez and Dr. Bobbie Green. No board members appeared in virtual attendance. Board Members Chief Erin Toadlena-Pablo and Chief Thomas Romero (Ret.) were absent. A quorum was established.

Open Session began at 1:37 p.m. The matters discussed in closed session were limited only to those specified in the motion for closure and no votes for official action were taken.

A. Immediate Suspension

- 1) Brad Lunsford, Case #23-053 – Las Cruces Police Department
- 2) Felipe Hernandez, Case #24-003 – Las Cruces Police Department

Mr. Walsh made a motion for Brad Lunsford, Case #23-053 and Felipe Hernandez, Case #24-003 to be tabled due to lack of attendance by representation and provide an opportunity to be placed on the Board's agenda for their regular board meeting scheduled in June, 2024. Ms. Rogers Benavidez seconded the motion. None opposed. Motion carries unanimously.

B. Default Actions

- 1) James Johnson, Case #23-12 – Chavez County Sheriff's Office

Sheriff Mendoza motioned to accept the default revocation with Mr. Walsh seconding the motion. None opposed. Motion carries unanimously.

- 2) Lawrence Mares, Case #23-085 – Albuquerque Police Department

Sheriff Mendoza motioned to accept default revocation with Dr. Green seconding the motion. None opposed. Motion carries unanimously.

C. Proposed Settlements

- 1) Corey Newman, Case #23-017 – New Mexico State Police

Vice-Chair Chief Mirabal motioned to accept the settlement agreement to relinquish the Respondents certification. Ms. Huffman seconding the motion. None opposed. Motion carries unanimously.

- 2) Nathan Willis, Case #23-001 – Bernalillo County Sheriff’s Office
Ms. Rogers Benavidez motioned to accept the settlement agreement to a relinquish the Respondent’s certification. Mr. Walsh second the motion. None oppose. Motion carries unanimously.
- 3) Samuel Clouthier, Case #23-032 – New Mexico State Police
Sheriff Mendoza motioned to table the matter. Ms. Rogers Benavidez seconded the motion. None opposed. Motion carries unanimously.
- 4) Analy Sosa, Case #23-043 – Carlsbad Police Department
Ms. Ball motioned to accept the certification agreement suspending the Respondent’s law enforcement certification for thirty days. Vice-Chair Chief Mirabal seconding the motion. None oppose. Motion carries unanimously.
- 5) Samuel Sapien, Case #23-028 – Sunland Park Police Department
Ms. Rogers Benavidez motioned to accept the settlement agreement suspending the law enforcement certification for thirty-six hours. Mr. Walsh seconded the motion. None oppose. Motion carries unanimously.
- 6) Enrique Avalos, Case #23-050 – Sierra County Sheriff’s Office
Mr. Walsh motioned to accept the settlement agreement suspending Respondent’s certification for thirty days. Ms. Rogers Benavidez seconded the motion. None Oppose. Motion carries unanimously.
- 7) Ryan Bartlett, Case #23-034 – Rio Rancho Police Department
Mr. Walsh motion to reject the proposed settlement and counter the settlement terms with a two (2) day suspension. Vice-Chair Chief Mirabal seconded the motion. None oppose. Motion carries.
- 8) Rudy Bueno, Case #23-048 – Anthony Police Department
Ms. Rogers Benavidez recused herself from this case. Vice-Chair Chief Mirabal motioned to accept the proposed settlement agreement of suspension of Respondent’s certification for two weeks. Dr. Green seconding the motion. None oppose. Motion carries.
- 9) Noah Campos, Case #23-035 – Sandoval County Regional Emergency Communications Center
Mr. Walsh motioned to accept the proposed settlement agreement suspending Respondent’s certification for fifty hours. Ms. Rogers Benavidez seconding. None oppose. Motion carries.
- 10) Patrick Maturino, Case #23-044 – Tularosa Police Department
Dr. Geen motioned to accept the settlement agreement suspending Respondent’s certification for eighteen months. Ms. Rogers Benavidez seconded. None oppose. Motion carries.
- 11) Alex Chavez, Case #23-004 – Silver City Police Department
Sheriff Mendoza motioned to accept the settlement agreement suspending Respondent’s certification for a period of two years. Ms. Rogers Benavidez seconded the motion. None oppose. Motion carries.

D. Recommended Dismissals

1) Steve Odom, Case #23-065 – Otero County Sheriff's Office

Mr. Walsh moved to reject the proposed settlement and refer to the Director for further action. Sheriff Mendoza seconding the motion. None oppose. Motion carries.

2) Crawford Clark, Case #23-036 – Anthony Police Department

Ms. Rogers Benavidez motioned to dismiss the LEA-90. Mr. Walsh seconded the motion. None opposed. Motion to dismiss case carries.

3) Mark Satterfield, Case #23-039 – Moriarty Police Department

Ms. Rogers Benavidez motioned for the issuance of a Notice of Contemplated Action and case referral for administrative prosecution. Vice-Chair Chief Mirabal seconded the motion. None oppose. Motion carries.

E. Litigation Matters

1) D-101-CV-2024-00106 Brad Lunsford

2) D-101-CV-2024-00351 Justin Burke

3) D-101-CV-2022-01960 Israel Castruita

4) D-101-CV-2023-00119 Rafael Labastida

5) D-101-CV-2023-01140 Skotchdopole v. Brian Coss, et al.

6) D-101-CV-2022-02044 John Bonet

7) D-101-CV-2022-02087 Miguel Rodriguez

No motions made.

VI. CLOSING

A. Next Meeting

To be held on June 13, 2024, in Farmington, New Mexico.

Member Announcements

No member announcements.

B. Member Announcements

No member announcements.

C. Adjourn

Meeting adjourned at 1:45 p.m.