

Arballo, Jessica, DPS

From: technicontraining@myctl.net
Sent: Saturday, August 15, 2026 9:48 AM
To: Arballo, Jessica, DPS
Subject: [EXTERNAL] NMLEA Proposed Rule Changes Public Hearing Comments_Joel Ryan TTCS
Attachments: NMLEA Proposed Rule Changes Public Hearing Comments_Joel Ryan TTCS.pdf

Follow Up Flag: Follow up
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Dear Deputy Director Arballo,

I have attached my comments regarding the Proposed Rule Changes.

The original was mailed certified return receipt today to your attention as well.

If you have any questions, don't hesitate to email or contact me at 505.238.9224

Respectfully Submitted,
Joel Ryan

Joel Ryan

Executive Director, TTCS

Certified Instructor/Master Instructor-NMLEA

Nationally Certified Instructor-IADLEST

Member- IADLEST/ILEETA/NAFTO/APCO/NENA

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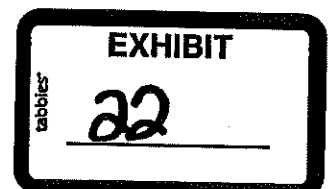


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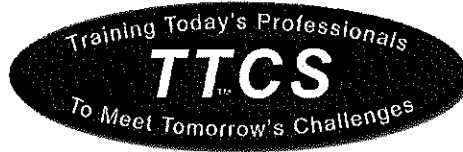
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August 14, 2026

New Mexico Law Enforcement Standards and Training Council
4491 Cerrillos Rd.
Santa Fe, NM 87504-1628

Re: Comments on Public Hearing for Proposed Permanent Rule

Dear Hearing Officer, Committee, and/or New Mexico Law Enforcement Standards and Training Council:

I am forwarding these formal comments on the Proposed Permanent Rule changes for Title 10, Chapter 28, Parts 6 and 7.

BACKGROUND- JOEL F. RYAN:

I have been in law enforcement and public safety in New Mexico for over forty years and was a certified peace officer for twenty-six continuous years until 2004. I have been a certified NMLEA Instructor and Master Instructor for over thirty-five years teaching in various disciplines throughout my career. I had also served as an Instructor/Senior Instructor for the NMLEA in Santa Fe for seven years.

As Executive Director of TTCS, I have developed various accredited training and have provided those courses to law enforcement and public safety agencies in New Mexico and surrounding states for over twenty years. On average, TTCS provides training to over five hundred (500) law enforcement officers, telecommunicators, and administrative staff every year.

COMMENTS ON PROPOSED PERMANENT RULE CHANGES:

General Comments on Proposed Rule Changes

I understand that all the requirements or processes cannot be included in Rule Changes, but will "written rules" be provided where current and future Administrations must include these requirements, processes, and additional information that are related to specific rules in writing and post them on the NMLEA Website for access by agencies and instructors.

The biggest problem with the NMLEA Administrations, past and present, has always been communication and the "unwritten" rules for requirements, processes, and additional information that were interpreted differently depending on when and who you spoke with.

Suggested Rule to Include:

- The Director and/or NMLEA, will provide in writing any specific requirements, processes, and information related to any specific rule and post it on the NMLEA Website for access by agencies and instructors.

- If there are changes to any of these specific requirements, processes, and information, the new changes or version shall be posted on the NMLEA Website prior to thirty (30) days of being changed and/or taking effect.

Suggested Rule and/or Process for New or Changed Information:

- The NMLEA should send out notification to all certified instructors on file, not just to departments, that there are changes and to review the website. Otherwise, how will instructors and others going to know when changes are being made, especially later in the document when it references changes to rules based on state or federal law and court rulings, etc.

Specific Comments on Proposed Permanent Rule Changes:

Title 10, Chapter 28, Part 6 Course Accreditation Procedures

10.28.6.9 Course Accreditation Procedures

Proposed Rule Change- Section A.

The academy shall establish procedures for the submission and accreditation of in-service, advanced law enforcement training classes, and advanced telecommunicator training classes.

Comment-

- Will these procedures be in writing and posted on the NMLEA Website for access by agencies and instructors?

Proposed Rule Change- Section B.

- Any class that creates a standardized statewide curriculum shall be approved by the Council.

Comment-

- What does “standardized statewide curriculum” mean?
- Does this include *any curriculum* or just basic academy training curriculum?
- This needs to be better defined where a course can be “used” statewide but not necessarily a “standard”.
- If it includes any curriculum, does that mean if I create a new training course it needs to be approved by the Council first and now sets a statewide standard?

Example:

Background Investigations, Leadership Supervision Management, Field or Communications Training, and other subject matter classes can all vary based on agency practices, therefore, are these courses really a “standardized statewide curriculum” or more “current best practices” as taught by the instructor, agency, and/or company providing the class?

Proposed Rule Change- Section C.

When accrediting classes, the academy has the authority to review the material for appropriate curriculum design, to ensure that the lesson plan includes citations and references to its source material, and to ensure alignment with any statewide standard curriculum established by the Council.

Comment-

- What is *review material for appropriate curriculum design etc.*?
- Will these appropriate requirements and/or instructions be in writing and posted on the NMLEA Website for access by agencies and instructors?

Proposed Rule Change- Section D.

Lesson plans in approved academy format, any testing material, instructor information, and citations of all reference material must be submitted to the academy no less than 30 days before the anticipated start of a class. This packet may be submitted by email, by registered mail with a return receipt, or by some other means that documents when the packet was sent to the academy.

Comment-

- Will the “approved academy format”, “testing material”, “instructor information”, “citation formatting” and any other requirements for curriculum be in writing and posted on the NMLEA Website for access by agencies and instructors.
- Is the NMLEA going to provide a basic format, and if so, will they also provide any requirements that must be included and directions for a format?
- If there are no basic formatting rules or requirements, it's open to be created by agencies and/or instructors that leaves it open to interpretation and possibly being denied by the NMNLEA.

Proposed Rule Change- Section J.

The academy shall make changes to any Council-approved statewide curricula when the academy is notified of changes to state or federal law that affect a particular class. The academy shall provide this updated curriculum to instructors upon request. The academy shall notify the Council of any and all changes made.

Comment-

- How will instructors know when there is updated curriculum when it's “upon request”?
- Any updates should be posted on the NMLEA Website for access by agencies and instructors.

Title 10, Chapter 28, Part 7 Instructor Credentialing

10.28.7.2 SCOPE

Proposed Rule Change-

All law enforcement agencies in the state of New Mexico, any law enforcement instructor, professional lecturer, or specialized law enforcement or telecommunicator instructor conducting training programs in New Mexico.

Comment-

- Why doesn't the SCOPE include the NMLEA and all Regional and Satellite academies?

10.28.7.8 General Instructor

Proposed Rule Change- Section D. (2)

Completion of an accredited 40-hour instructor development course, or equivalent training approved in writing by the director.

Comment-

- What may or will be accepted as "equivalent" training.
- This can leave too much discretion to different directors and will not be consistent as personnel and administration changes occur.

Proposed Rule Change- Section G

All instructor credentials will require successful completion of an accredited instructor development refresher class of eight hours or more prior to the instructor applying to renew their instructor credential. An instructor with an expired instructor credential may take an accredited instructor development refresher course to renew an instructor credential.

Comment-

- What will the time limit be? Does this mean an instructor credential can be renewed after several years of not teaching any course of training?
- There should be a time limit either stated in the rule or a statement that the Director will provide the requirement in writing and made available on the NMLEA Website for agencies and instructors.
- Can instructors whose certification(s) have expired continue to teach before they attend a refresher or during a grace period?
- A consideration for a time limit or grace period may be one or two years. How much "instructor methodologies" will change during that time period.
- After the time limit or grace period has expired, will the instructor be required to complete an accredited 40-hour instructor development course again?

Proposed Rule Change- Section G. (3)

The master instructor must be able to produce a roster and course evaluation(s) that show either teaching Instructor Development or Instructor Development Refresher, during the four-year credential period to avoid the requirement of attending the instructor development refresher class.

Comment-

- Does produce a roster and course evaluation(s) mean that the Master Instructor must submit just one roster and course evaluations or, course rosters and evaluations from every class that was taught during the four-year period.

On average, I teach four to six Instructor Development Courses and Instructor Update Refresher courses in a single year.

If the requirement is going to be for all courses, that can be a minimum of 500 pages of documents to submit to the NMLEA for recertification. If they are included as pdf documents in an email, it will be well over 200 megabytes of data. Typical email systems usually will not allow anything over 10 megabytes of attached data in a single email.

- What about Master Instructors for firearms, MARC, use of force, etc.?
- Then there's the question of who will review all these documents, and what will the criteria be for reviewing student course evaluations that is fair and objective for certification renewal or will it be subjective in nature depending on who is reviewing the evaluations and "one bad evaluation" out of a class is grounds to deny a certification renewal.

In a given class, every student receives training differently based on their learning style, subject matter being taught, and experience that can lead to varied perceptions of "what or how they feel" about the training.

Instructors, as hard as they may try, are not going to please everyone and receive the highest ratings or comments for every class taught.

10.28.7.9 Professional Lecturer

Proposed Rule Change- Section B. (1)

A professional lecturer does not need to attend an academy-accredited instructor development class or instructor development refresher class to receive or renew a Professional Lecturer credential.

Comment-

- In my, and other instructor's experience, just because someone possesses a degree, even at a level of Jurist Doctor, Psychology, Medicine, or is a Professor at a University or College does not make them a good instructor, trainer, or teacher.

For over ten years, I have had discussions with students in a classroom setting regarding their learning experiences when attending the Basic Academy Legal block, Biennium Legal Update classes, or other subject matter classes where these "professionals" have taught. The higher majority of students have had less than good experiences for learning from these individuals.

- Anyone that wants or is going to teach in the law enforcement and public safety environment should be required to complete a law enforcement instructor development training course or have completed equivalent training, then submit the required documentation for certification as a Professional Lecturer.
- If the NMLEA is going to accept training that is equivalent, what will those requirements be?

Proposed Rule Change- Section C.

A retired law enforcement officer or a retired telecommunicator may choose to apply to be a professional lecturer instead of a credentialed instructor, provided that the officer or telecommunicator meets the requirements to be a professional lecturer, and their certification is not currently suspended or revoked by the Board.

Comment-

- Does this mean that an officer or telecommunicator in good standing who has retired or not currently working for an agency can still apply for a General Instructor Certification?

10.28.7.10 Recognized College/University Educators

Proposed Rule Change- Section D.

This classification of educator shall be recognized by the academy as holding a teaching credential equivalent to that of a credentialed instructor or professional lecturer, without the requirement to apply for a teaching credential.

Comment-

- What will be the specific requirements for “teaching credential equivalent to” a credentialed instructor in order to teach in a law enforcement and public safety environment?
- Will the basic requirements be in writing and available on the NMLEA Website.
- As previously noted, just because someone possesses a degree or is a Professor at a University or College, does not make them a good instructor, trainer, or teacher in the law enforcement and public safety environment.

10.28.7.11 Specialized Law Enforcement Instructor

Proposed Rule Change- Section I.

Renewal of a firearms instructor, MARC instructor, or use of force instructor credential shall require successful completion of an accredited specialized instructor update class in that high risk specialty every four years. The content of the update shall include, at a minimum, any new rules, laws, tactics, techniques, and procedures taught in the academy, ensuring continuity between academy and post-academy training.

Comment-

- There’s a specific minimum requirement for General Instructor Update, there should be a minimum number of hours for a renewal of a firearms instructor, MARC instructor, or use of force instructor credential as well.

- If there is going to be a requirement and minimum number of hours included in the rule, will it be in writing and posted on the NMLEA website for specialized instructors and agencies.
- Will the NMLEA be providing update classes for firearms, MARC, or use of force instructors?

I know from my experience, firearms instructor update classes are very difficult to find and attend. MARC, and use of force instructor update classes have not been provided in several years

The last "unwritten rule" 16-hour Use of Force Instructor Update requirement for renewal was in 2016.

Proposed Rule Change- Section I. (2)

The master instructor must be able to produce a roster and course evaluation(s) that show either teaching the high-risk topic or the high-risk topic update during the four-year credential period to avoid the requirement of attending an update in that particular high-risk topic.

Comment-

- As previously noted in 10.28.7.8.G. (3), General Instructor, does this mean that the Master Instructor must produce just one roster and course evaluations or, course rosters and evaluations from every class that was taught during the four-year period.

10.28.7.14 Revocation of Instructor Credential

Proposed Rule Change- Section A. (1, 2, 3)

The director may revoke or suspend any instructor's credential on the grounds that the instructor:

- (1) failed to meet minimum standards;
- (2) lacked the ability to effectively communicate or instruct in the academy setting;
- or
- (3) had their police officer or telecommunicator certification suspended or revoked.

Comment-

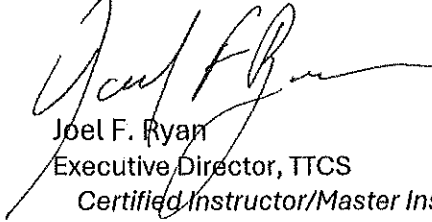
- "Any instructor's credential" should be expanded to include any active, retired, or civilian and that any satellite or regional academies must also report conduct to the NMLEA.
- Why did the current rule, 10.29.4.12 A. (2), *displayed a lack of good moral character or behavior that adversely affects his credibility as an instructor*; get omitted?

I believe this is a critical element for being an instructor when teaching.

- The original rule should be left in place with consideration for re-wording in this manner; (displayed a lack of good moral character or behavior that adversely affects the students, instructor, agency, NMLEA, and the profession.)

- The proposed rule for number (2) should be left in place with consideration for rewording it in this manner; (lacked the ability to effectively communicate or instruct in an academy or other instructional setting;)

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Joel F. Ryan", with a long horizontal flourish extending to the right.

Joel F. Ryan

Executive Director, TTCS

Certified Instructor/Master Instructor-NMLEA

Nationally Certified Instructor-IADLEST

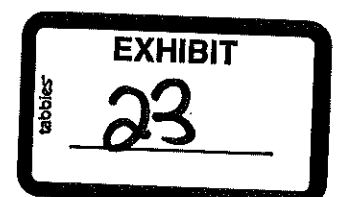
Member- IADLEST/ILEETA/NAFTO/APCO/NENA

Arballo, Jessica, DPS

From: rlfeldman1949@gmail.com
Sent: Wednesday, August 19, 2026 3:38 PM
To: Arballo, Jessica, DPS
Cc: Maestas, Antonio; 'Noriega, Joe'
Subject: [EXTERNAL] Comments submitted in response to Proposed Rules for NM Law Enforcement Standards & Training Council--Rachel Feldman
Attachments: Rachel Feldman Comments on Proposed Rule for New Mexico Standards Law Enforcement Standards & Training Council August 2026--line level comments.docx; Law Enforcement Standards & Training Council Proposed Rule Comment by Rachel Feldman August 19-2026 submitted to Jessical Arballo--Letter-Summary.docx

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Please accept the two attached documents as formal comments on the proposed rules therein referenced.



Comments on Proposed Rule for New Mexico Standards & Training Council: Chapter 28

By: Rachel Feldman

On behalf of: Indivisible SOS Santa Fe, an advocacy group of more than 150 women in Santa Fe County. Indivisible SOS Santa Fe worked to pass SB 19 in 2023 which established the Law Enforcement Standards & Training Council, requiring these rules. Indivisible SOS Santa Fe originated the statute, and Rachel Feldman authored most of the statute, working with sponsor Senator Antonio Maestas. She was appointed by the Governor to serve as the citizen member of the Council for a one-year term, which has expired.

TITLE 10 PUBLIC SAFETY AND LAW ENFORCEMENT CHAPTER 28 LAW ENFORCEMENT STANDARDS AND TRAINING PART 1 GENERAL PROVISIONS

10.28.1.2 SCOPE: All certified police officers, applicants to academies to become certified police officers, public safety telecommunicators and applicants to academies to become public safety telecommunicators, and state and local law enforcement agencies in the state of New Mexico

Commented [RF1]: Note that these rules do not apply to Tribal or Pueblo police officers, or to Tribal, Pueblo, or federal law enforcement agencies. Note that public safety telecommunicators is a distinct certification that is not inclusive of EMT or fire safety or 988 telecommunicators.

10.28.1.7 DEFINITIONS: [Reserved]

10.28.1.8 REGULATIONS, POLICIES AND PROCEDURES FOR CONDUCTING THE BUSINESS OF THE LAW ENFORCEMENT STANDARDS AND TRAINING COUNCIL:

B. Director: The director shall be under the supervision and direction of the Secretary of the Department of public safety.

Commented [RF2]: This definition of "Director" collapses the LEA Director position currently funded under DPS with the Council Director which here are treated as the same position. This was not the intent of the law, and limits the ability of the Council to have its own Director that carries out its work. The Council was given its own budget with the intent that its staff would not be the same as the LEA staff, and that it would have the capacity to develop curricula and programs detailed within its scope of work which is distinctly different from that of the LEA.

(1) The director provides administrative services to the Council. The director represents the Council in administrative matters and is subject to the direction of the Council through its official proceedings. The director is responsible for the review and certification of the minutes of the Council. The director implements the training standards and requirements developed and adopted by the Council.

Commented [RF3]: While the Secretary of Public Safety has interpreted the statute to control the Council staff, the intent of the legislature as well as the law that defines an attached agency: an agency attached to a department for administrative purposes only ("administratively attached agency") is defined under the Executive Reorganization Act (NMSA 1978, § 9-1-7). Recognizes that the staff to the attached entity, in this case, the Council, is independent of control from the agency to which it is attached. This is an incorrect interpretation of the law and legislative intent, and will be addressed by litigation if it is included in the rules. Work is underway to clarify the statute. But this language should not be incorporated into the new rules.

(2) Because the director is subject to the direction of the council, the director may not hold the position of Council chair or vice-chair.

(3) The Council may direct the director to implement, carry out, or finalize a particular policy or agreement. When the Council has so directed, the director is authorized to sign on behalf of the Council those contracts and other documents that are customarily signed by the chair of the Council. 10.28.9 NMAC 2

(4) The director supervises the operation of the academy as its chief executive officer. The director shall perform all duties delegated to the director by law and those customarily exercised by the chief executive officer of a state agency.

(5) The director ensures that regional satellite academies adhere to the training standards established by the Council.

(6) The director evaluates basic law enforcement training programs, basic telecommunicator training programs, certification by waiver programs, and in-service programs on a regular basis to ensure that they comply with standards set by the Council, in addition to state and federal law.

(7) The director shall accredit advanced training classes and ensure compliance whenever a specific curriculum for a class is established as a statewide standard by the Council.

(8) The director is responsible for maintaining training records for all officers and telecommunicators who complete basic law enforcement or telecommunicator training, as well as certification-by-waiver programs.

(9) The director is responsible for maintaining training records for officers and telecommunicators who successfully complete accredited advanced training and in-service classes.

Commented [RF4]: This language reflects the assumption that the LEA Director shall also act as the Director for the Council. This was never the intent of the legislation, and represents a conflict of interest that compromises the legislated independence of the Council. It represents the DPS Secretary's job description for the LEA Director and is no way reflective of the intent of the legislation, but rather, the convenience and interest of the LEA in using the funding for the Council to support the LEA staff. This entire section should be struck and the staff to the Council should report only to the Council, with duties assigned only by the Council. External legal review is necessary to evaluate the DPS Secretary's job description that collapses the LEA Director and the Council Director into the same position.

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TITLE 10 PUBLIC SAFETY AND LAW ENFORCEMENT CHAPTER 28 LAW ENFORCEMENT STANDARDS AND TRAINING PART 2 DEFINITIONS

10.28.2.2 SCOPE: All police officers, telecommunicators, and law enforcement agencies in the state of New Mexico

C. "Accredited" refers to training that is recognized by the director as meeting required standards set by the Law Enforcement Standards and Training Council. Accredited advanced training courses may be counted toward a law enforcement officer's or telecommunicator's in-service training requirements.

Commented [RF5]: "telecommunicator" needs to be defined as "public safety telecommunicator, to make the distinction between telecommunicators that are only certified for emergency medical, fire, or 988 telecommunications. It may be useful to incorporate the authorized to dispatch under 911.

Commented [RF6]: Same clarifications as in 10.23.2.1 comments above. Need to clarify that nothing in these rules applies to Tribal, Pueblo personnel or agencies in NM.

Commented [RF7]: We question all references to the "director's" authority as this refers to the LEA director and does not distinguish between the role of LEA and Council. Unclear what the word "recognize" means. The reference to advance training courses does not belong in this definition and should be deleted.

E. "Advanced telecommunicator training" or "advanced training" is telecommunicator training beyond the basic telecommunicator training program level and does not include mandated in-service training courses.

F. "Agency" means a law enforcement or public safety agency recognized by the New Mexico Law Enforcement Academy

H. "Credentialed Instructor" means meeting the training standards established by statute and rules as determined by the New Mexico Law Enforcement Standards and Training Council to teach law enforcement officers and telecommunicators in New Mexico. A credential is distinct from a certification or commission and may be issued to qualifying individuals regardless of current employment status or in-service training compliance. A credentialed instructor may be a state-certified law enforcement officer or public safety telecommunicator, including officers employed by a law enforcement agency, reserve police officers, or a duly elected sheriff. A credentialed instructor may also be a police administrator or other employee who works for a public agency within the criminal justice system. A currently employed, former, or retired law enforcement officer or telecommunicator may be a credentialed instructor as long as that individual's state certification is not currently suspended or revoked by the Law Enforcement Certification Board. A credentialed instructor may also be an individual who is not employed within the criminal justice system, but has recognized expertise, academic qualifications, or other documented qualifications approved by the

J. "Director" means the director of the New Mexico Law Enforcement Academy

K. "General instructor" means a credentialed general instructor who is authorized to teach generalized topics of instruction which would not otherwise require a specialized, technical, high-risk or master instructor credential.

N. "Instructor course" is any accredited advanced police or telecommunicator training intended to further the individual's knowledge, skills, and abilities, beyond a basic level, for an instructor credential in the respective field.

R. "Public safety agency" means a unit of state or local government, a special purpose district or a private business that provides police, firefighting or emergency medical services.

S. "Professional Lecturer" means someone who is credentialed to teach law enforcement or telecommunicators, but who is not an instructor as defined in

Commented [RF8]: This is not an acceptable definition. The LEA doesn't determine what an agency is. The agencies that employ the personnel covered by this section of regulations are created under the authority of the State of NM or its subsidiary governmental bodies, including counties, cities, villages, universities, and state agencies. The LEA doesn't have any authority to recognize such entities.

Commented [RF9]: This is a leap not authorized by the statute, and comment elsewhere clarifies that this is not an acceptable requirement. The statute attaches the Council to the LEA. It does not give staff control of the Council's operations to the LEA.

Commented [RF10]: You cannot define a term by use of the same term.

Commented [RF11]: Problems with the definition of "accredited" mentioned in the definition above. The normal use of the term "accredited" typically refers to an approval process by an institution or body qualified to oversee the content of a program. The "director" in question—the LEA director—is not required to have any qualifications for oversight comparable to the typical meaning of the term regarding educational programs.

Commented [RF12]: It is unclear what kind of private business this would apply to, unless it is contracted to a public agency, in which case the contracting relationship must be included in the definition.

Commented [RF13]: This is not an adequate definition of the term. The rules should reference definitions in statute. The public safety agency is intended to refer to the dispatching services of emergency management agencies or those attached to police, fire departments, or hospitals. 911 dispatch services are not, by definition included in this definition. I believe there is a definition in statute that should be the reference.

Commented [RF14]: There is not a recognized credential to teach law enforcement or telecommunicators outside this system. The point of this definition should be to include experts and instruction from people outside the credentialing of the LEA

Section 10.28.2.7 and who has subject matter expertise, academic credentials, licensing, or professional experience.

TITLE 10 PUBLIC SAFETY AND LAW ENFORCEMENT CHAPTER 28 LAW ENFORCEMENT STANDARDS AND TRAINING PART 3 FACILITIES

No comments

TITLE 10 PUBLIC SAFETY AND LAW ENFORCEMENT CHAPTER 28 LAW ENFORCEMENT STANDARDS AND TRAINING PART 4 REGIONAL SATELLITE ACADEMIES

10.28.4.2 SCOPE: All law enforcement agencies and any other entities who operate a police academy or criminal justice certificate program in New Mexico.

10.28.4.9 B. Initial accreditation will involve a detailed review to ensure that the satellite academy is equipped with the requisite facilities, staffing, infrastructure, and resources to operate a program that is comparable to the academy.

C. An accredited satellite academy will renew its accreditation every three years. A renewal will automatically be processed by the New Mexico Law Enforcement Standards and Training Council, provided the academy has delivered at least three basic training programs during the previous three calendar years. If an academy has not done so, the director will review the academy's status and performance and make a recommendation to the Council for re-accreditation. The director will publish a compliance manual for satellite academy accreditation.

D. For basic law enforcement training and certification by waiver academies, comparable training facilities for the below-listed proficiency areas must be available or contracted for by the requesting agency or instructor and approved by the director. (1) Comparable driving track facility; (2) Comparable firearms range facility; and (3) Comparable obstacle/agility course facility.

F. Once accreditation is granted, the agency or institution can conduct the program with the assurance that the program is comparable to or exceeds the minimum standards of training as established by the New Mexico Law Enforcement Standards and Training Council.

Commented [RF15]: This wording is not appropriate. The Council and LEA have no authority over training conducted by law enforcement agencies other than the regional academies. Many police agencies contract with various resources to provide training for their personnel outside the official training system overseen by either the LEA or the Council. Neither have any authority over criminal justice certificate programs that are operated through the community college or other higher education institutions, so these should not be referenced. Only if another agency other than a satellite academy wants the training it provides counted toward any of the credentials overseen by the LEA or the Council, would they be subject to any intervention by LEA or the Council. This should be re-written, and needs to include the satellites that train public safety telecommunications.

Commented [RF16]: This is not the standard. The standard is the criteria set by the Council. It isn't clear what "comparable" means.

Commented [RF17]: Insert "satellite" in front of academy. You have defined academy as the LEA, so need to be consistent in language to distinguish satellites from the LEA.

Commented [RF18]: All references to "director" should be the LEA director and not the Council Director...Compliance with the law requires them to be separate.

Commented [RF19]: Satellites should also have simulation software or equivalent capacity for the type of training that will be required by the new curriculum.

Commented [RF20]: Delete this language—comparable has no meaning or criteria. Insert "meets" in front of "or"

TITLE 10 PUBLIC SAFETY AND LAW ENFORCEMENT CHAPTER 28 LAW ENFORCEMENT STANDARDS AND TRAINING PART 5 QUALIFICATIONS FOR ADMISSION TO THE ACADEMY

B. Screening process:

C. Rejection of applicant and subsequent psychological evaluation within 12 months: (1) In the event an applicant receives a psychological rejection a subsequent or additional psychological evaluation may only be obtained.

10.28.5.11 MEDICAL SELECTION GUIDELINES: A. Authority: An applicant to the academy or a regional satellite academy must be examined by a licensed physician and be found to be free of any physical condition that might adversely affect his/her performance as a police officer or prohibit him/her from successfully completing a prescribed basic law enforcement training course. The director or satellite academy director reserves the right to determine if a candidate may pose a direct threat to his/her safety or that of others in attending and participating in all aspects of the training program at the academy.

10.28.5.10 BASIC TRAINING; PSYCHOLOGICAL EXAMINATION:

TITLE 10 PUBLIC SAFETY AND LAW ENFORCEMENT CHAPTER 28 LAW ENFORCEMENT STANDARDS AND TRAINING PART 6 COURSE ACCREDITATION PROCEDURES

10.28.6.2 SCOPE: All entities and organizations, either for-profit or public, that offer law enforcement training or educational courses. [10.28.6.2 NMAC - N, xx/xx/2026]

10.28.6.6 OBJECTIVE: The purpose of Part 6 is to establish guidelines for the submission and accreditation of law enforcement and telecommunicator classes through the Law Enforcement Academy.

10.28.6.9 COURSE ACCREDITATION PROCEDURES A. The academy shall establish procedures for the submission and accreditation of in-service, advanced law enforcement training classes, and advanced telecommunicator training classes

C. When accrediting classes, the academy has the authority to review the material for appropriate curriculum design, to ensure that the lesson plan includes citations

Commented [RF21]: There is no screening for implicit or explicit bias related to civil rights protections. Given the importance of compliance with the New Mexico Civil Rights Act and the consequences to state and local government for violations of that Act, it seems important that some objective form of screening be included in this process.

Commented [RF22]: This language does not make sense.

Commented [RF23]: This is a strange statement—it isn't clear that there needs to be a basis for this determination that a person is a danger to self or others, which could lead to a subjective decision to exclude someone based on implicit bias. Exclusion on this basis should require justification that can be appealed. It also isn't clear why this language is included under "medical selection guidelines". Suggest deleting or fleshing it out and considering whether it belongs in the psychological assessment section.

Commented [RF24]: Nowhere in this section is any reference to psychiatric diagnoses or past behavioral health interventions, current medication, or compliance with treatment for a psychiatric illness. Certain psychiatric diagnoses may present as normal in an assessment context. If this is due to compliance with medication/treatment, it should be viewed as non-disqualifying. The issue of compliance with treatment for certain conditions, however, should be subject to further evaluation. Bi-polar conditions, for example, may result in sudden change in mental status that would interfere with job performance. PTSD and some other conditions may be triggered by on-the-job events, such that the person is unable to perform at the expected levels or may interfere with the performance of others ... (1)

Commented [RF25]: This is too broadly stated. The Council has no authority over law enforcement training or educational courses offered by colleges or private institutions that are outside the Certified programs overseen by the Council. For example, leadership training and ... (2)

Commented [RF26]: This is too limited. Should be through the LEA, its satellites, by its certified instructors and faculty, when those courses are required for certification as a law enforcement officer, public safety telecommunicator ... (3)

Commented [RF27]: This regulation is assuming by the way it is written that whatever is meant by "accreditation" is a delegated authority to the academy. This assumption is not anticipated by or consistent with the statute or its legislative intent. The statute anticipates that the Academy ... (4)

Commented [RF28]: This is not an academy responsibility but a responsibility of the Council. The Council may delegate portions of the procedures to the Academy but should approve them and oversee compliance with them or explicitly delegate authority. Oversight of all curriculum ... (5)

Commented [RF29]: The specific meaning of "accrediting" isn't clearly stated and must be a delegated authority from the Council. Note that there are "accreditation" programs and standards by other organizations...e.g., CALEA for academies, and for colleges ... (6)

and references to its source material, and to ensure alignment with any statewide standard curriculum established by the Council.

D. Lesson plans in approved academy format, any testing material, instructor information, and citations of all reference material must be submitted to the academy no less than 30 days before the anticipated start of a class. This packet may be submitted by email, by registered mail with a return receipt, or by some other means that documents when the packet was sent to the academy.

E. If the academy denies the accreditation of a class, the academy shall communicate the reason in writing to the individual who submitted the class for accreditation. F. The academy has 30 days to accredit or deny accreditation.

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TITLE 10 PUBLIC SAFETY AND LAW ENFORCEMENT CHAPTER 28 LAW ENFORCEMENT STANDARDS AND TRAINING PART 7 INSTRUCTOR CREDENTIALING

10.28.7.2 SCOPE: All law enforcement agencies in the state of New Mexico, any law enforcement instructor, professional lecturer, or specialized law enforcement or telecommunicator instructor conducting training programs in New Mexico.

10.28.7.8 GENERAL INSTRUCTOR: A. A general instructor may teach all topics in a basic law enforcement training program, certification by waiver program, or standard in-service curriculum, except for emergency vehicle operations, use of force, mechanics of arrest and control, DWI/SFST, and firearms.

D. To qualify for a general instructor credential, an applicant shall complete the instructor credential application and satisfactorily demonstrate to the director a combination of education and experience in criminal justice, as well as proficiency in the instructional process, and meet the following requirements:

(2) Completion of an accredited 40-hour instructor development course, or equivalent training approved in writing by the director.

Commented [RF30]: This is problematic as it isn't clear which subject matters need to go to the academy or why, given the ambiguity of use of term accreditation. If a satellite or a law enforcement agency offers educational programs that are outside the specific requirements for certification, credentialing or in-service, then accreditation is outside the authority of the Academy and the Council. For example, one of the satellites offers leadership training for law enforcement ...to-date this has not been a requirement, but is providing extra education that is desired for career advancement or sought by students and agency leaders. At some point the Council may decide to offer leadership or executive training programs and continuing education that fits into the overall continuum of progr ... [7]

Commented [RF31]: All such references to accreditation will require a clearer definition of "accreditation" as well as clearly delegated authority from the Council under conditions specified by the Council. This entire regulation gives more authority to the Academy than is intended by legislation that assigns those responsibilities to the Co ... [8]

Commented [RF32]: This is not acceptable. Curriculum approved by the Council for certification, credentialing or other required status may incorporate modality into the requirements. Some courses must be taught on a firing range or a track, some may require simulations and live hypotheticals. Modality is NOT separate from whatever the accreditation means...it is integral to many curricula, a ... [9]

Commented [RF33]: Once again, this is too broadly stated. The Council scope does not apply to college or university training programs, those of private entities or those offered by law enforcement agencies that exceed the requirements of Council approved programs. For example, a number of law enforcement agencies have sent their staff for national training in programs such as ABLE (Active ... [10]

Commented [RF34]: Replace "all" with "most". Don't list exceptions. The curriculum is being revised and there will be a replacement for "standard in-service" curriculum, so there may be many other topics involved....delete everything after in-service curriculum. Add, some topics will require master instructors or other types of specialists. You don't want to revise rules everytime new subjects ar ... [11]

Commented [RF35]: You don't want to put all the responsibility on the "director". There may well be other ways to credential instructors that are more effective, for example, given a fully staffed LEA and an arrangement with the satellites, it may be possible to convene committees of 3 directors for example, or experts/master instructors to review the qualifications of applicants for the genera ... [12]

Commented [RF36]: Here is a more flexible way of writing this. "completion of the Council-approved instructor development course in effect at the time, or equivalent training approved in writing by the director or delegated group of directors and master instructors. It may be that the duration of the instructor course that comes out of the new basic curriculum under development is more th ... [13]

TITLE 10 PUBLIC SAFETY AND LAW ENFORCEMENT CHAPTER 28 LAW
ENFORCEMENT STANDARDS AND TRAINING PART 8 LAW
ENFORCEMENT TRAINING

10.28.8.2 SCOPE: Applies to all law enforcement-certified police officers in the state of New Mexico, all law enforcement agencies in the state of New Mexico, and all applicants for police officer certification by waiver of basic training and all law enforcement agencies in the state of New Mexico.

10.28.8.6 OBJECTIVE: The purpose of Part 8 is to establish minimum standards of training for police officer certification, establish training requirements and eligibility standards for police officers who seek certification by waiver of basic training under Section 29-7-10 NMSA 1978, and establish in-service training requirements for certified police officers and certified public safety telecommunicators.

10.28.8.8 POLICE OFFICER MINIMUM STANDARDS OF TRAINING: A. The Standards and Training Council shall approve the minimum standards of training for the academy's basic law enforcement training program and certification-by-waiver program. This curriculum shall be the standard curriculum for all regional satellite academies and certification-by-waiver programs. The LEOCE shall be based on this standard curriculum. The academy and regional satellite academies may add additional content to the standard curriculum, as long as that content is accredited. The additional content may not replace the standard curriculum unless that part of the curriculum conflicts with state or federal law and has not yet been formally updated by the academy.

10.28.8.10 POLICE OFFICER REGISTRY REPORTING:

A. Reporting Requirements: (1) Employment, termination, or conviction of any felony charge or violation of any federal or state law or local ordinance relating to aggravated assault, theft, driving while intoxicated, controlled substances, or other crime involving moral turpitude of all peace officers in the state of New Mexico must be reported to the academy within 30 days of such action.

(2) Required reporting forms shall be established by the director.

(3) All law enforcement agencies that do not comply with the requirement of submitting to the academy status reports on their employees will not be eligible for

Commented [RF37]: All the detail of curriculum has been omitted from the rule which I think is the correct approach since the curriculum should be able to be changed in real time without rule making. However, I believe it is important to require that the Academy and the satellite academies, publish their curriculum at least in an outline form on-line, and that the version being taught be updated to be accurate within 30 days of the beginning of any training program.

Commented [RF38]: Need to exempt tribal police agencies in New Mexico

Commented [RF39]: Need to include basic training for telecommunicator certification

Commented [RF40]: Again need clarification as to what accredited means --It is not up to the Academy but the responsibility of the council...language throughout the rules needs to be consistent. There is also no criteria for approving curriculum from the satellites or police agencies that is outside the curriculum. For example, if an academy wanted to offer curriculum in Dine language, there would be no capacity in either the Council or the Academy to oversee that...the satellite or agency would find an expert in the language to teach the course. Similarly a lot of specialized training in behavioral health or cultural relations or tribal relations may be provided that enhances the ability of the workforce in a region of the state, but doesn't really fall under the purview of the Council. The Council and Academy should not obstruct this type of training. It should stick to what is required for initial and continuing certification and credentialing of advanced, specialized, and technical skills.

Commented [RF41]: Replace "the academy" with "direction of the Council"

Commented [RF42]: A statement needs to be added here that the Academy will administer and maintain the Police Officer Registry in an electronic data base. Something needs to be added as to who has access to data within the registry.

Commented [RF43]: Replace "to the academy" with "to the administrator of the registry".....this will mean that if the registry moves or is administered by another unit of government, the provision holds. Making everything go to the academy or the director is untenable, too ambiguous, and inflexible. Here we are talking about a data base which has an administrative staff. It doesn't matter where the administrative staff are housed. For example, this function may be moved to a data department somewhere else in the justice system, to the Certification Board, or to a data unit in DPS—all outside the Academy.

Commented [RF44]: Imprecise—replace with "registry administrator"

Commented [RF45]: Replace with "to the registry".....what are "training funds"? This is no current law. The agencies are penalized by not receiving Law Enforcement Protection Funds...this is the legal penalty. The law does not authorize other penalties, so this section is inconsistent with law. The Registry would need to re ... (14)

training funds or attendance at basic or inservice/advanced training classes until the registry is made current. Repeated failures to maintain the registry shall result in a period of suspension of training eligibility to be set by the director.

(4) In order to protect the lives and safety of the officer involved, any law enforcement agencies employing undercover officers may indicate, in writing, a desire to protect the officer's identity. If such an indication is made, the officer's name shall not appear in the general office registry. Their name and other information requested shall, however, be furnished to the academy.

10.28.8.11 BASIC TRAINING; ENTRY LEVEL AND REQUALIFICATION FIREARMS TRAINING:

10.28.8.12 BASIC TRAINING; CONTINUATION OF CERTIFICATION AFTER SEPARATION: A. In the event a New Mexico-certified officer, who has retired from law enforcement service for more than six years, makes application to return to service, the officer shall satisfy the following requirements: (1) Must have graduated from a certified law enforcement academy that was comparable to or exceeds the standards of the programs of the academy.

10.28.8.13 IN-SERVICE TRAINING FOR LAW ENFORCEMENT OFFICERS: A. Curriculum Development

(3) The academy shall use the first nine months of the second year of the cycle to develop the curriculum for the upcoming in-service cycle. The academy may incorporate the approved topics into existing required in-service courses or create a new required course to cover them.

C. The 40 hours of training shall include, but not be limited to, current practices and updates in the following topics: (1)

D. Training content and accreditation for in-service classes

(2) The academy is responsible for creating a standard in-service curriculum for all required in-service classes to ensure that the curriculum is in line with the standard basic law enforcement training curriculum. This content shall be made available to all agencies six months before the start of the in-service training cycle.

Commented [RF46]: This should be revised to require that the Registry provide a secure section for information on officers whose identity must be protected, specifying limited access. Sending this information to the Academy does not protect it and is too vague.

Commented [RF47]: Suggest that all required "report to academy" language be replaced with "report to the Registry". Reporting to the "academy" is too general and accountability cannot be determined. The data needs to land in the Registry where it can be audited and responsibility for getting it there needs to be clear and consistent.

Commented [RF48]: This is no longer about the "academy", but about the standards set by the Council.

Commented [RF49]: This is not up to the Academy, but the Council, which has the right and should have the capacity to commission curriculum development by outside vendor, or have it developed internally by its own staff which are not the same as the "Academy". Throughout this rule, language suggests that the capacity of the Council is exhausted and limited by the staff of the Academy. This is not consistent with the law and legislative intent. Furthermore, it represents a conflict of interest, as the staff of the Academy are not responsible to the Council but to DPS. The Council has no mechanism in this rule to hold the Academy staff and director accountable to its policies if there is a difference of opinion or goals with the DPS administration. The Council is supposed to be independent of DPS and only receive administrative support. This rule ignores the language and intent of the law that establishes the Council.

Commented [RF50]: The reference to 40 hours should be omitted as the requirement is "at least 40 hours" and will likely increase with time and the modernization of the curriculum currently underway. There is no need to include the remainder of this section in detail, since the Council is charged with establishing the curriculum for each 2 year cycle. Replace the detail with something like: "the curriculum established by the Council will be consistent with any requirements of law, but will be updated with each cycle to national standards and the needs of the workforce"....this way the detail of the curriculum requirements in statute in the rule will follow whatever changes are made in law as well as by the Council. Otherwise there will need to be repeated changes to the rules.

Commented [RF51]: Again, the Academy is not the Council. Replace "creating" with "implementing the Council approved in-service curriculum. This language is redundant and can be simplified.

(3) An individual agency may create its own in-service courses that add content to the standard in-service curriculum. These courses must be accredited by the academy.

Commented [RF52]: Same problem with use of term accredited by the Academy—the Council is the approving authority—not the Academy

(4) The instructor can use any instructional modality, including but not limited to in-person training, online training, or a hybrid of in-person and online training to teach a class, as long as the teaching modality for a particular class is not specifically required by statute.

Commented [RF53]: This is wrong—modalities are not in statute but embedded in modernized curriculum. It should not be permissible for an instructor to use “any modality”. The modality is part of an approved curriculum. Separating modality from curriculum will degrade the training, as instructors will be able to substitute older methods like powerpoint slides and “canned” videos for the requirement in the modernized curriculum established to meet national standards that integrates knowledge with application. This section should be deleted.

TITLE 10 PUBLIC SAFETY AND LAW ENFORCEMENT CHAPTER 28 LAW ENFORCEMENT STANDARDS AND TRAINING PART 9 PUBLIC SAFETY TELECOMMUNICATOR TRAINING

Commented [RF54]: As suggested for law enforcement training, I suggest that the Academy and Satellite Academy be required to publish an up-to-date outline of the curriculum on-line within 30 days before any training session.

10.28.9.10 BASIC TRAINING: The public safety telecommunicator (PST) certification course is a minimum of 130 hours of training. In eight blocks of instruction. There will be 12 prerequisite distance-learning training hours that an applicant must complete prior to attending the public safety telecommunicator academy, for a minimum of 118 contact training hours during the course.

Formatted: Highlight

Commented [RF55]: Suggest deleting this after the minimum 130 of training, as the Council may change the details once the program has been assessed for modernization.

10.28.9.11 IN-SERVICE TRAINING:

Commented [RF56]: Replace this language with the “specific job requirements and career goals of the telecommunicator.

(2) Remaining training hours shall be in maintenance or advanced training areas to meet the agency’s specific needs and abilities of the telecommunicator.

Commented [RF57]: Replace “Academy” with “Council” ...same issue as with section 8....the Council may commission outside resources to develop curriculum as the Academy has historically not had the resources to perform this work as needed and may not in the future. It is the Council’s discretion how to direct the Academy, not vice versa.

(3) The academy is responsible for creating a standard in-service curriculum for all required in-service classes to ensure that the curriculum is in line with the standard basic telecommunicator training curriculum. This content shall be made available to all agencies six months before the start of the in-service training cycle.

Commented [RF58]: Same issue as in section 8 related to meaning and authority for “accreditation”, and scope of courses an agency may develop need not be subject to approval when they are not directly related to certification.

(4) An individual agency may create its own in-service courses that add content to the standard in-service curriculum. These courses must be accredited by the academy.

Commented [RF59]: Same issue as in section 8—modality is not in statute, and modality is integral to curriculum in national standards and modernized curriculum. Instructors can degrade the quality of the training by using older modalities. This should be deleted.

C. Required training may be received through the following means.

Commented [RF60]: This is copied from section 8 and isn’t closely related to the structure of telecommunicator jobs in a public safety agency. I suggest deleting and reserving this section until the Council and any advisers it engages develop specific recommendations. For example, the “Command” level in law enforcement doesn’t have equivalence in the Public Safety Telecommunicator system which is not tied to paramilitary ranks. At the same time there are different types of certification that should perhaps be incorporated into advancement in these jobs such as emergency medical, fire, and 988 qualification, dispatch ... [15]

(4) The instructor can use any instructional modality, including but not limited to in-person training, online training, or a hybrid of in-person and online training, to teach a class, as long as the modality for teaching a particular class is not specifically required in statute

A. Advanced certification criteria and guidelines:

10.28.9.15 PUBLIC SAFETY TELECOMMUNICATOR REGISTRY
REPORTING AND APPLICATIONS FOR ADMISSION/CERTIFICATION

10.28.9.17 RENEWAL OF CERTIFICATION AFTER ABSENCE:

B. In the event a certified telecommunicator in the state of New Mexico leaves their position for any reason and is not employed full-time for a period of more than two years, the telecommunicator will be required to successfully complete the certification by waiver program to renew the telecommunicator's certification.

Commented [RF61]: The same comments in Section 8 apply here. The Registry could be moved and reporting "to the Academy" is vague and impossible to audit or address accountability. All references to reporting data should be to "the Registry" or "the administrator of the Registry".

Commented [RF62]: This section should be re-visited. Full-time employment should not be required to maintain certification. Allowing for telecommunicators to be on-call or to work part-time would not compromise the quality of service and would help alleviate labor shortages and address emergency situations in which vacancies can compromise response capacity.

Nowhere in this section is any reference to psychiatric diagnoses or past behavioral health interventions, current medication, or compliance with treatment for a psychiatric illness. Certain psychiatric diagnoses may present as normal in an assessment context. If this is due to compliance with medication/treatment, it should be viewed as non-dis-qualifying. The issue of compliance with treatment for certain conditions, however should be subject to further evaluation. Bi-polar conditions, for example, may result in sudden change in mental status that would interfere with job performance. PTSD and some other conditions may be triggered by on-the-job events, such that the person is unable to perform at the expected levels or may interfere with the performance of others. It isn't evident from this rule whether or not diagnostic history/treatment is solicited in materials that are submitted, but it is important that such psychiatric history be evaluated. This isn't addressed in the medical selection criteria either. It could be addressed in either place.

Medication is also not addressed, and some medications have side-effects or with non-compliance can interfere with job performance. These should be evaluated as well.

^

This is too broadly stated. The Council has no authority over law enforcement training or educational courses offered by colleges or private institutions that are outside the Certified programs overseen by the Council. For example, leadership training and executive/administrative courses offered by diverse organizations to law enforcement professionals are not subject to the Council or state oversight. Law enforcement professionals may enroll in any courses they choose as private citizens that have criminal justice content.

^

This is too limited. Should be through the LEA, its satellites, by its certified instructors and faculty, when those courses are required for certification as a law enforcement officer, public safety telecommunicator, instructor credentialing, or for specialized or advanced certification or credentialing.

^

This regulation is assuming by the way it is written that whatever is meant by "accreditation" is a delegated authority to the academy. This assumption is not anticipated by or consistent with the statute or its legislative intent. The statute anticipates that the Academy implements the programs established by the Council, and that the authority of the Council will "accredit" or provide authority/legitimacy/credit/ status to a particular educational program/course/class. The framing of this entire section needs to be re-worked to make clear the boundary between the Academy and the Council.

^

This is not an academy responsibility but a responsibility of the Council. The Council may delegate portions of the procedures to the Academy but should approve them and oversee compliance with them or explicitly delegate authority. Oversight of all curriculum an programs by the Council cannot be delegated to the Academy....doing so conflicts with law.

^

The specific meaning of "accrediting" isn't clearly stated and must be a delegated authority from the Council. Note that there are "accreditation" programs and standards by other organizations...e.g., CALEA for academies, and for

college level courses that receive college credits. The term "accreditation" is used too loosely in these rules and needs to be tied down to who/what does the accreditation, and such authority can only be delegated by the Council, and that authority is not inclusive of college level credit or other external body status.

Page 6: [7] Commented [RF30]

Rachel Feldman

8/18/2026 1:33:00 PM

This is problematic as it isn't clear which subject matters need to go to the academy or why, given the ambiguity of use of term accreditation. If a satellite or a law enforcement agency offers educational programs that are outside the specific requirements for certification, credentialing or in-service, then accreditation is outside the authority of the Academy and the Council. For example, one of the satellites offers leadership training for law enforcement ...to-date this has not been a requirement, but is providing extra education that is desired for career advancement or sought by students and agency leaders. At some point the Council may decide to offer leadership or executive training programs and continuing education that fits into the overall continuum of programs. But agencies should not be limited in providing educational programs that are outside requirements, nor should students be limited to training inside the "system" if they choose to take college level courses or those offered by the NM Counties or Municipal Leagues, for example.

Page 6: [8] Commented [RF31]

Rachel Feldman

8/18/2026 1:36:00 PM

All such references to accreditation will require a clearer definition of "accreditation" as well as clearly delegated authority from the Council under conditions specified by the Council. This entire regulation gives more authority to the Academy than is intended by legislation that assigns those responsibilities to the Council, and so it is inconsistent with legislative intent and the authorizing statute.

Page 6: [9] Commented [RF32]

Rachel Feldman

8/18/2026 1:40:00 PM

This is not acceptable. Curriculum approved by the Council for certification, credentialing or other required status may incorporate modality into the requirements. Some courses must be taught on a firing range or a track, some may require simulations and live hypotheticals. Modality is NOT separate from whatever the accreditation means...it is integral to many curricula, and the ability to alter modality should be included in the approval of a curriculum itself where relevant.

Page 6: [10] Commented [RF33]

Rachel Feldman

8/18/2026 1:52:00 PM

Once again, this is too broadly stated. The Council scope does not apply to college or university training programs, those of private entities or those offered by law enforcement agencies that exceed the requirements of Council approved programs. For example, a number of law enforcement agencies have sent their staff for national training in programs such as ABLE (Active Bystander for Law Enforcement). Those completing that instructor program then return and train the agency staff. This is outside any authority the Council has. Other programs in forensics, through the FBI, US DOJ on Community Policing, or other national or professional organizations are also outside scope.

Page 6: [11] Commented [RF34]

Rachel Feldman

8/18/2026 4:26:00 PM

Replace "all" with "most". Don't list exceptions. The curriculum is being revised and there will be a replacement for "standard in-service" curriculum, so there may be many other topics involved....delete everything after in-service curriculum. Add, some topics will require master instructors or other types of specialists. You don't want to revise rules everytime new subjects are incorporated into the curriculum...we already know from the draft curriculum in process that this list does not fit the new stuff.

Page 6: [12] Commented [RF35]

Rachel Feldman

8/18/2026 4:29:00 PM

You don't want to put all the responsibility on the "director". There may well be other ways to credential instructors that are more effective, for example, given a fully staffed LEA and an arrangement with the satellites, it may be possible to convene committees of 3 directors for example, or experts/master instructors to review the qualifications of applicants for the general instructor credential. This is likely to be a better quality experience and screen on the people assuming instructor responsibilities because groups of directors and master instructors will see what may be needed programmatically to prepare better instructors and to support new instructors.

Page 6: [13] Commented [RF36]

Rachel Feldman

8/18/2026 4:33:00 PM

Here is a more flexible way of writing this. "completion of the Council-approved instructor development course in effect at the time, or equivalent training approved in writing by the director or delegated group of directors and master instructors. It may be that the duration of the instructor course that comes out of the new basic curriculum under development is more than 40 hours. I recommend not putting any specific hours into rules, as these will likely change with modifications to curricula and programs necessary to respond in real time to the needs of the workforce. Alternatively the phrase "at least" 40 hours could be used to establish a floor but allow for the duration appropriate to the subject matter.

Page 7: [14] Commented [RF45]

Rachel Feldman

8/18/2026 6:07:00 PM

Replace with "to the registry".....what are "training funds"? This is no current law. The agencies are penalized by not receiving Law Enforcement Protection Funds...this is the legal penalty. The law does not authorize other penalties, so this section is inconsistent with law. The Registry would need to report failure to report to DPS and it becomes DPS responsibility to deny funding. There is no legal authorization to deny any training classes to an agency until the registry is made current. There is no authority here to bind DPS from the Academy which is a subsidiary within DPS to withhold funding. This entire section needs to be aligned with the statute.

Page 9: [15] Commented [RF60]

Rachel Feldman

8/19/2026 10:29:00 AM

This is copied from section 8 and isn't closely related to the structure of telecommunicator jobs in a public safety agency. I suggest deleting and reserving this section until the Council and any advisers it engages develop specific recommendations. For example, the "Command" level in law enforcement doesn't have equivalence in the Public Safety Telecommunicator system which is not tied to paramilitary ranks. At the same time there are different types of certification that should perhaps be incorporated into advancement in these jobs such as emergency medical, fire, and 988 qualification, dispatch qualifications for Alternative Response and Mobile Crisis etc....the range of work has been expanded and is not well represented in the current out-dated curriculum and training system which needs to be evaluated and re-built.

Rachel Feldman
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703-798-1018 (cell/text)

August 19, 2026

Jessica Arballo
DPS Law Enforcement Academy
4491 Cerillos Rd.,
P.O. Box 1628, 87504-1628
jessica.arballo@dps.nm.gov

RE: proposed repeal of TITLE 10, CHAPTER 29, PARTS 2-5, 7-10 NMAC PUBLIC SAFETY AND LAW ENFORCEMENT ACADEMY, and new TITLE 10 CHAPTER 28 PART 1 GENERAL PROVISIONS; PART 2 DEFINITIONS; PART 3 FACILITIES; PART 4 REGIONAL SATELLITE ACADEMIES; PART 5 QUALIFICATIONS FOR ADMISSION TO THE ACADEMY; PART 6 COURSE ACCREDITATION PROCEDURES; PART 7 INSTRUCTOR CREDENTIALING; PART 8 LAW ENFORCEMENT TRAINING; PART 9 TELECOMMUNICATOR TRAINING.

Ms. Arballo;

Please accept this email as formal comment on the proposed repeal of Title 10, Chapter 29, Parts 2-5, 7-10 and new Title 10 Chapter 28 Parts 1-9. Accompanying this letter is a line-by-line comment on the entire proposed rule. In this letter, I provide a summary of the most important issues identified in the accompanying comments.

Summary of Comments

- The most important problem with the new proposed rule draft is that it does not comply with applicable law.
 - The governing statute establishes the Law Enforcement Standards & Training Council (Council) as an independent body attached to the Law Enforcement Academy (Academy). The meaning of Attachment is set forth in the Executive Reorganization Act (NMSA 1978, § 9-1-7). The designation of the Academy Director as the Director of the Council is in direct conflict with the statutory meaning of “attachment”. The Academy is intended by law to support the Council in its work by providing administrative assistance. The Council does not in this regulation delegate its authority to the Academy, though by its language, the Academy is functioning only nominally under the direction of the Council. This was not the legislative intent of the statute, and is not consistent with the Executive Reorganization Act language. Preservation of this position, that the LEA controls all staff and budget for the Council, and has some implicit delegation of authority to develop curriculum and act as extensively as stated in

this proposed rule will likely lead to litigation that challenges this interpretation of law going forward.

- The role set forth in this proposed rule for the Academy also establishes a conflict of interest with regard to the use of funds appropriated for the Council's work. It appears that appropriated funds for the Council can be used by the Department of Public Safety (DPS) to fund the LEA's staff, which were historically funded as a division of DPS. Nothing in law changed this. Appropriation of funds for the Council's work was not legislatively intended to replace funding the LEA under DPS. Under the statute, the Academy would implement the programs established by the Council as delegated. Having the Academy Director be the Director for the Council sets up a conflict of interest regarding the use of funds, that appears to subsidize the work of the LEA which is legislatively required to provide a different set of services from those within the Council's authority.
 - The proposed rule states that the Academy will do all the work to develop curriculum to meet standards set by the Council. But the Council as an independent body should have the authority to procure expertise outside the LEA for curriculum development which is the current situation in which the LEA is contracted with an outside vendor for a new basic police curriculum, which will need to be approved by the Council. The LEA staff have an ambiguous relationship with the vendor in the current situation because the LEA is acting as though it is the agent for the Council, though the Council Chair is overseeing part of the curriculum development process working with the vendor.
 - The Director of the LEA has a conflict of interest being accountable to the Secretary of Public Safety as well as the Council. The way the proposed rule is written, the Director is accountable to the DPS Secretary and not to the Council.
- The LEA does not now and never has had the capacity to carry out the work it is assigned under this proposed rule.
 - The LEA has not been fully staffed to do its own work, let alone the work of the Council for a number of years. It has been unable to recruit and hire staff for basic LEA jobs and has consistently had a high vacancy rate. Its staff do not have qualifications set by the Council and are not approved by the Council. The fact that the law enforcement workforce universally "hates" the current in-service training provided by the LEA indicates that the LEA could have responded to concerns and could have updated and brought in-service curriculum into alignment with national standards but has never invested its resources in doing this.
 - The LEA took decades to contract for a Job Task Analysis to determine the need for complete replacement of the basic law enforcement training curriculum. Under the direction of DPS, the LEA has not been allocated budget to contract for curriculum development, until the recent procurement was put in place, and that funding is inadequate to complete the project or to build an aligned curriculum for certification by waiver, field training officer training, or new in-service training. It has refused to fund job task analysis or equivalent assessment for public safety telecommunicator training which is similarly decades out of date. The Scope of

the LEA's work to implement the Council's work should be limited to what it can realistically accomplish. Meantime the Council needs its own budget and staff, including its own director hired to meet its criteria and accountable only to the Council. Its staff should be accountable to the Council's Director, not the LEA. The proposed rule should define the relationship between the LEA and the Council as an agent to which the Council delegates certain responsibilities within its scope and for implementation of programs that are within the LEA's scope of authority. The Council itself is not within the statutory scope of authority for the LEA.

- There is a lot of unclearly defined and problematic language through the rule. The definitions section needs to be more carefully reviewed.
 - The term "accredited" as defined "refers to training that is recognized by the director as meeting required standards set by the Law Enforcement Standards and Training Council." This is not the normal use of the term accreditation and places complete authority over all training in the hands of one person, the LEA director. That director "recognizes" that something meets the standards set by the Council. Accreditation normally refers to an institutional process of comparing educational material to standards, not one person's opinion, but a structured and systematic review which is not required by this rule. This is an inappropriate use of the term and through the impact of rule making would make one person, the LEA director the arbiter of all law enforcement training adequacy unless someone formally complains to the Council. This is just inappropriate, and unaccountable. The Council does not have veto over the Director, nor is there an appeals process of Director decisions in many cases.
 - There is a lot of confused language related to the scope of different sections. Sometimes public safety telecommunicators are included, sometimes, not. References to "all" technically include tribal officers and agencies that are not within the scope of these rules.
 - All language referencing the "director shall" must be changed to "the Council delegates the Director to..." If it something that is within the legal scope and capacity of the LEA to do, and if the Council actually agrees it should be delegated to the Director. And what happens if the Director doesn't follow through and do all things delegated in this rule? Many of these tasks have been historically under the auspices of the Director prior to the inception of the Council and they have not been done on time or at all with no consequences or remediation, resulting in a neglected training system.
 - Definitions in the rule should be consistent with definitions in law.
 - References to reporting data to the Academy or to the Director are imprecise. Required reporting to the registry, for example should go to the registry administrator or through a specific procedure. Reporting to the Academy cannot be audited.
- Accountability is a huge problem in this rule. The Director is accountable to the Secretary of Public Safety. What if the DPS Secretary doesn't agree with the Council, particularly regarding decisions about deployment of scarce budget and staff resources? What recourse does the Council have? The Council does not report to the DPS Secretary under the law. How can staff and budget belong to two separate entities with one entity

controlling everything, while the other lacks authority over its own resources to do its work.

- This rule assumes that all implementation of Council directives is carried out by the LEA by the Director. In fact, given capacity constraints as well as lack of qualifications of LEA staff, the Council realistically should have the ability to procure the resources it needs to do its work without relying on the approval of the Director. DPS as the agency to which the Council is attached should assist with procurement administratively but not with decisions about who has the qualifications to do the work it needs done.
- The rule wisely does not publish most curriculum, since the basic curriculum is in the process of being replaced. However, curriculum should be published by the Academies, at least in summary or outline form.
- It isn't clear why application process and criteria for the Academy are published in rules that apply to the Council. They belong with the rules that apply to the Academy, which should be broken out separately, same issue applies to use of facility rules which are not subject to Council authority. This is a structural problem.
- Note that references to modality giving instructors discretion to use whatever modality they want is inaccurate and inconsistent with professional adult education practice and national standards. Modality integrates the subject matter content of educational programs with best methods of instruction for adults, generally integrating information with its application in practice. This language betrays a lack of understanding of modern adult education curriculum design and best practices. Separating modality from subject matter will degrade the quality of training.

Conclusions

These rules substantively replicate the old system for the Law Enforcement Academy Board in which one director reporting to the Secretary is responsible for everything. This is the system that was replaced by the new legislation that created the Council. Under the former organization, no work on standards and training was ever done, and work was limited to the functions associated with adjudicating mis-conduct and certification. The new law created two separate organizations to do certification separately from setting standards and overseeing training. Both new organizations were designed in the statute to function independently of DPS with their own budget, staff, and authority. They are also separate from the LEA which has its own statutory authority which is not separately set forth in these rules. This design was necessary to preserve a link to DPS but avoid conflicts of interest. This proposed rule preserves all of the conflicts of interest and prevents the independent operation of the Council. It is entirely inconsistent with the intent of the legislature, and the history of problems associated with inability of DPS to support the capacity to do the work of either set of functions.

Without major re-working, this proposed rule will take the state backwards and impede modernization of standard setting and training, depriving our law enforcement and emergency dispatch workforce of the quality and real time upgrading of education that it needs to provide public safety to our communities.

Arballo, Jessica, DPS

From: Maestas, Antonio <antonio.maestas@nmlegis.gov>
Sent: Thursday, August 20, 2026 5:06 PM
To: Arballo, Jessica, DPS
Cc: Noriega, Joe; Maestas, Antonio
Subject: Rule Making Comment
Attachments: STC Letter - Maestas.pdf; Rule 1 - General Provisions.pdf

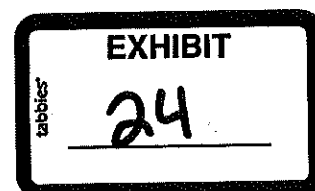
Follow Up Flag: Follow up
Flag Status: Flagged

Ms. Arballo: Please see attachments. Thank you.

NM Standards & Training Council
c/o Jessica Arballo
DPS Law Enforcement Academy
4491 Cerillos Rd.
P.O. Box 1628
Santa Fe, NM 87504-1628

RE: Rule Making Comment

Sen. Antonio "Moe" Maestas
District 26
3404 Grande Vista Pl. NW
Albuquerque, NM 87120
Tel. 505-304-7497
antonio.maestas@nmlegis.gov





New Mexico State Senate
State Capitol
Santa Fe

SENATOR
ANTONIO "MOE" MAESTAS

D-Bernalillo-26
3404 Grande Vista Pl NW
Albuquerque, NM 87120

Cell: (505) 304-7497

E-mail: antonio.maestas@nmlegis.gov

August 20, 2026

VIA EMAIL: jessica.arballo@dps.nm.gov

NM Standards & Training Council
c/o Jessica Arballo
DPS Law Enforcement Academy
4491 Cerillos Rd.
P.O. Box 1628
Santa Fe, NM 87504-1628

RE: Rule Making

Dear Standards & Training Council:

Congratulations on the rulemaking process, and thank you for your work in moving police training in this state forward. I look forward to these rules taking effect. I do, however, believe it is important to address a fundamental problem with the proposed rules as they relate to the legal structure of the New Mexico Law Enforcement Standards and Training Council.

The New Mexico Law Enforcement Standards and Training Council is not merely a volunteer board within the Law Enforcement Academy. It is an independent state agency that the Legislature has administratively attached to the Law Enforcement Academy.

In 2023, under Section 29-7-3(A) NMSA 1978, the New Mexico state legislature created the New Mexico Law Enforcement Standards and Training Council ("Council") and administratively attached it to the Law Enforcement Academy division ("Academy") of the New Mexico Department of Public Safety. The legislature created the Council to develop and promulgate training requirements, methods, development programs, and performance standards for law enforcement officers among other duties.¹

The purpose of the New Mexico Executive Reorganization Act is to "allow for more efficient management of the executive branch."² One way the legislature supports this goal of efficiency is to administratively attach an agency to a department. This attachment to a department is for "administrative purposes only" and the agency still exercises its functions "*independently* of the department and without approval or control of the department."³

STANDING COMMITTEES

VICE CHAIR:

- Judiciary

MEMBER:

- Indian, Rural & Cultural Affairs

INTERIM COMMITTEES

VICE CHAIR:

- Transportation Infrastructure & Revenue

MEMBER:

- Courts, Corrections & Justice

- Land Grant

- Economic & Rural Development & Policy

ADVISORY:

- Water & Natural Resources

DESIGNEE:

- Revenue Stabilization & Tax Policy

1. See NMSA 1978 § 29-7-3(B).

2. NMSA 1978 § 9-1-2.

3. (emphasis added) NMSA 1978 § 9-1-7(A) and 9-1-7(A)(1).

Page 2, RE: Rule Making

This means the agency maintains broad autonomy and the agency's only required involvement with the department is to (1) submit its budgetary requests through the department and (2) submit reports required by law or by the governor through the department.⁴ The department in turn is required to (1) include the agency's budget requests without changes in its departmental budget, and (2) to provide, if mutually agreed upon with the administratively attached agency, budgeting, record-keeping, and related administrative and clerical assistance to the agency.⁵

The relationship between an administratively attached agency and a department is fundamentally different from a "division" of a department. A division is "a principal unit" of the internal structure of a department and subordinate to the department and its secretary.⁶ Another key difference between the administratively attached agency and a principal unit of a department is that division directors are appointed by the secretary (with the governor's approval) while the heads of administratively attached agencies are not.⁷

By administratively attaching the Council to the Academy, the Legislature made clear that their relationship is for administrative purposes *only*. The Council was not created as a principal unit of the Academy or as a division of the Department of Public Safety. The Legislature instead intended the Council to independently exercise its statutory authority to promulgate rules and establish standards and training requirements for New Mexico law enforcement officers.

The Council's administrative attachment to the Academy does not transfer control of the Council to the Academy. Nor does the statutory requirement that the Academy provide staff support to the Council compromise or relinquish the Council's independence. Likewise, the Academy and Department of Public Safety are required to include the Council's budget requests as submitted, without changes, in the departmental budget.

The Legislature has also funded the Council for what I understand to be eleven full-time employees. It is those employees who should be performing the work that the proposed rules appear, in several instances, to assign to the Director of the Law Enforcement Academy.

For that reason, I would ask that you pay particular attention to the use of the word "Director" throughout the proposed rules. Unless a particular provision is specifically intended to refer to the Director of the Law Enforcement Academy in the Director's statutory capacity, the rule should not simply assign responsibility to "the Director." The Director of the Law Enforcement Academy is not the head of the Council and does not have statutory authority to control the Council.

The proposed rules should reflect the legal structure created by the Legislature: the Council exercises its statutory responsibilities independently, while the Academy provides the administrative and staff support required by law.

4. *NMSA 1978 § 9-1-7(A)(2) and 9-1-7(A)(3).*

5. *NMSA 1978 § 9-1-7(B)(1) and 9-1-7(B)(2).*

6. *NMSA 1978 § 9-1-4(A) and 9-1-4(A)(2).*

7. *Id.*

Page 2, RE: Rule Making

If the leadership of the Department of Public Safety wishes to challenge this statutory structure, then that disagreement should be made openly and on the record. They should explain why the Council—an independent state agency administratively attached to another agency—should be treated differently from other administratively attached agencies throughout New Mexico state government.

I do not believe such a distinction can be justified under the plain language of the statutes.

I raise this issue not to diminish the important work being done by the Academy or the Department of Public Safety, but to ensure that the rules accurately reflect the structure of government created by the Legislature. The independence of the Council is not a matter of interpretation or administrative preference. It is the structure established by statute, and the proposed rules should respect that structure.

Sincerely,

A handwritten signature in black ink, appearing to read "Antonio Maestas", with a stylized, flowing script.

Antonio "Moe" Maestas
New Mexico State Senator, District 26

Attachment:

TITLE 10 PUBLIC SAFETY AND LAW ENFORCEMENT
CHAPTER 28 LAW ENFORCEMENT STANDARDS AND TRAINING
PART 1 GENERAL PROVISIONS

10.28.1.1 ISSUING AGENCY: New Mexico Law Enforcement Standards and Training Council, 4491 Cerrillos Road, Santa Fe, New Mexico 87507.

[10.28.1.1 NMAC - N, xx/xx/2026]

10.28.1.2 SCOPE: All police officers, telecommunicators, and law enforcement agencies in the state of New Mexico.

[10.28.1.2 NMAC - N, xx/xx/2026]

10.28.1.3 STATUTORY AUTHORITY: Subsection E of Section 29-7-4 NMSA 1978, Section 29-7-2 NMSA 1978, Section 29-7-3 NMSA 1978, Section 29-7-4 NMSA 1978, Section 29-7-4.1 NMSA 1978, Section 29-7-4.2 NMSA 1978, Section 29-7-4.3 NMSA 1978, Section 29-7-4.4 NMSA 1978, Section 29-7-5 NMSA 1978, Section 29-7-5.1 NMSA 1978, Section 29-7-6 NMSA 1978, Section 29-7-6.1 NMSA 1978, Section 29-7-7 NMSA 1978, Section 29-7-7.1 NMSA 1978, Section 29-7-7.2 NMSA 1978, Section 29-7-7.3 NMSA 1978, Section 29-7-7.4 NMSA 1978, Section 29-7-7.5 NMSA 1978, Section 29-7-7.6 NMSA 1978, Section 29-7-7.7 NMSA 1978, Section 29-7-12 NMSA 1978, Section 29-7-14 NMSA 1978, Section 29-7C-4 NMSA 1978, Section 29-7C-5 NMSA 1978; Section 29-7C-7 NMSA 1978.

[10.28.1.3 NMAC - N, xx/xx/2026]

10.28.1.4 DURATION: Permanent

[10.28.1.4 NMAC - N, xx/xx/2026]

10.28.1.5 EFFECTIVE DATE: xxxxxxxx xx, 2026, unless a later date is cited at the end of a section.

[10.28.1.5 NMAC - N, xx/xx/2026]

10.28.1.6 OBJECTIVE: The objective of Part 1 is to establish procedures and policies for conducting meetings of the New Mexico Law Enforcement Standards and Training Council.

[10.28.1.6 NMAC - N, xx/xx/2026]

10.28.1.7 DEFINITIONS: [Reserved]

[10.28.1.7 NMAC - N, xx/xx/2026]

10.28.1.8 REGULATIONS, POLICIES AND PROCEDURES FOR CONDUCTING THE BUSINESS OF THE LAW ENFORCEMENT STANDARDS AND TRAINING COUNCIL:

A. Duties of Council Members:

(1) The Council shall annually elect the Council chair at the first Council meeting of each calendar year. The chair shall preside at all meetings and shall be charged with the responsibility of preserving order and decorum and enforcing these regulations. The chair shall execute all of those duties commonly performed by a presiding officer.

(2) The Council shall elect a vice-chair at the first Council meeting of each calendar year. The vice-chair shall act in the capacity of the chair in the absence or unavailability of the chair.

B. Director: The director shall be under the supervision and direction of the Secretary of the Department of public safety.

(1) The director provides administrative services to the Council. The director represents the Council in administrative matters and is subject to the direction of the Council through its official proceedings. The director is responsible for the review and certification of the minutes of the Council. The director implements the training standards and requirements developed and adopted by the Council.

(2) Because the director is subject to the direction of the council, the director may not hold the position of Council chair or vice-chair.

(3) The Council may direct the director to implement, carry out, or finalize a particular policy or agreement. When the Council has so directed, the director is authorized to sign on behalf of the Council those contracts and other documents that are customarily signed by the chair of the Council.

(4) The director supervises the operation of the academy as its chief executive officer. The director shall perform all duties delegated to the director by law and those customarily exercised by the chief executive officer of a state agency.

(5) The director ensures that regional satellite academies adhere to the training standards established by the Council.

(6) The director evaluates basic law enforcement training programs, basic telecommunicator training programs, certification by waiver programs, and in-service programs on a regular basis to ensure that they comply with standards set by the Council, in addition to state and federal law.

(7) ~~The director shall accredit advanced training classes and ensure compliance whenever a specific curriculum for a class is established as a statewide standard by the Council.~~

(8) The director is responsible for maintaining training records for all officers and telecommunicators who complete basic law enforcement or telecommunicator training, as well as certification-by-waiver programs. ~~The director is responsible for maintaining training records for officers and telecommunicators who successfully complete accredited advanced training and in-service classes.~~

C. **Meetings:** Regular meetings of the Council will be held at least four times a year at a time and place to be designated by the chair:

(1) A majority of the Council members currently serving shall constitute a quorum for the transaction of business at any regular or emergency meeting. The transaction of the Council's business shall be by the vote of the majority of its members present at the meeting. All members of the council, including the chair and those serving ex officio, have the same duties and responsibilities as any other member.

(2) If a number of Council members less than a quorum shall assemble for any meeting, they may postpone or adjourn the meeting until such time as a quorum can be obtained and notice again given in accordance with the rules herein set forth.

(3) ~~If, prior to the commencement of a regular or emergency meeting, the director has received notice that the majority of the members of the Council will not be able to attend the meeting, the director may cancel the meeting and is instructed to attempt to give notice of cancellation of the meeting to all Council members.~~

(4) All meetings of the Council shall be open to the public, except that the Council may exclude the public for the portion of the meeting as authorized by the New Mexico Open Meetings Act.

(5) The Council may request that persons having business before the Council, in addition to providing written information for the Council to review, appear personally before the Council to discuss their item of business.

(6) All meetings of the Council that are open to the public shall allow for a portion of the meeting time to be designated for public comment. The Council shall receive comments from those attending in person or virtually. Members may ask questions for clarification but may not engage in substantive discussion or take formal action unless noticed in the meeting agenda. Comments will be taken under advisement and may be placed on the agenda of a future public meeting for discussion or action at the discretion of the Council.

(7) The order of business of the Council at regular meetings shall be as follows:

- (a) Roll call;
- (b) Approval of agenda;
- (c) Approval of minutes;
- (d) Old business;
- (e) New business;
- (f) Designation of place of next meeting; and
- (g) Adjournment.

(8) The chair shall prepare an agenda for each meeting.

(9) The agenda for an emergency meeting shall specify the items of business to be considered by the Council at that meeting. No business other than that specifically stated on the agenda for that emergency meeting shall be considered. The subject matter to be considered at any emergency meeting shall be included in that notice given by the director to the members of the Council as required in these regulations and the New Mexico Open Meetings Act.

(10) All meetings shall be called to order and the business of the meeting conducted by the chair of the Council, or in his absence, the vice-chair. Should both officers of the Council be absent from the meeting, if a quorum is present, the Council shall designate one of its members to assume the responsibilities of the chair for that meeting.

(11) In the event a question as to the proper method of procedure arises in any meeting, the chair is vested with authority to resolve such questions, and the decisions shall be final.

(12) The chair shall send to all Council members prior to the regular meeting date a copy of the agenda for the regularly scheduled meeting and any documents or other items of information that may assist the Council members in preparing for the upcoming meeting.

(13) The minutes of each Council meeting shall comply with the requirements of the Open Meetings Act. The director or the staff is directed to compile the minutes of the meeting from stenographic notes of the meeting, a tape recording, a video recording, or any combination thereof. The approved minutes of a meeting shall constitute the official record of business transacted at the meeting. The approved minutes of the Council meeting shall be preserved physically or electronically and shall be available for public inspection during normal working hours.

D. Request for Consideration as a Meeting Agenda Item:

(1) All persons, other than members of the Council, desiring to place before the Council any item for discussion or time of business for the Council's consideration may do so by submitting a request in writing to the chair as early as possible, and no later than 10 days in advance of the regular meeting, a written request containing:

- (a) A request that the item of business be placed on the agenda of the next regularly scheduled meeting;
- (b) A description of the subject matter of the item of business, any supporting documentation, and any presentation material;
- (c) The action that the requester desires the Council to take on the item of business; and
- (d) The reason why the petitioner feels the action proposed by the petitioner is appropriate.

(2) The chair has the discretion to place any requested item on the agenda. The decision as to whether or not to place a requested item on the agenda, the method of presentation allowed, and the amount of time allowed to present on the item may be decided by the chair, and that decision is final.

E. Regulations: The Council may alter and amend these regulations from time to time as it deems necessary. Changes to the regulations shall comply with requirements under the State Rules Act, Chapter 14, Article 4, NMSA 1978.

F. Rule Clarification

(1) The Council is empowered to develop and promulgate statewide training requirements, curricula, methods, and professional development programs for law enforcement officers and public safety telecommunicators; and to adopt, publish, and file all rules necessary for the implementation and enforcement of such training, pursuant to Subsection B of Section 29-7-3 NMSA 1978 and Subsection E of Section 29-7-4 NMSA 1978.

(2) The Standards and Training Council shall be responsible for reviewing and clarifying the New Mexico Administrative Code (NMAC) and state statutes related to law enforcement and telecommunicator training in Chapter 29 NMSA.

(3) When the director, the academy, or any other stakeholder requires clarification regarding NMAC or state statute related to law enforcement and telecommunicator training, the inquiry shall be referred to the chair of the Standards and Training Council.

(4) The chair may render a preliminary clarification, convene the NMAC Working Group to handle the preliminary clarification, or consult with the New Mexico Department of Justice attorney assigned to support the Standards and Training Council, as needed, to assist with the preliminary clarification.

(5) The preliminary clarification issued by the chair or NMAC Working Group shall serve as the controlling standard until such time as the Council convenes to discuss the issue.

(6) All preliminary clarifications of NMAC shall be reported to the Council at the next regularly scheduled Council meeting for a final decision. The Council may ratify, overrule, revise the clarification, or direct the NMAC Working Group to make recommendations for revisions to NMAC.

G. Miscellaneous:

(1) In computing any period of time prescribed or allowed by these regulations, the day of the act or event from which the designated period of time begins to run shall not be included. The last day of the period so computed shall be included unless it is a Saturday or Sunday or legal holiday, in which even the period runs until the end of the next day which is not a Saturday, Sunday, or legal holiday. For purposes of this rule, a legal

holiday shall include any day in which state offices are closed for any consecutive period of three hours or more between 8:00 a.m. and 5:00 p.m.

(2) The academy will maintain a database of all certified law enforcement officers and public safety telecommunicators that will reflect a valid mailing address for each individual. It will be incumbent on each certified individual to provide the academy a current and valid mailing address for the purpose of Council communications, notices of hearing, notices of action, and other official means of notification listed within the scope of this rule. Each certified law enforcement officer and public safety telecommunicator will provide notice of change of address in writing by use of the LEA 82A form within 30 days of any change of address. If an address change is due to termination, resignation, or retirement of a certified individual from a New Mexico public safety agency, the agency may provide a valid mailing address for the individual on the LEA-82 form. Reporting and notification to the academy of valid mailing address information is a requirement of certification maintenance and is the sole responsibility of the certified individual.

H. Open Meetings Act Requirements:

(1) Pursuant to subsection D of Section 10-15-1 of the Open Meeting Act, the Council will determine annually what constitutes reasonable notice of its public meetings, which shall be done in the form of a resolution adopted annually pursuant to the Open Meetings Act and these rules.

(2) Notice:

(a) Regular meetings of the Council shall ordinarily be held at least quarterly at a time and place designated in the notice. The agenda will be available from the director whose office is located at 4491 Cerrillos Road, Santa Fe, New Mexico. Notice of regular meetings will be given 10 days in advance of the meeting date.

(b) Special meetings of the Council may be called by the chair with notice of at least 72 hours.

(c) Emergency meetings of the Council are meetings called under circumstances that demand immediate action by the Council. Although the Council would avoid emergency meetings whenever possible, such circumstances may occasionally arise. Emergency meetings of the Council may be called by the chair upon notice of at least 24 hours, unless shorter notice is necessary as authorized by the Open Meetings Act.

(3) Closed Meetings: The Council may close a meeting to the public if the subject matter of such discussion or action is subject to a listed exemption of the Open Meeting Act. If any Council meeting is closed, such closure shall comply with the specific requirements described in the Open Meetings Act.

[10.28.1.8 NMAC - N, xx/xx/2026]

History of 10.28.1 NMAC: [RESERVED]

Arballo, Jessica, DPS

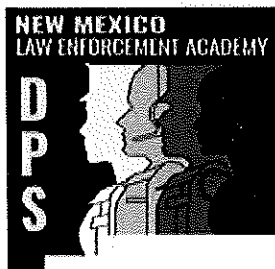
From: Arballo, Jessica, DPS
Sent: Monday, August 24, 2026 1:07 PM
To: rlfeldman1949@gmail.com
Cc: Dean, Marshall, DPS; MATHEWS, RICHARD
Subject: RE: [EXTERNAL] Law Enforcement Standards & Training Council Proposed Rules repealing and replacing TITLE 10, CHAPTER 29, PARTS 2-5, 7-10 NMAC--Feldman Comments August 24-2026
Attachments: Law Enforcement Standards Training Council Proposed Rule Comment by Rachel Feldman August 24-2026 submitted to Jessical Arballo--Letter-Summary.docx

2nd comment to response

Greetings,

Received,

Thank you

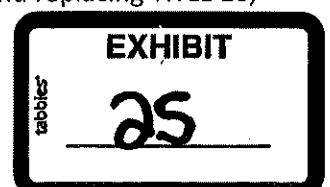


Jessica Arballo

Deputy Director of Operations
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From: rlfeldman1949@gmail.com <rlfeldman1949@gmail.com>
Sent: Monday, August 24, 2026 11:10 AM
To: Arballo, Jessica, DPS <Jessica.Arballo@dps.nm.gov>
Subject: [EXTERNAL] Law Enforcement Standards & Training Council Proposed Rules repealing and replacing TITLE 10, CHAPTER 29, PARTS 2-5, 7-10 NMAC--Feldman Comments August 24-2026



CAUTION: This email originated outside of our organization. Exercise caution prior to clicking on links or opening attachments.

Please accept this 2nd comment letter in response to the proposed rules reference above and therein.

Rachel Feldman
703-798-1018

Arballo, Jessica, DPS

From: rlfeldman1949@gmail.com
Sent: Monday, August 24, 2026 11:10 AM
To: Arballo, Jessica, DPS
Subject: [EXTERNAL] Law Enforcement Standards & Training Council Proposed Rules repealing and replacing TITLE 10, CHAPTER 29, PARTS 2-5, 7-10 NMAC--Feldman Comments August 24-2026
Attachments: Law Enforcement Standards Training Council Proposed Rule Comment by Rachel Feldman August 24-2026 submitted to Jessical Arballo--Letter-Summary.docx

CAUTION: This email originated outside of our organization. Exercise caution prior to clicking on links or opening attachments.

Please accept this 2nd comment letter in response to the proposed rules reference above and therein.

Rachel Feldman
703-798-1018

Rachel Feldman
1 Via Bella
Santa Fe, NM 87507
Rlfeldman1949@gmail.com
703-798-1018 (cell/text)

August 24, 2026

Jessica Arballo
DPS Law Enforcement Academy
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RE: proposed repeal of TITLE 10, CHAPTER 29, PARTS 2-5, 7-10 NMAC PUBLIC SAFETY AND LAW ENFORCEMENT ACADEMY, and new TITLE 10 CHAPTER 28 PART 1 GENERAL PROVISIONS; PART 2 DEFINITIONS; PART 3 FACILITIES; PART 4 REGIONAL SATELLITE ACADEMIES; PART 5 QUALIFICATIONS FOR ADMISSION TO THE ACADEMY; PART 6 COURSE ACCREDITATION PROCEDURES; PART 7 INSTRUCTOR CREDENTIALING; PART 8 LAW ENFORCEMENT TRAINING; PART 9 TELECOMMUNICATOR TRAINING.

Members of the NM Law Enforcement Standards & Training Council:

Please accept this email as formal comment on the proposed repeal of Title 10, Chapter 29, Parts 2-5, 7-10 and new Title 10 Chapter 28 Parts 1-9. I am providing this second comment letter to Clarify what I believe should be included in rule making to implement the intent of the legislature that the Council function as an independent body separate and distinct from the Department of Public Safety (DPS). I believe that the interpretation of the Secretary of DPS that the Council is effectively a policy and advisory function to the Law Enforcement Academy (LEA) and that DPS maintains control over all budget and staff, is incorrect, inconsistent with law, and could be challenged successfully based on the plain language of the statute and Executive Reorganization Act. The issues of who is responsible for what can be confusing and I understand that the Council has relied upon direction from DPS in constructing the proposed rules. The Council is not bound by direction from DPS, and I urge the Council to develop rules that support its statutory functions as an independent body.

Given the alternative plain language of the statute setting the Council up as an independent body, with DPS and LEA providing administrative support consistent with the Executive Reorganization Act, the proposed rules should address the following:

- The Council should draft a position description for its own Director. This is not subject to approval of DPS except in-so-far as it conforms to state Personnel procedures and requirements. The Council Director is hired by and reports to the Council. DPS should assist in posting the position consistent with state hiring protocols.

- The Council should develop its own budget with technical assistance from DPS, and should do so on a calendar provided by DPS so that its budget can be included with the DPS budget and introduced through the legislative and governor's budget processes.
- The Council should develop a plan to staff its work, including administrative staff. Staff report to the Council Director, and do not overlap with or include the LEA staff who report the Academy Director and the Secretary of DPS.
- The Council should define which administrative functions it needs to internalize through its own staff and budget, and which services it wishes to continue to receive from the department to which it is attached. Where those services exceed those in the Executive Reorganization Act, they need to be negotiated with DPS/LEA explicitly.
- Given historic difficulty in DPS/LEA hiring, the Council should establish a budget to retain/procure consultants and vendors that can assist with its work under contract, to ensure that the needed curriculum and programs can be developed in a timely manner.
- The Council should include in its budget the cost of office space, computers, technology, and other amenities necessary to maintain its operational functions. It need not be located within the LEA or DPS facilities, but DPS should in its administrative capacity assist in locating and setting up the Council's offices.
- The Council should become the "accrediting" body for all programs, training/continuing education that it requires to obtain and maintain certification for law enforcement officers and public safety telecommunicators. These accreditation procedures should be established by the Council office, and not be determined by any one individual.
- The Council may delegate certain responsibilities to the Academy to implement its policies and programs, but those responsibilities should be directly related to the Academy's conduct of its programs. (Note, the Academy has not had a full complement of staff to conduct its basic work for quite a few years).
- The Council has the responsibility to monitor the implementation of its policies and programs, and should work closely with the LEA as well as the satellite academies, all of whom are represented in its membership.
- The Council should negotiate with the Department of Higher Education to determine which of its programs may qualify for college level credit.
- All responsibilities of the LEA should be in a distinct section of the Rules, and not combined or confused with the responsibilities of the Council and its staff. For example, admission criteria may be established by both the Council with additional criteria established by the LEA and/or the satellite academies. Rules should explicitly explain the steps in the application and decision process and which authorities make decisions. The Council's role here is essentially policy, while the Academy's role is implementation and handling of the applications. However, decision making, should be through a procedure, not entirely vested in one individual (e.g., the Academy Director).
- The Council should develop its own committee/work group structure. That structure need not be specified by topic/scope into the rules, but the Rules should indicate that the Council's work will be carried out through its committees/work groups that report to the full Council.
- Committees and work groups should be authorized by the Council where relevant, to appoint experts and advisers that are not Council members to contribute to their work. They may be assigned by the Council to oversee or work with consultants or vendors retained by the Council for various projects.

- Committees and work groups should be staffed by Council staff, and minutes and other records kept documenting their deliberations.
- The Council should have its own website, separate from DPS/LEA, providing public access to its documents.
- The Council should determine what level of detail about curricula and programs should be published on its websites, and/or the websites of the LEA and Satellite Academies.
- The Council should not be responsible for policy related to Academy facilities. Those are within the scope of DPS.
- The Council may, however, establish policy regarding conduct and constraints on cadets/students, to establish consistent treatment of and respect for adults assuming the responsibility of law enforcement officers and public safety telecommunicators. Academy rules, the violation of which results in dismissal from the Academy or its Satellites, should be reviewed and approved by the Council.
- The Council will be establishing and overseeing a higher educational capacity to support the professions of law enforcement officers and public safety telecommunicators, and will follow national standards and best practices in establishing credentialing and career paths for New Mexico Law Enforcement and public safety emergency dispatch. It may establish programs that provide career counseling, mentoring, and coaching. It may refine its career paths through rank, specialization, management, and liaison functions of law enforcement and first response.
- Through its membership and as needed, the Council may request input and advice from any state or local law enforcement and emergency management agency, leader, or specialist. However, the Council has the exclusive authority to establish required programs to establish minimum credentials for the law enforcement officer and public safety telecommunicator workforce, including Academy instructors and faculty (lecturers).
- The Council will conduct its work to be consistent with decisions made by the NM Law Enforcement Certification Board regarding changes to minimum standards, standards of conduct, and related protocols as set forth in the rules for that body.

Arballo, Jessica, DPS

From: rlfeldman1949@gmail.com
Sent: Monday, August 24, 2026 11:23 AM
To: Arballo, Jessica, DPS
Subject: [EXTERNAL] Law Enforcement Standards & Training Council Proposed Rules Comment Letters in pdf form from Rachel Feldman Repeal & Replacement of Title 10---NMAC
Attachments: Law Enforcement Standards Training Council Proposed Rule Comment by Rachel Feldman August 19-2026 submitted to Jessical Arballo--Letter-Summary (002).pdf; Law Enforcement Standards Training Council Proposed Rule Comment by Rachel Feldman August 24-2026 submitted to Jessical Arballo--Letter-Summary.pdf; Rachel Feldman Comments on Proposed Rule for New Mexico Standards Law Enforcement Standards & Training Council August 2026.pdf

CAUTION: This email originated outside of our organization. Exercise caution prior to clicking on links or opening attachments.

Rachel Feldman
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703-798-1018 (cell/text)

August 19, 2026

Jessica Arballo
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RE: proposed repeal of TITLE 10, CHAPTER 29, PARTS 2-5, 7-10 NMAC PUBLIC SAFETY AND LAW ENFORCEMENT ACADEMY, and new TITLE 10 CHAPTER 28 PART 1 GENERAL PROVISIONS; PART 2 DEFINITIONS; PART 3 FACILITIES; PART 4 REGIONAL SATELLITE ACADEMIES; PART 5 QUALIFICATIONS FOR ADMISSION TO THE ACADEMY; PART 6 COURSE ACCREDITATION PROCEDURES; PART 7 INSTRUCTOR CREDENTIALING; PART 8 LAW ENFORCEMENT TRAINING; PART 9 TELECOMMUNICATOR TRAINING.

Ms. Arballo;

Please accept this email as formal comment on the proposed repeal of Title 10, Chapter 29, Parts 2-5, 7-10 and new Title 10 Chapter 28 Parts 1-9. Accompanying this letter is a line-by-line comment on the entire proposed rule. In this letter, I provide a summary of the most important issues identified in the accompanying comments.

Summary of Comments

- The most important problem with the new proposed rule draft is that it does not comply with applicable law.
 - The governing statute establishes the Law Enforcement Standards & Training Council (Council) as an independent body attached to the Law Enforcement Academy (Academy). The meaning of Attachment is set forth in the Executive Reorganization Act (NMSA 1978, § 9-1-7). The designation of the Academy Director as the Director of the Council is in direct conflict with the statutory meaning of “attachment”. The Academy is intended by law to support the Council in its work by providing administrative assistance. The Council does not in this regulation delegate its authority to the Academy, though by its language, the Academy is functioning only nominally under the direction of the Council. This was not the legislative intent of the statute, and is not consistent with the Executive Reorganization Act language. Preservation of this position, that the LEA controls all staff and budget for the Council, and has some implicit delegation of authority to develop curriculum and act as extensively as stated in

... this proposed rule will likely lead to litigation that challenges this interpretation of law going forward.

- The role set forth in this proposed rule for the Academy also establishes a conflict of interest with regard to the use of funds appropriated for the Council's work. It appears that appropriated funds for the Council can be used by the Department of Public Safety (DPS) to fund the LEA's staff, which were historically funded as a division of DPS. Nothing in law changed this. Appropriation of funds for the Council's work was not legislatively intended to replace funding the LEA under DPS. Under the statute, the Academy would implement the programs established by the Council as delegated. Having the Academy Director be the Director for the Council sets up a conflict of interest regarding the use of funds, that appears to subsidize the work of the LEA which is legislatively required to provide a different set of services from those within the Council's authority.
 - The proposed rule states that the Academy will do all the work to develop curriculum to meet standards set by the Council. But the Council as an independent body should have the authority to procure expertise outside the LEA for curriculum development which is the current situation in which the LEA is contracted with an outside vendor for a new basic police curriculum, which will need to be approved by the Council. The LEA staff have an ambiguous relationship with the vendor in the current situation because the LEA is acting as though it is the agent for the Council, though the Council Chair is overseeing part of the curriculum development process working with the vendor.
 - The Director of the LEA has a conflict of interest being accountable to the Secretary of Public Safety as well as the Council. The way the proposed rule is written, the Director is accountable to the DPS Secretary and not to the Council.
- The LEA does not now and never has had the capacity to carry out the work it is assigned under this proposed rule.
 - The LEA has not been fully staffed to do its own work, let alone the work of the Council for a number of years. It has been unable to recruit and hire staff for basic LEA jobs and has consistently had a high vacancy rate. Its staff do not have qualifications set by the Council and are not approved by the Council. The fact that the law enforcement workforce universally "hates" the current in-service training provided by the LEA indicates that the LEA could have responded to concerns and could have updated and brought in-service curriculum into alignment with national standards but has never invested its resources in doing this.
 - The LEA took decades to contract for a Job Task Analysis to determine the need for complete replacement of the basic law enforcement training curriculum. Under the direction of DPS, the LEA has not been allocated budget to contract for curriculum development, until the recent procurement was put in place, and that funding is inadequate to complete the project or to build an aligned curriculum for certification by waiver, field training officer training, or new in-service training. It has refused to fund job task analysis or equivalent assessment for public safety telecommunicator training which is similarly decades out of date. The Scope of

the LEA's work to implement the Council's work should be limited to what it can realistically accomplish. Meantime the Council needs its own budget and staff, including its own director hired to meet its criteria and accountable only to the Council. Its staff should be accountable to the Council's Director, not the LEA. The proposed rule should define the relationship between the LEA and the Council as an agent to which the Council delegates certain responsibilities within its scope and for implementation of programs that are within the LEA's scope of authority. The Council itself is not within the statutory scope of authority for the LEA.

- There is a lot of unclearly defined and problematic language through the rule. The definitions section needs to be more carefully reviewed.
 - The term "accredited" as defined "refers to training that is recognized by the director as meeting required standards set by the Law Enforcement Standards and Training Council." This is not the normal use of the term accreditation and places complete authority over all training in the hands of one person, the LEA director. That director "recognizes" that something meets the standards set by the Council. Accreditation normally refers to an institutional process of comparing educational material to standards, not one person's opinion, but a structured and systematic review which is not required by this rule. This is an inappropriate use of the term and through the impact of rule making would make one person, the LEA director the arbiter of all law enforcement training adequacy unless someone formally complains to the Council. This is just inappropriate, and unaccountable. The Council does not have veto over the Director, nor is there an appeals process of Director decisions in many cases.
 - There is a lot of confused language related to the scope of different sections. Sometimes public safety telecommunicators are included, sometimes not. References to "all" technically include tribal officers and agencies that are not within the scope of these rules.
 - All language referencing the "director shall" must be changed to "the Council delegates the Director to...." If it something that is within the legal scope and capacity of the LEA to do, and if the Council actually agrees it should be delegated to the Director. And what happens if the Director doesn't follow through and do all things delegated in this rule? Many of these tasks have been historically under the auspices of the Director prior to the inception of the Council and they have not been done on time or at all with no consequences or remediation, resulting in a neglected training system.
 - Definitions in the rule should be consistent with definitions in law.
 - References to reporting data to the Academy or to the Director are imprecise. Required reporting to the registry, for example should go to the registry administrator or through a specific procedure. Reporting to the Academy cannot be audited.
- Accountability is a huge problem in this rule. The Director is accountable to the Secretary of Public Safety. What if the DPS Secretary doesn't agree with the Council, particularly regarding decisions about deployment of scarce budget and staff resources? What recourse does the Council have? The Council does not report to the DPS Secretary under the law. How can staff and budget belong to two separate entities with one entity

controlling everything, while the other lacks authority over its own resources to do its work.

- This rule assumes that all implementation of Council directives is carried out by the LEA by the Director. In fact, given capacity constraints as well as lack of qualifications of LEA staff, the Council realistically should have the ability to procure the resources it needs to do its work without relying on the approval of the Director. DPS as the agency to which the Council is attached should assist with procurement administratively but not with decisions about who has the qualifications to do the work it needs done.
- The rule wisely does not publish most curriculum, since the basic curriculum is in the process of being replaced. However, curriculum should be published by the Academies, at least in summary or outline form.
- It isn't clear why application process and criteria for the Academy are published in rules that apply to the Council. They belong with the rules that apply to the Academy, which should be broken out separately, same issue applies to use of facility rules which are not subject to Council authority. This is a structural problem.
- Note that references to modality giving instructors discretion to use whatever modality they want is inaccurate and inconsistent with professional adult education practice and national standards. Modality integrates the subject matter content of educational programs with best methods of instruction for adults, generally integrating information with its application in practice. This language betrays a lack of understanding of modern adult education curriculum design and best practices. Separating modality from subject matter will degrade the quality of training.

Conclusions

These rules substantively replicate the old system for the Law Enforcement Academy Board in which one director reporting to the Secretary is responsible for everything. This is the system that was replaced by the new legislation that created the Council. Under the former organization, no work on standards and training was ever done, and work was limited to the functions associated with adjudicating mis-conduct and certification. The new law created two separate organizations to do certification separately from setting standards and overseeing training. Both new organizations were designed in the statute to function independently of DPS with their own budget, staff, and authority. They are also separate from the LEA which has its own statutory authority which is not separately set forth in these rules. This design was necessary to preserve a link to DPS but avoid conflicts of interest. This proposed rule preserves all of the conflicts of interest and prevents the independent operation of the Council. It is entirely inconsistent with the intent of the legislature, and the history of problems associated with inability of DPS to support the capacity to do the work of either set of functions.

Without major re-working, this proposed rule will take the state backwards and impede modernization of standard setting and training, depriving our law enforcement and emergency dispatch workforce of the quality and real time upgrading of education that it needs to provide public safety to our communities.

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August 24, 2026

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- Through its membership and as needed, the Council may request input and advice from any state or local law enforcement and emergency management agency, leader, or specialist. However, the Council has the exclusive authority to establish required programs to establish minimum credentials for the law enforcement officer and public safety telecommunicator workforce, including Academy instructors and faculty (lecturers).
- The Council will conduct its work to be consistent with decisions made by the NM Law Enforcement Certification Board regarding changes to minimum standards, standards of conduct, and related protocols as set forth in the rules for that body.

Comments on Proposed Rule for New Mexico Standards & Training Council: Chapter 28

By: Rachel Feldman

On behalf of: Indivisible SOS Santa Fe, an advocacy group of more than 150 women in Santa Fe County. Indivisible SOS Santa Fe worked to pass SB 19 in 2023 which established the Law Enforcement Standards & Training Council, requiring these rules. Indivisible SOS Santa Fe originated the statute, and Rachel Feldman authored most of the statute, working with sponsor Senator Antonio Maestas. She was appointed by the Governor to serve as the citizen member of the Council for a one-year term.

TITLE 10 PUBLIC SAFETY AND LAW ENFORCEMENT CHAPTER 28 LAW ENFORCEMENT STANDARDS AND TRAINING PART 1 GENERAL PROVISIONS

10.28.1.2 SCOPE: All certified police officers, applicants to academies to become certified police officers, public safety telecommunicators and applicants to academies to become public safety telecommunicators, and state and local law enforcement agencies in the state of New Mexico

Commented [RF1]: Note that these rules do not apply to Tribal or Pueblo police officers, or to Tribal, Pueblo, or federal law enforcement agencies. Note that public safety telecommunicators is a distinct certification that is not inclusive of EMT or fire safety or 988 telecommunicators.

10.28.1.7 DEFINITIONS: [Reserved]

10.28.1.8 REGULATIONS, POLICIES AND PROCEDURES FOR CONDUCTING THE BUSINESS OF THE LAW ENFORCEMENT STANDARDS AND TRAINING COUNCIL:

B. Director: The director shall be under the supervision and direction of the Secretary of the Department of public safety.

Commented [RF2]: This definition of "Director" collapses the LEA Director position currently funded under DPS with the Council Director which here are treated as the same position. This was not the intent of the law, and limits the ability of the Council to have its own Director that carries out its work. The Council was given its own budget with the intent that its staff would not be the same as the LEA staff, and that it would have the capacity to develop curricula and programs detailed within its scope of work which is distinctly different from that of the LEA.

(1) The director provides administrative services to the Council. The director represents the Council in administrative matters and is subject to the direction of the Council through its official proceedings. The director is responsible for the review and certification of the minutes of the Council. The director implements the training standards and requirements developed and adopted by the Council.

Commented [RF3]: While the Secretary of Public Safety has interpreted the statute to control the Council staff, the intent of the legislature as well as the law that defines an attached agency: an agency attached to a department for administrative purposes only ("administratively attached agency") is defined under the Executive Reorganization Act (NMSA 1978, § 9-1-7). Recognizes that the staff to the attached entity, in this case, the Council, is independent of control from the agency to which it is attached. This is an incorrect interpretation of the law and legislative intent, and will be addressed by litigation if it is included in the rules. Work is underway to clarify the statute. But this language should not be incorporated into the new rules.

(2) Because the director is subject to the direction of the council, the director may not hold the position of Council chair or vice-chair.

(3) The Council may direct the director to implement, carry out, or finalize a particular policy or agreement. When the Council has so directed, the director is authorized to sign on behalf of the Council those contracts and other documents that are customarily signed by the chair of the Council. 10.28.9 NMAC 2

(4) The director supervises the operation of the academy as its chief executive officer. The director shall perform all duties delegated to the director by law and those customarily exercised by the chief executive officer of a state agency.

(5) The director ensures that regional satellite academies adhere to the training standards established by the Council.

(6) The director evaluates basic law enforcement training programs, basic telecommunicator training programs, certification by waiver programs, and in-service programs on a regular basis to ensure that they comply with standards set by the Council, in addition to state and federal law.

(7) The director shall accredit advanced training classes and ensure compliance whenever a specific curriculum for a class is established as a statewide standard by the Council.

(8) The director is responsible for maintaining training records for all officers and telecommunicators who complete basic law enforcement or telecommunicator training, as well as certification-by-waiver programs.

(9) The director is responsible for maintaining training records for officers and telecommunicators who successfully complete accredited advanced training and in-service classes.

Commented [RF4]: This language reflects the assumption that the LEA Director shall also act as the Director for the Council. This was never the intent of the legislation, and represents a conflict of interest that compromises the legislated independence of the Council. It represents the DPS Secretary's job description for the LEA Director and is no way reflective of the intent of the legislation, but rather, the convenience and interest of the LEA in using the funding for the Council to support the LEA staff. This entire section should be struck and the staff to the Council should report only to the Council, with duties assigned only by the Council. External legal review is necessary to evaluate the DPS Secretary's job description that collapses the LEA Director and the Council Director into the same position.

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TITLE 10 PUBLIC SAFETY AND LAW ENFORCEMENT CHAPTER 28 LAW ENFORCEMENT STANDARDS AND TRAINING PART 2 DEFINITIONS

10.28.2.2 SCOPE: All police officers, telecommunicators, and law enforcement agencies in the state of New Mexico

C. "Accredited" refers to training that is recognized by the director as meeting required standards set by the Law Enforcement Standards and Training Council. Accredited advanced training courses may be counted toward a law enforcement officer's or telecommunicator's in-service training requirements.

Commented [RF5]: "telecommunicator" needs to be defined as "public safety telecommunicator, to make the distinction between telecommunicators that are only certified for emergency medical, fire, or 988 telecommunications. It may be useful to incorporate the authorized to dispatch under 911.

Commented [RF6]: Same clarifications as in 10.23.2.1 comments above. Need to clarify that nothing in these rules applies to Tribal, Pueblo personnel or agencies in NM.

Commented [RF7]: We question all references to the "director's" authority as this refers to the LEA director and does not distinguish between the role of LEA and Council. Unclear what the word "recognize" means. The reference to advance training courses does not belong in this definition and should be deleted.

E. "Advanced telecommunicator "training" or "advanced training" is telecommunicator training beyond the basic telecommunicator training program level and does not include mandated in-service training courses.

F. "Agency" means a law enforcement or public safety agency recognized by the New Mexico Law Enforcement Academy

H. "Credentialed Instructor" means meeting the training standards established by statute and rules as determined by the New Mexico Law Enforcement Standards and Training Council to teach law enforcement officers and telecommunicators in New Mexico. A credential is distinct from a certification or commission and may be issued to qualifying individuals regardless of current employment status or in-service training compliance. A credentialed instructor may be a state-certified law enforcement officer or public safety telecommunicator, including officers employed by a law enforcement agency, reserve police officers, or a duly elected sheriff. A credentialed instructor may also be a police administrator or other employee who works for a public agency within the criminal justice system. A currently employed, former, or retired law enforcement officer or telecommunicator may be a credentialed instructor as long as that individual's state certification is not currently suspended or revoked by the Law Enforcement Certification Board. A credentialed instructor may also be an individual who is not employed within the criminal justice system, but has recognized expertise, academic qualifications, or other documented qualifications approved by the

J. "Director" means the director of the New Mexico Law Enforcement Academy

K. "General instructor" means a credentialed general instructor who is authorized to teach generalized topics of instruction which would not otherwise require a specialized, technical, high-risk or master instructor credential.

N. "Instructor course" is any accredited advanced police or telecommunicator training intended to further the individual's knowledge, skills, and abilities, beyond a basic level, for an instructor credential in the respective field.

R. "Public safety agency" means a unit of state or local government, a special purpose district or a private business that provides police, firefighting or emergency medical services.

S. "Professional Lecturer" means someone who is credentialed to teach law enforcement or telecommunicators, but who is not an instructor as defined in

Commented [RF8]: This is not an acceptable definition. The LEA doesn't determine what an agency is. The agencies that employ the personnel covered by this section of regulations are created under the authority of the State of NM or its subsidiary governmental bodies, including counties, cities, villages, universities, and state agencies. The LEA doesn't have any authority to recognize such entities.

Commented [RF9]: This is a leap not authorized by the statute, and comment elsewhere clarifies that this is not an acceptable requirement. The statute attaches the Council to the LEA it does not give staff control of the Council's operations to the LEA.

Commented [RF10]: You cannot define a term by use of the same term.

Commented [RF11]: Problems with the definition of "accredited" mentioned in the definition above. The normal use of the term "accredited" typically refers to an approval process by an institution or body qualified to oversee the content of a program. The "director" in question--the LEA director--is not required to have any qualifications for oversight comparable to the typical meaning of the term regarding educational programs.

Commented [RF12]: It is unclear what kind of private business this would apply to, unless it is contracted to a public agency, in which case the contracting relationship must be included in the definition.

Commented [RF13]: This is not an adequate definition of the term. The rules should reference definitions in statute. The public safety agency is intended to refer to the dispatching services of emergency management agencies or those attached to police, fire departments, or hospitals. 911 dispatch services are not, by definition included in this definitions. I believe there is a definition in statute that should be the reference.

Commented [RF14]: There is not a recognized credential to teach law enforcement or telecommunicators outside this system. The point of this definition should be to include experts and instruction from people outside the credentialing of the LEA

Section 10.28.2.7 and who has subject matter expertise, academic credentials, licensing, or professional experience.

TITLE 10 PUBLIC SAFETY AND LAW ENFORCEMENT CHAPTER 28 LAW ENFORCEMENT STANDARDS AND TRAINING PART 3 FACILITIES

No comments

TITLE 10 PUBLIC SAFETY AND LAW ENFORCEMENT CHAPTER 28 LAW ENFORCEMENT STANDARDS AND TRAINING PART 4 REGIONAL SATELLITE ACADEMIES

10.28.4.2 SCOPE: All law enforcement agencies and any other entities who operate a police academy or criminal justice certificate program in New Mexico.

10.28.4.9 B. Initial accreditation will involve a detailed review to ensure that the satellite academy is equipped with the requisite facilities, staffing, infrastructure, and resources to operate a program that is comparable to the academy.

C. An accredited satellite academy will renew its accreditation every three years. A renewal will automatically be processed by the New Mexico Law Enforcement Standards and Training Council, provided the academy has delivered at least three basic training programs during the previous three calendar years. If an academy has not done so, the director will review the academy's status and performance and make a recommendation to the Council for re-accreditation. The director will publish a compliance manual for satellite academy accreditation.

D. For basic law enforcement training and certification by waiver academies, comparable training facilities for the below-listed proficiency areas must be available or contracted for by the requesting agency or instructor and approved by the director. (1) Comparable driving track facility; (2) Comparable firearms range facility; and (3) Comparable obstacle/agility course facility.

F. Once accreditation is granted, the agency or institution can conduct the program with the assurance that the program is comparable to or exceeds the minimum standards of training as established by the New Mexico Law Enforcement Standards and Training Council.

Commented [RF15]: This wording is not appropriate. The Council and LEA have no authority over training conducted by law enforcement agencies other than the regional academies. Many police agencies contract with various resources to provide training for their personnel outside the official training system overseen by either the LEA or the Council. Neither have any authority over criminal justice certificate programs that are operated through the community college or other higher education institutions, so these should not be referenced. Only if another agency other than a satellite academy wants the training it provides counted toward any of the credentials overseen by the LEA or the Council, would they be subject to any intervention by LEA or the Council. This should be re-written, and needs to include the satellites that train public safety telecommunications.

Commented [RF16]: This is not the standard. The standard is the criteria set by the Council. It isn't clear what "comparable" means.

Commented [RF17]: Insert "satellite" in front of academy. You have defined academy as the LEA, so need to be consistent in language to distinguish satellites from the LEA.

Commented [RF18]: All references to "director" should be the LEA director" and not the Council Director...Compliance with the law requires them to be separate.

Commented [RF19]: Satellites should also have simulation software or equivalent capacity for the type of training that will be required by the new curriculum.

Commented [RF20]: Delete this language—comparable has no meaning or criteria. Insert "meets" in front of "or"

TITLE 10 PUBLIC SAFETY AND LAW ENFORCEMENT CHAPTER 28 LAW ENFORCEMENT STANDARDS AND TRAINING PART 5 QUALIFICATIONS FOR ADMISSION TO THE ACADEMY

B. Screening process:

C. Rejection of applicant and subsequent psychological evaluation within 12 months: (1) In the event an applicant receives a psychological rejection a subsequent or additional psychological evaluation may only be obtained.

10.28.5.11 MEDICAL SELECTION GUIDELINES: A. Authority: An applicant to the academy or a regional satellite academy must be examined by a licensed physician and be found to be free of any physical condition that might adversely affect his/her performance as a police officer or prohibit him/her from successfully completing a prescribed basic law enforcement training course. The director or satellite academy director reserves the right to determine if a candidate may pose a direct threat to his/her safety or that of others in attending and participating in all aspects of the training program at the academy.

10.28.5.10 BASIC TRAINING; PSYCHOLOGICAL EXAMINATION:

TITLE 10 PUBLIC SAFETY AND LAW ENFORCEMENT CHAPTER 28 LAW ENFORCEMENT STANDARDS AND TRAINING PART 6 COURSE ACCREDITATION PROCEDURES

10.28.6.2 SCOPE: All entities and organizations, either for-profit or public, that offer law enforcement training or educational courses. [10.28.6.2 NMAC - N, xx/xx/2026]

10.28.6.6 OBJECTIVE: The purpose of Part 6 is to establish guidelines for the submission and accreditation of law enforcement and telecommunicator classes through the Law Enforcement Academy.

10.28.6.9 COURSE ACCREDITATION PROCEDURES A. The academy shall establish procedures for the submission and accreditation of in-service, advanced law enforcement training classes, and advanced telecommunicator training classes

C. When accrediting classes, the academy has the authority to review the material for appropriate curriculum design, to ensure that the lesson plan includes citations

Commented [RF21]: There is no screening for implicit or explicit bias related to civil rights protections. Given the importance of compliance with the New Mexico Civil Rights Act and the consequences to state and local government for violations of that Act, it seems important that some objective form of screening be included in this process.

Commented [RF22]: This language does not make sense.

Commented [RF23]: This is a strange statement—it isn't clear that there needs to be a basis for this determination that a person is a danger to self or others, which could lead to a subjective decision to exclude someone based on implicit bias. Exclusion on this basis should require justification that can be appealed. It also isn't clear why this language is included under "medical selection guidelines". Suggest deleting or fleshing it out and considering whether it belongs in the psychological assessment section.

Commented [RF24]: Nowhere in this section is any reference to psychiatric diagnoses or past behavioral health interventions, current medication, or compliance with treatment for a psychiatric illness. Certain psychiatric diagnoses may present as normal in an assessment context. If this is due to compliance with medication/treatment, it should be viewed as non-dis-qualifying. The issue of compliance with treatment for certain conditions, however, should be subject to further evaluation. Bi-polar conditions, for example, may result in sudden change in mental status that would interfere with job performance. PTSD and some other conditions may be triggered by on-the-job events, such that the person is unable to perform at the expected levels or may interfere with the performance of others. It ...

Commented [RF25]: This is too broadly stated. The Council has no authority over law enforcement training or educational courses offered by colleges or private institutions that are outside the Certified programs overseen by the Council. For example, leadership training and ...

Commented [RF26]: This is too limited. Should be through the LEA, its satellites, by its certified instructors and faculty, when those courses are required for certification as a law enforcement officer, public safety telecommunicator ...

Commented [RF27]: This regulation is assuming by the way it is written that whatever is meant by "accreditation" is a delegated authority to the academy. This assumption is not anticipated by or consistent with the statute or its legislative intent. The statute anticipates that the Academy ...

Commented [RF28]: This is not an academy responsibility but a responsibility of the Council. The Council may delegate portions of the procedures to the Academy but should approve them and oversee compliance with them or explicitly delegate authority. Oversight of all curriculum a ...

Commented [RF29]: The specific meaning of "accrediting" isn't clearly stated and must be a delegated authority from the Council. Note that there are "accreditation" programs and standards by other organizations...e.g., CALEA for academies, and for college ...

and references to its source material, and to ensure alignment with any statewide standard curriculum established by the Council.

D. Lesson plans in approved academy format, any testing material, instructor information, and citations of all reference material must be submitted to the academy no less than 30 days before the anticipated start of a class. This packet may be submitted by email, by registered mail with a return receipt, or by some other means that documents when the packet was sent to the academy.

E. If the academy denies the accreditation of a class, the academy shall communicate the reason in writing to the individual who submitted the class for accreditation. F. The academy has 30 days to accredit or deny accreditation.

E. If the academy denies the accreditation of a class, the academy shall communicate the reason in writing to the individual who submitted the class for accreditation. F. The academy has 30 days to accredit or deny accreditation.

TITLE 10 PUBLIC SAFETY AND LAW ENFORCEMENT CHAPTER 28 LAW ENFORCEMENT STANDARDS AND TRAINING PART 7 INSTRUCTOR CREDENTIALING

10.28.7.2 SCOPE: All law enforcement agencies in the state of New Mexico, any law enforcement instructor, professional lecturer, or specialized law enforcement or telecommunicator instructor conducting training programs in New Mexico.

10.28.7.8 GENERAL INSTRUCTOR: A. A general instructor may teach all topics in a basic law enforcement training program, certification by waiver program, or standard in-service curriculum, except for emergency vehicle operations, use of force, mechanics of arrest and control, DWI/SFST, and firearms.

D. To qualify for a general instructor credential, an applicant shall complete the instructor credential application and satisfactorily demonstrate to the director a combination of education and experience in criminal justice, as well as proficiency in the instructional process, and meet the following requirements:

(2) Completion of an accredited 40-hour instructor development course, or equivalent training approved in writing by the director.

Commented [RF30]: This is problematic as it isn't clear which subject matters need to go to the academy or why, given the ambiguity of use of term accreditation. If a satellite or a law enforcement agency offers educational programs that are outside the specific requirements for certification, credentialing or in-service, then accreditation is outside the authority of the Academy and the Council. For example, one of the satellites offers leadership training for law enforcement ...to-date this has not been a requirement, but is providing extra education that is desired for career advancement or sought by students and agency leaders. At some point the Council may decide to offer leadership or executive training programs and continuing education that fits into the overall continuum of programs ...

Commented [RF31]: All such references to accreditation will require a clearer definition of "accreditation" as well as clearly delegated authority from the Council under conditions specified by the Council. This entire regulation gives more authority to the Academy than is intended by legislation that assigns those responsibilities to the Council ...

Commented [RF32]: This is not acceptable. Curriculum approved by the Council for certification, credentialing or other required status may incorporate modality into the requirements. Some courses must be taught on a firing range or a track, some may require simulations and live hypotheticals. Modality is NOT separate from whatever the accreditation means...it is integral to many curricula, and ...

Commented [RF33]: Once again, this is too broadly stated. The Council scope does not apply to college or university training programs, those of private entities or those offered by law enforcement agencies that exceed the requirements of Council approved programs. For example, a number of law enforcement agencies have sent their staff for national training in programs such as ABLE (Active ...

Commented [RF34]: Replace "all" with "most". Don't list exceptions. The curriculum is being revised and there will be a replacement for "standard in-service" curriculum, so there may be many other topics involved...delete everything after in-service curriculum. Add, some topics will require master instructors or other types of specialists. You don't want to revise rules everytime new subjects are ...

Commented [RF35]: You don't want to put all the responsibility on the "director". There may well be other ways to credential instructors that are more effective, for example, given a fully staffed LEA and an arrangement with the satellites, it may be possible to convene committees of 3 directors for example, or experts/master instructors to review the qualifications of applicants for the general ...

Commented [RF36]: Here is a more flexible way of writing this. "completion of the Council-approved instructor development course in effect at the time, or equivalent training approved in writing by the director or delegated group of directors and master instructors. It may be that the duration of the instructor course that comes out of the new basic curriculum under development is more than 40 ...

TITLE 10 PUBLIC SAFETY AND LAW ENFORCEMENT CHAPTER 28 LAW
ENFORCEMENT STANDARDS AND TRAINING PART 8 LAW
ENFORCEMENT TRAINING

10.28.8.2 SCOPE: Applies to all law enforcement-certified police officers in the state of New Mexico, all law enforcement agencies in the state of New Mexico, and all applicants for police officer certification by waiver of basic training and all law enforcement agencies in the state of New Mexico.

10.28.8.6 OBJECTIVE: The purpose of Part 8 is to establish minimum standards of training for police officer certification, establish training requirements and eligibility standards for police officers who seek certification by waiver of basic training under Section 29-7-10 NMSA 1978, and establish in-service training requirements for certified police officers and certified public safety telecommunicators.

10.28.8.8 POLICE OFFICER MINIMUM STANDARDS OF TRAINING: A. The Standards and Training Council shall approve the minimum standards of training for the academy's basic law enforcement training program and certification-by-waiver program. This curriculum shall be the standard curriculum for all regional satellite academies and certification-by-waiver programs. The LEOCE shall be based on this standard curriculum. The academy and regional satellite academies may add additional content to the standard curriculum, as long as that content is accredited. The additional content may not replace the standard curriculum unless that part of the curriculum conflicts with state or federal law and has not yet been formally updated by the academy.

10.28.8.10 POLICE OFFICER REGISTRY REPORTING:

A. Reporting Requirements: (1) Employment, termination, or conviction of any felony charge or violation of any federal or state law or local ordinance relating to aggravated assault, theft, driving while intoxicated, controlled substances, or other crime involving moral turpitude of all peace officers in the state of New Mexico must be reported to the academy within 30 days of such action.

(2) Required reporting forms shall be established by the director.

(3) All law enforcement agencies that do not comply with the requirement of submitting to the academy status reports on their employees will not be eligible for

Commented [RF37]: Need to exempt tribal police agencies in New Mexico

Commented [RF38]: Need to include basic training for telecommunicator certification

Commented [RF39]: Again need clarification as to what accredited means --it is not up to the Academy but the responsibility of the council...language throughout the rules needs to be consistent. There is also no criteria for approving curriculum from the satellites or police agencies that is outside the curriculum. For example, if an academy wanted to offer curriculum in Dine language, there would be no capacity in either the Council or the Academy to oversee that...the satellite or agency would find an expert in the language to teach the course. Similarly a lot of specialized training in behavioral health or cultural relations or tribal relations may be provided that enhances the ability of the workforce in a region of the state, but doesn't really fall under the purview of the Council. The Council and Academy should not obstruct this type of training. It should stick to what is required for initial and continuing certification and credentialing of advanced, specialized, and technical skills.

Commented [RF40]: Replace "the academy" with "direction of the Council"

Commented [RF41]: A statement needs to be added here that the Academy will administer and maintain the Police Officer Registry in an electronic data base. Something needs to be added as to who has access to data within the registry.

Commented [RF42]: Replace "to the academy" with "to the administrator of the registry".....this will mean that if the registry moves or is administered by another unit of government, the provision holds. Making everything go to the academy or the director is untenable, too ambiguous, and inflexible. Here we are talking about a data base which has an administrative staff. It doesn't matter where the administrative staff are housed. For example, this function may be moved to a data department somewhere else in the justice system, to the Certification Board, or to a data unit in DPS—all outside the Academy.

Commented [RF43]: Imprecise—replace with "registry administrator"

Commented [RF44]: Replace with "to the registry".....what are "training funds"? This is no current law. The agencies are penalized by not receiving Law Enforcement Protection Funds...this is the legal penalty. The law does not authorize other penalties, so this section is inconsistent with law. The Registry would need to report failure to report to DPS and it becomes DPS responsibility to deny funding. There is no legal authorization to deny any training classes to an agency until the registry is made current. There is no authority here to blind DPS from the Academy which is a subsidiary within DPS to withhold funding. This entire section needs to be aligned with the statute.

training funds or attendance at basic or inservice/advanced training classes until the registry is made current. Repeated failures to maintain the registry shall result in a period of suspension of training eligibility to be set by the director.

(4) In order to protect the lives and safety of the officer involved, any law enforcement agencies employing undercover officers may indicate, in writing, a desire to protect the officer's identity. If such an indication is made, the officer's name shall not appear in the general office registry. Their name and other information requested shall, however, be furnished to the academy.

10.28.8.11 BASIC TRAINING; ENTRY LEVEL AND REQUALIFICATION FIREARMS TRAINING;

10.28.8.12 BASIC TRAINING; CONTINUATION OF CERTIFICATION AFTER SEPARATION: A. In the event a New Mexico-certified officer, who has retired from law enforcement service for more than six years, makes application to return to service, the officer shall satisfy the following requirements: (1) Must have graduated from a certified law enforcement academy that was comparable to or exceeds the standards of the programs of the academy.

10.28.8.13 IN-SERVICE TRAINING FOR LAW ENFORCEMENT OFFICERS: A. Curriculum Development

(3) The academy shall use the first nine months of the second year of the cycle to develop the curriculum for the upcoming in-service cycle. The academy may incorporate the approved topics into existing required in-service courses or create a new required course to cover them.

C. The 40 hours of training shall include, but not be limited to, current practices and updates in the following topics: (1)

D. Training content and accreditation for in-service classes

(2) The academy is responsible for creating a standard in-service curriculum for all required in-service classes to ensure that the curriculum is in line with the standard basic law enforcement training curriculum. This content shall be made available to all agencies six months before the start of the in-service training cycle.

Commented [RF45]: This should be revised to require that the Registry provide a secure section for information on officers whose identity must be protected, specifying limited access. Sending this information to the Academy does not protect it and is too vague.

Commented [RF46]: Suggest that all required "report to academy" language be replaced with "report to the Registry". Reporting to the "academy" is too general and accountability cannot be determined. The data needs to land in the Registry where it can be audited and responsibility for getting it there needs to be clear and consistent.

Commented [RF47]: This is no longer about the "academy", but about the standards set by the Council.

Commented [RF48]: This is not up to the Academy, but the Council, which has the right and should have the capacity to commission curriculum development by outside vendor, or have it developed internally by its own staff which are not the same as the "Academy". Throughout this rule, language suggests that the capacity of the Council is exhausted and limited by the staff of the Academy. This is not consistent with the law and legislative intent. Furthermore, it represents a conflict of interest, as the staff of the Academy are not responsible to the Council but to DPS. The Council has no mechanism in this rule to hold the Academy staff and director accountable to its policies if there is a difference of opinion or goals with the DPS administration. The Council is supposed to be independent of DPS and only receive administrative support. This rule ignores the language and intent of the law that establishes the Council.

Commented [RF49]: The reference to 40 hours should be omitted as the requirement is "at least 40 hours" and will likely increase with time and the modernization of the curriculum currently underway. There is no need to include the remainder of this section in detail, since the Council is charged with establishing the curriculum for each 2 year cycle. Replace the detail with something like: "the curriculum established by the Council will be consistent with any requirements of law, but will be updated with each cycle to national standards and the needs of the workforce"....this way the detail of the curriculum requirements in statute in the rule will follow whatever changes are made in law as well as by the Council. Otherwise there will need to be repeated changes to the rules.

Commented [RF50]: Again, the Academy is not the Council. Replace "creating" with "implementing the Council approved in-service curriculum. This language is redundant and can be simplified.

(3) An individual agency may create its own in-service courses that add content to the standard in-service curriculum. These courses must be accredited by the academy.

Commented [RF51]: Same problem with use of term accredited by the Academy—the Council is the approving authority—not the Academy

(4) The instructor can use any instructional modality, including but not limited to in-person training, online training, or a hybrid of in-person and online training to teach a class, as long as the teaching modality for a particular class is not specifically required by statute.

Commented [RF52]: This is wrong—modalities are not in statute but embedded in modernized curriculum. It should not be permissible for an instructor to use “any modality”. The modality is part of an approved curriculum. Separating modality from curriculum will degrade the training, as instructors will be able to substitute older methods like powerpoint slides and “canned” videos for the requirement in the modernized curriculum established to meet national standards that integrates knowledge with application. This section should be deleted.

TITLE 10 PUBLIC SAFETY AND LAW ENFORCEMENT CHAPTER 28 LAW
ENFORCEMENT STANDARDS AND TRAINING PART 9 PUBLIC SAFETY
TELECOMMUNICATOR TRAINING

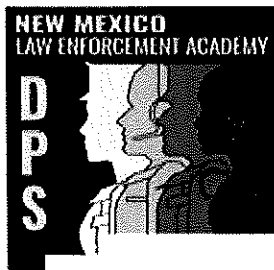
Arballo, Jessica, DPS

From: Arballo, Jessica, DPS
Sent: Monday, August 24, 2026 1:07 PM
To: rlfeldman1949@gmail.com
Cc: Dean, Marshall, DPS; MATHEWS, RICHARD
Subject: RE: [EXTERNAL] Law Enforcement Standards & Training Council Proposed Rules repealing and replacing TITLE 10, CHAPTER 29, PARTS 2-5, 7-10 NMAC--Feldman Comments August 24-2026
Attachments: Law Enforcement Standards Training Council Proposed Rule Comment by Rachel Feldman August 24-2026 submitted to Jessical Arballo--Letter-Summary.docx

Greetings,

Received,

Thank you



Jessica Arballo

Deputy Director of Operations
Department of Public Safety
Law Enforcement Academy
Cell: (505) 394-4464
Jessica.Arballo@dps.nm.gov
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From: rlfeldman1949@gmail.com <rlfeldman1949@gmail.com>
Sent: Monday, August 24, 2026 11:10 AM
To: Arballo, Jessica, DPS <Jessica.Arballo@dps.nm.gov>
Subject: [EXTERNAL] Law Enforcement Standards & Training Council Proposed Rules repealing and replacing TITLE 10, CHAPTER 29, PARTS 2-5, 7-10 NMAC--Feldman Comments August 24-2026

CAUTION: This email originated outside of our organization. Exercise caution prior to clicking on links or opening attachments.

Please accept this 2nd comment letter in response to the proposed rules reference above and therein.

Rachel Feldman
703-798-1018

Rachel Feldman
1 Via Bella
Santa Fe, NM 87507
Rlfeldman1949@gmail.com
703-798-1018 (cell/text)

August 24, 2026

Jessica Arballo
DPS Law Enforcement Academy
4491 Cerillos Rd.,
P.O. Box 1628, 87504-1628
jessica.arballo@dps.nm.gov

RE: proposed repeal of TITLE 10, CHAPTER 29, PARTS 2-5, 7-10 NMAC PUBLIC SAFETY AND LAW ENFORCEMENT ACADEMY, and new TITLE 10 CHAPTER 28 PART 1 GENERAL PROVISIONS; PART 2 DEFINITIONS; PART 3 FACILITIES; PART 4 REGIONAL SATELLITE ACADEMIES; PART 5 QUALIFICATIONS FOR ADMISSION TO THE ACADEMY; PART 6 COURSE ACCREDITATION PROCEDURES; PART 7 INSTRUCTOR CREDENTIALING; PART 8 LAW ENFORCEMENT TRAINING; PART 9 TELECOMMUNICATOR TRAINING.

Members of the NM Law Enforcement Standards & Training Council:

Please accept this email as formal comment on the proposed repeal of Title 10, Chapter 29, Parts 2-5, 7-10 and new Title 10 Chapter 28 Parts 1-9. I am providing this second comment letter to Clarify what I believe should be included in rule making to implement the intent of the legislature that the Council function as an independent body separate and distinct from the Department of Public Safety (DPS). I believe that the interpretation of the Secretary of DPS that the Council is effectively a policy and advisory function to the Law Enforcement Academy (LEA) and that DPS maintains control over all budget and staff, is incorrect, inconsistent with law, and could be challenged successfully based on the plain language of the statute and Executive Reorganization Act. The issues of who is responsible for what can be confusing and I understand that the Council has relied upon direction from DPS in constructing the proposed rules. The Council is not bound by direction from DPS, and I urge the Council to develop rules that support its statutory functions as an independent body.

Given the alternative plain language of the statute setting the Council up as an independent body, with DPS and LEA providing administrative support consistent with the Executive Reorganization Act, the proposed rules should address the following:

- The Council should draft a position description for its own Director. This is not subject to approval of DPS except in-so-far as it conforms to state Personnel procedures and requirements. The Council Director is hired by and reports to the Council. DPS should assist in posting the position consistent with state hiring protocols.

- The Council should develop its own budget with technical assistance from DPS, and should do so on a calendar provided by DPS so that its budget can be included with the DPS budget and introduced through the legislative and governor's budget processes.
- The Council should develop a plan to staff its work, including administrative staff. Staff report to the Council Director, and do not overlap with or include the LEA staff who report the Academy Director and the Secretary of DPS.
- The Council should define which administrative functions it needs to internalize through its own staff and budget, and which services it wishes to continue to receive from the department to which it is attached. Where those services exceed those in the Executive Reorganization Act, they need to be negotiated with DPS/LEA explicitly.
- Given historic difficulty in DPS/LEA hiring, the Council should establish a budget to retain/procure consultants and vendors that can assist with its work under contract, to ensure that the needed curriculum and programs can be developed in a timely manner.
- The Council should include in its budget the cost of office space, computers, technology, and other amenities necessary to maintain its operational functions. It need not be located within the LEA or DPS facilities, but DPS should in its administrative capacity assist in locating and setting up the Council's offices.
- The Council should become the "accrediting" body for all programs, training/continuing education that it requires to obtain and maintain certification for law enforcement officers and public safety telecommunicators. These accreditation procedures should be established by the Council office, and not be determined by any one individual.
- The Council may delegate certain responsibilities to the Academy to implement its policies and programs, but those responsibilities should be directly related to the Academy's conduct of its programs. (Note, the Academy has not had a full complement of staff to conduct its basic work for quite a few years).
- The Council has the responsibility to monitor the implementation of its policies and programs, and should work closely with the LEA as well as the satellite academies, all of whom are represented in its membership.
- The Council should negotiate with the Department of Higher Education to determine which of its programs may qualify for college level credit.
- All responsibilities of the LEA should be in a distinct section of the Rules, and not combined or confused with the responsibilities of the Council and its staff. For example, admission criteria may be established by both the Council with additional criteria established by the LEA and/or the satellite academies. Rules should explicitly explain the steps in the application and decision process and which authorities make decisions. The Council's role here is essentially policy, while the Academy's role is implementation and handling of the applications. However, decision making, should be through a procedure, not entirely vested in one individual (e.g., the Academy Director).
- The Council should develop its own committee/work group structure. That structure need not be specified by topic/scope into the rules, but the Rules should indicate that the Council's work will be carried out through its committees/work groups that report to the full Council.
- Committees and work groups should be authorized by the Council where relevant, to appoint experts and advisers that are not Council members to contribute to their work. They may be assigned by the Council to oversee or work with consultants or vendors retained by the Council for various projects.

- Committees and work groups should be staffed by Council staff, and minutes and other records kept documenting their deliberations.
- The Council should have its own website, separate from DPS/LEA, providing public access to its documents.
- The Council should determine what level of detail about curricula and programs should be published on its websites, and/or the websites of the LEA and Satellite Academies.
- The Council should not be responsible for policy related to Academy facilities. Those are within the scope of DPS.
- The Council may, however, establish policy regarding conduct and constraints on cadets/students, to establish consistent treatment of and respect for adults assuming the responsibility of law enforcement officers and public safety telecommunicators. Academy rules, the violation of which results in dismissal from the Academy or its Satellites, should be reviewed and approved by the Council.
- The Council will be establishing and overseeing a higher educational capacity to support the professions of law enforcement officers and public safety telecommunicators, and will follow national standards and best practices in establishing credentialing and career paths for New Mexico Law Enforcement and public safety emergency dispatch. It may establish programs that provide career counseling, mentoring, and coaching. It may refine its career paths through rank, specialization, management, and liaison functions of law enforcement and first response.
- Through its membership and as needed, the Council may request input and advice from any state or local law enforcement and emergency management agency, leader, or specialist. However, the Council has the exclusive authority to establish required programs to establish minimum credentials for the law enforcement officer and public safety telecommunicator workforce, including Academy instructors and faculty (lecturers).
- The Council will conduct its work to be consistent with decisions made by the NM Law Enforcement Certification Board regarding changes to minimum standards, standards of conduct, and related protocols as set forth in the rules for that body.

Arballo, Jessica, DPS

From: Arballo, Jessica, DPS
Sent: Monday, August 24, 2026 1:09 PM
To: Rachel Feldman
Cc: MATHEWS, RICHARD; Dean, Marshall, DPS
Subject: FW: [EXTERNAL] Law Enforcement Standards & Training Council Proposed Rules Comment Letters in pdf form from Rachel Feldman Repeal & Replacement of Title 10---NMAC

Attachments: Law Enforcement Standards Training Council Proposed Rule Comment by Rachel Feldman August 19-2026 submitted to Jessical Arballo--Letter-Summary (002).pdf; Law Enforcement Standards Training Council Proposed Rule Comment by Rachel Feldman August 24-2026 submitted to Jessical Arballo--Letter-Summary.pdf; Rachel Feldman Comments on Proposed Rule for New Mexico Standards Law Enforcement Standards & Training Council August 2026.pdf

Received,

Thank you,

From: rlfeldman1949@gmail.com <rlfeldman1949@gmail.com>
Sent: Monday, August 24, 2026 11:23 AM
To: Arballo, Jessica, DPS <Jessica.Arballo@dps.nm.gov>
Subject: [EXTERNAL] Law Enforcement Standards & Training Council Proposed Rules Comment Letters in pdf form from Rachel Feldman Repeal & Replacement of Title 10---NMAC

CAUTION: This email originated outside of our organization. Exercise caution prior to clicking on links or opening attachments.

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August 19, 2026

Jessica Arballo
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RE: proposed repeal of TITLE 10, CHAPTER 29, PARTS 2-5, 7-10 NMAC PUBLIC SAFETY AND LAW ENFORCEMENT ACADEMY, and new TITLE 10 CHAPTER 28 PART 1 GENERAL PROVISIONS; PART 2 DEFINITIONS; PART 3 FACILITIES; PART 4 REGIONAL SATELLITE ACADEMIES; PART 5 QUALIFICATIONS FOR ADMISSION TO THE ACADEMY; PART 6 COURSE ACCREDITATION PROCEDURES; PART 7 INSTRUCTOR CREDENTIALING; PART 8 LAW ENFORCEMENT TRAINING; PART 9 TELECOMMUNICATOR TRAINING.

Ms. Arballo;

Please accept this email as formal comment on the proposed repeal of Title 10, Chapter 29, Parts 2-5, 7-10 and new Title 10 Chapter 28 Parts 1-9. Accompanying this letter is a line-by-line comment on the entire proposed rule. In this letter, I provide a summary of the most important issues identified in the accompanying comments.

Summary of Comments

- The most important problem with the new proposed rule draft is that it does not comply with applicable law.
 - The governing statute establishes the Law Enforcement Standards & Training Council (Council) as an independent body attached to the Law Enforcement Academy (Academy). The meaning of Attachment is set forth in the Executive Reorganization Act (NMSA 1978, § 9-1-7). The designation of the Academy Director as the Director of the Council is in direct conflict with the statutory meaning of “attachment”. The Academy is intended by law to support the Council in its work by providing administrative assistance. The Council does not in this regulation delegate its authority to the Academy, though by its language, the Academy is functioning only nominally under the direction of the Council. This was not the legislative intent of the statute, and is not consistent with the Executive Reorganization Act language. Preservation of this position, that the LEA controls all staff and budget for the Council, and has some implicit delegation of authority to develop curriculum and act as extensively as stated in

this proposed rule will likely lead to litigation that challenges this interpretation of law going forward.

- The role set forth in this proposed rule for the Academy also establishes a conflict of interest with regard to the use of funds appropriated for the Council's work. It appears that appropriated funds for the Council can be used by the Department of Public Safety (DPS) to fund the LEA's staff, which were historically funded as a division of DPS. Nothing in law changed this. Appropriation of funds for the Council's work was not legislatively intended to replace funding the LEA under DPS. Under the statute, the Academy would implement the programs established by the Council as delegated. Having the Academy Director be the Director for the Council sets up a conflict of interest regarding the use of funds, that appears to subsidize the work of the LEA which is legislatively required to provide a different set of services from those within the Council's authority.
 - The proposed rule states that the Academy will do all the work to develop curriculum to meet standards set by the Council. But the Council as an independent body should have the authority to procure expertise outside the LEA for curriculum development which is the current situation in which the LEA is contracted with an outside vendor for a new basic police curriculum, which will need to be approved by the Council. The LEA staff have an ambiguous relationship with the vendor in the current situation because the LEA is acting as though it is the agent for the Council, though the Council Chair is overseeing part of the curriculum development process working with the vendor.
 - The Director of the LEA has a conflict of interest being accountable to the Secretary of Public Safety as well as the Council. The way the proposed rule is written, the Director is accountable to the DPS Secretary and not to the Council.
- The LEA does not now and never has had the capacity to carry out the work it is assigned under this proposed rule.
 - The LEA has not been fully staffed to do its own work, let alone the work of the Council for a number of years. It has been unable to recruit and hire staff for basic LEA jobs and has consistently had a high vacancy rate. Its staff do not have qualifications set by the Council and are not approved by the Council. The fact that the law enforcement workforce universally "hates" the current in-service training provided by the LEA indicates that the LEA could have responded to concerns and could have updated and brought in-service curriculum into alignment with national standards but has never invested its resources in doing this.
 - The LEA took decades to contract for a Job Task Analysis to determine the need for complete replacement of the basic law enforcement training curriculum. Under the direction of DPS, the LEA has not been allocated budget to contract for curriculum development, until the recent procurement was put in place, and that funding is inadequate to complete the project or to build an aligned curriculum for certification by waiver, field training officer training, or new in-service training. It has refused to fund job task analysis or equivalent assessment for public safety telecommunicator training which is similarly decades out of date. The Scope of

the LEA's work to implement the Council's work should be limited to what it can realistically accomplish. Meantime the Council needs its own budget and staff, including its own director hired to meet its criteria and accountable only to the Council. Its staff should be accountable to the Council's Director, not the LEA. The proposed rule should define the relationship between the LEA and the Council as an agent to which the Council delegates certain responsibilities within its scope and for implementation of programs that are within the LEA's scope of authority. The Council itself is not within the statutory scope of authority for the LEA.

- There is a lot of unclearly defined and problematic language through the rule. The definitions section needs to be more carefully reviewed.
 - The term "accredited" as defined "refers to training that is recognized by the director as meeting required standards set by the Law Enforcement Standards and Training Council." This is not the normal use of the term accreditation and places complete authority over all training in the hands of one person, the LEA director. That director "recognizes" that something meets the standards set by the Council. Accreditation normally refers to an institutional process of comparing educational material to standards, not one person's opinion, but a structured and systematic review which is not required by this rule. This is an inappropriate use of the term and through the impact of rule making would make one person, the LEA director the arbiter of all law enforcement training adequacy unless someone formally complains to the Council. This is just inappropriate, and unaccountable. The Council does not have veto over the Director, nor is there an appeals process of Director decisions in many cases.
 - There is a lot of confused language related to the scope of different sections. Sometimes public safety telecommunicators are included, sometimes not. References to "all" technically include tribal officers and agencies that are not within the scope of these rules.
 - All language referencing the "director shall" must be changed to "the Council delegates the Director to..." If it something that is within the legal scope and capacity of the LEA to do, and if the Council actually agrees it should be delegated to the Director. And what happens if the Director doesn't follow through and do all things delegated in this rule? Many of these tasks have been historically under the auspices of the Director prior to the inception of the Council and they have not been done on time or at all with no consequences or remediation, resulting in a neglected training system.
 - Definitions in the rule should be consistent with definitions in law.
 - References to reporting data to the Academy or to the Director are imprecise. Required reporting to the registry, for example should go to the registry administrator or through a specific procedure. Reporting to the Academy cannot be audited.
- Accountability is a huge problem in this rule. The Director is accountable to the Secretary of Public Safety. What if the DPS Secretary doesn't agree with the Council, particularly regarding decisions about deployment of scarce budget and staff resources? What recourse does the Council have? The Council does not report to the DPS Secretary under the law. How can staff and budget belong to two separate entities with one entity

controlling everything, while the other lacks authority over its own resources to do its work.

- This rule assumes that all implementation of Council directives is carried out by the LEA by the Director. In fact, given capacity constraints as well as lack of qualifications of LEA staff, the Council realistically should have the ability to procure the resources it needs to do its work without relying on the approval of the Director. DPS as the agency to which the Council is attached should assist with procurement administratively but not with decisions about who has the qualifications to do the work it needs done.
- The rule wisely does not publish most curriculum, since the basic curriculum is in the process of being replaced. However, curriculum should be published by the Academies, at least in summary or outline form.
- It isn't clear why application process and criteria for the Academy are published in rules that apply to the Council. They belong with the rules that apply to the Academy, which should be broken out separately, same issue applies to use of facility rules which are not subject to Council authority. This is a structural problem.
- Note that references to modality giving instructors discretion to use whatever modality they want is inaccurate and inconsistent with professional adult education practice and national standards. Modality integrates the subject matter content of educational programs with best methods of instruction for adults, generally integrating information with its application in practice. This language betrays a lack of understanding of modern adult education curriculum design and best practices. Separating modality from subject matter will degrade the quality of training.

Conclusions

These rules substantively replicate the old system for the Law Enforcement Academy Board in which one director reporting to the Secretary is responsible for everything. This is the system that was replaced by the new legislation that created the Council. Under the former organization, no work on standards and training was ever done, and work was limited to the functions associated with adjudicating mis-conduct and certification. The new law created two separate organizations to do certification separately from setting standards and overseeing training. Both new organizations were designed in the statute to function independently of DPS with their own budget, staff, and authority. They are also separate from the LEA which has its own statutory authority which is not separately set forth in these rules. This design was necessary to preserve a link to DPS but avoid conflicts of interest. This proposed rule preserves all of the conflicts of interest and prevents the independent operation of the Council. It is entirely inconsistent with the intent of the legislature, and the history of problems associated with inability of DPS to support the capacity to do the work of either set of functions.

Without major re-working, this proposed rule will take the state backwards and impede modernization of standard setting and training, depriving our law enforcement and emergency dispatch workforce of the quality and real time upgrading of education that it needs to provide public safety to our communities.

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August 24, 2026

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RE: proposed repeal of TITLE 10, CHAPTER 29, PARTS 2-5, 7-10 NMAC PUBLIC SAFETY AND LAW ENFORCEMENT ACADEMY, and new TITLE 10 CHAPTER 28 PART 1 GENERAL PROVISIONS; PART 2 DEFINITIONS; PART 3 FACILITIES; PART 4 REGIONAL SATELLITE ACADEMIES; PART 5 QUALIFICATIONS FOR ADMISSION TO THE ACADEMY; PART 6 COURSE ACCREDITATION PROCEDURES; PART 7 INSTRUCTOR CREDENTIALING; PART 8 LAW ENFORCEMENT TRAINING; PART 9 TELECOMMUNICATOR TRAINING.

Members of the NM Law Enforcement Standards & Training Council:

Please accept this email as formal comment on the proposed repeal of Title 10, Chapter 29, Parts 2-5, 7-10 and new Title 10 Chapter 28 Parts 1-9. I am providing this second comment letter to Clarify what I believe should be included in rule making to implement the intent of the legislature that the Council function as an independent body separate and distinct from the Department of Public Safety (DPS). I believe that the interpretation of the Secretary of DPS that the Council is effectively a policy and advisory function to the Law Enforcement Academy (LEA) and that DPS maintains control over all budget and staff, is incorrect, inconsistent with law, and could be challenged successfully based on the plain language of the statute and Executive Reorganization Act. The issues of who is responsible for what can be confusing and I understand that the Council has relied upon direction from DPS in constructing the proposed rules. The Council is not bound by direction from DPS, and I urge the Council to develop rules that support its statutory functions as an independent body.

Given the alternative plain language of the statute setting the Council up as an independent body, with DPS and LEA providing administrative support consistent with the Executive Reorganization Act, the proposed rules should address the following:

- The Council should draft a position description for its own Director. This is not subject to approval of DPS except in-so-far as it conforms to state Personnel procedures and requirements. The Council Director is hired by and reports to the Council. DPS should assist in posting the position consistent with state hiring protocols.

- The Council should develop its own budget with technical assistance from DPS, and should do so on a calendar provided by DPS so that its budget can be included with the DPS budget and introduced through the legislative and governor's budget processes.
- The Council should develop a plan to staff its work, including administrative staff. Staff report to the Council Director, and do not overlap with or include the LEA staff who report the Academy Director and the Secretary of DPS.
- The Council should define which administrative functions it needs to internalize through its own staff and budget, and which services it wishes to continue to receive from the department to which it is attached. Where those services exceed those in the Executive Reorganization Act, they need to be negotiated with DPS/LEA explicitly.
- Given historic difficulty in DPS/LEA hiring, the Council should establish a budget to retain/procure consultants and vendors that can assist with its work under contract, to ensure that the needed curriculum and programs can be developed in a timely manner.
- The Council should include in its budget the cost of office space, computers, technology, and other amenities necessary to maintain its operational functions. It need not be located within the LEA or DPS facilities, but DPS should in its administrative capacity assist in locating and setting up the Council's offices.
- The Council should become the "accrediting" body for all programs, training/continuing education that it requires to obtain and maintain certification for law enforcement officers and public safety telecommunicators. These accreditation procedures should be established by the Council office, and not be determined by any one individual.
- The Council may delegate certain responsibilities to the Academy to implement its policies and programs, but those responsibilities should be directly related to the Academy's conduct of its programs. (Note, the Academy has not had a full complement of staff to conduct its basic work for quite a few years).
- The Council has the responsibility to monitor the implementation of its policies and programs, and should work closely with the LEA as well as the satellite academies, all of whom are represented in its membership.
- The Council should negotiate with the Department of Higher Education to determine which of its programs may qualify for college level credit.
- All responsibilities of the LEA should be in a distinct section of the Rules, and not combined or confused with the responsibilities of the Council and its staff. For example, admission criteria may be established by both the Council with additional criteria established by the LEA and/or the satellite academies. Rules should explicitly explain the steps in the application and decision process and which authorities make decisions. The Council's role here is essentially policy, while the Academy's role is implementation and handling of the applications. However, decision making, should be through a procedure, not entirely vested in one individual (e.g., the Academy Director).
- The Council should develop its own committee/work group structure. That structure need not be specified by topic/scope into the rules, but the Rules should indicate that the Council's work will be carried out through its committees/work groups that report to the full Council.
- Committees and work groups should be authorized by the Council where relevant, to appoint experts and advisers that are not Council members to contribute to their work. They may be assigned by the Council to oversee or work with consultants or vendors retained by the Council for various projects.

- Committees and work groups should be staffed by Council staff, and minutes and other records kept documenting their deliberations.
- The Council should have its own website, separate from DPS/LEA, providing public access to its documents.
- The Council should determine what level of detail about curricula and programs should be published on its websites, and/or the websites of the LEA and Satellite Academies.
- The Council should not be responsible for policy related to Academy facilities. Those are within the scope of DPS.
- The Council may, however, establish policy regarding conduct and constraints on cadets/students, to establish consistent treatment of and respect for adults assuming the responsibility of law enforcement officers and public safety telecommunicators. Academy rules, the violation of which results in dismissal from the Academy or its Satellites, should be reviewed and approved by the Council.
- The Council will be establishing and overseeing a higher educational capacity to support the professions of law enforcement officers and public safety telecommunicators, and will follow national standards and best practices in establishing credentialing and career paths for New Mexico Law Enforcement and public safety emergency dispatch. It may establish programs that provide career counseling, mentoring, and coaching. It may refine its career paths through rank, specialization, management, and liaison functions of law enforcement and first response.
- Through its membership and as needed, the Council may request input and advice from any state or local law enforcement and emergency management agency, leader, or specialist. However, the Council has the exclusive authority to establish required programs to establish minimum credentials for the law enforcement officer and public safety telecommunicator workforce, including Academy instructors and faculty (lecturers).
- The Council will conduct its work to be consistent with decisions made by the NM Law Enforcement Certification Board regarding changes to minimum standards, standards of conduct, and related protocols as set forth in the rules for that body.

Comments on Proposed Rule for New Mexico Standards & Training Council: Chapter 28

By: Rachel Feldman

On behalf of: Indivisible SOS Santa Fe, an advocacy group of more than 150 women in Santa Fe County. Indivisible SOS Santa Fe worked to pass SB 19 in 2023 which established the Law Enforcement Standards & Training Council, requiring these rules. Indivisible SOS Santa Fe originated the statute, and Rachel Feldman authored most of the statute, working with sponsor Senator Antonio Maestas. She was appointed by the Governor to serve as the citizen member of the Council for a one-year term.

TITLE 10 PUBLIC SAFETY AND LAW ENFORCEMENT CHAPTER 28 LAW ENFORCEMENT STANDARDS AND TRAINING PART 1 GENERAL PROVISIONS

10.28.1.2 SCOPE: All certified police officers, applicants to academies to become certified police officers, public safety telecommunicators and applicants to academies to become public safety telecommunicators, and state and local law enforcement agencies in the state of New Mexico

Commented [RF1]: Note that these rules do not apply to Tribal or Pueblo police officers, or to Tribal, Pueblo, or federal law enforcement agencies. Note that public safety telecommunicators is a distinct certification that is not inclusive of EMT or fire safety or 988 telecommunicators.

10.28.1.7 DEFINITIONS: [Reserved]

10.28.1.8 REGULATIONS, POLICIES AND PROCEDURES FOR CONDUCTING THE BUSINESS OF THE LAW ENFORCEMENT STANDARDS AND TRAINING COUNCIL:

B. Director: The director shall be under the supervision and direction of the Secretary of the Department of public safety.

Commented [RF2]: This definition of "Director" collapses the LEA Director position currently funded under DPS with the Council Director which here are treated as the same position. This was not the intent of the law, and limits the ability of the Council to have its own Director that carries out its work. The Council was given its own budget with the intent that its staff would not be the same as the LEA staff, and that it would have the capacity to develop curricula and programs detailed within its scope of work which is distinctly different from that of the LEA.

(1) The director provides administrative services to the Council. The director represents the Council in administrative matters and is subject to the direction of the Council through its official proceedings. The director is responsible for the review and certification of the minutes of the Council. The director implements the training standards and requirements developed and adopted by the Council.

Commented [RF3]: While the Secretary of Public Safety has interpreted the statute to control the Council staff, the intent of the legislature as well as the law that defines an attached agency: an agency attached to a department for administrative purposes only ("administratively attached agency") is defined under the Executive Reorganization Act (NMSA 1978, § 9-1-7). Recognizes that the staff to the attached entity, in this case, the Council, is independent of control from the agency to which it is attached. This is an incorrect interpretation of the law and legislative intent, and will be addressed by litigation if it is included in the rules. Work is underway to clarify the statute. But this language should not be incorporated into the new rules.

(2) Because the director is subject to the direction of the council, the director may not hold the position of Council chair or vice-chair.

(3) The Council may direct the director to implement, carry out, or finalize a particular policy or agreement. When the Council has so directed, the director is authorized to sign on behalf of the Council those contracts and other documents that are customarily signed by the chair of the Council. 10.28.9 NMAC 2

(4) The director supervises the operation of the academy as its chief executive officer. The director shall perform all duties delegated to the director by law and those customarily exercised by the chief executive officer of a state agency.

(5) The director ensures that regional satellite academies adhere to the training standards established by the Council.

(6) The director evaluates basic law enforcement training programs, basic telecommunicator training programs, certification by waiver programs, and in-service programs on a regular basis to ensure that they comply with standards set by the Council, in addition to state and federal law.

(7) The director shall accredit advanced training classes and ensure compliance whenever a specific curriculum for a class is established as a statewide standard by the Council.

(8) The director is responsible for maintaining training records for all officers and telecommunicators who complete basic law enforcement or telecommunicator training, as well as certification-by-waiver programs.

(9) The director is responsible for maintaining training records for officers and telecommunicators who successfully complete accredited advanced training and in-service classes.

Commented [RF4]: This language reflects the assumption that the LEA Director shall also act as the Director for the Council. This was never the intent of the legislation, and represents a conflict of interest that compromises the legislated independence of the Council. It represents the DPS Secretary's job description for the LEA Director and is no way reflective of the intent of the legislation, but rather, the convenience and interest of the LEA in using the funding for the Council to support the LEA staff. This entire section should be struck and the staff to the Council should report only to the Council, with duties assigned only by the Council. External legal review is necessary to evaluate the DPS Secretary's job description that collapses the LEA Director and the Council Director into the same position.

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TITLE 10 PUBLIC SAFETY AND LAW ENFORCEMENT CHAPTER 28 LAW ENFORCEMENT STANDARDS AND TRAINING PART 2 DEFINITIONS

10.28.2.2 SCOPE: All police officers, telecommunicators, and law enforcement agencies in the state of New Mexico

C. "Accredited" refers to training that is recognized by the director as meeting required standards set by the Law Enforcement Standards and Training Council. Accredited advanced training courses may be counted toward a law enforcement officer's or telecommunicator's in-service training requirements.

Commented [RF5]: "telecommunicator" needs to be defined as "public safety telecommunicator, to make the distinction between telecommunicators that are only certified for emergency medical, fire, or 988 telecommunications. It may be useful to incorporate the authorized to dispatch under 911.

Commented [RF6]: Same clarifications as in 10.23.2.1 comments above. Need to clarify that nothing in these rules applies to Tribal, Pueblo personnel or agencies in NM.

Commented [RF7]: We question all references to the "director's" authority as this refers to the LEA director and does not distinguish between the role of LEA and Council. Unclear what the word "recognize" means. The reference to advance training courses does not belong in this definition and should be deleted.

E. "Advanced telecommunicator "training" or "advanced training" is telecommunicator training beyond the basic telecommunicator training program level and does not include mandated in-service training courses.

F. "Agency" means a law enforcement or public safety agency recognized by the New Mexico Law Enforcement Academy

H. "Credentialed Instructor" means meeting the training standards established by statute and rules as determined by the New Mexico Law Enforcement Standards and Training Council to teach law enforcement officers and telecommunicators in New Mexico. A credential is distinct from a certification or commission and may be issued to qualifying individuals regardless of current employment status or in-service training compliance. A credentialed instructor may be a state-certified law enforcement officer or public safety telecommunicator, including officers employed by a law enforcement agency, reserve police officers, or a duly elected sheriff. A credentialed instructor may also be a police administrator or other employee who works for a public agency within the criminal justice system. A currently employed, former, or retired law enforcement officer or telecommunicator may be a credentialed instructor as long as that individual's state certification is not currently suspended or revoked by the Law Enforcement Certification Board. A credentialed instructor may also be an individual who is not employed within the criminal justice system, but has recognized expertise, academic qualifications, or other documented qualifications approved by the

J. "Director" means the director of the New Mexico Law Enforcement Academy

K. "General instructor" means a credentialed general instructor who is authorized to teach generalized topics of instruction which would not otherwise require a specialized, technical, high-risk or master instructor credential.

N. "Instructor course" is any accredited advanced police or telecommunicator training intended to further the individual's knowledge, skills, and abilities, beyond a basic level, for an instructor credential in the respective field.

R. "Public safety agency" means a unit of state or local government, a special purpose district or a private business that provides police, firefighting or emergency medical services

S. "Professional Lecturer" means someone who is credentialed to teach law enforcement or telecommunicators, but who is not an instructor as defined in

Commented [RF8]: This is not an acceptable definition. The LEA doesn't determine what an agency is. The agencies that employ the personnel covered by this section of regulations are created under the authority of the State of NM or its subsidiary governmental bodies, including counties, cities, villages, universities, and state agencies. The LEA doesn't have any authority to recognize such entities.

Commented [RF9]: This is a leap not authorized by the statute, and comment elsewhere clarifies that this is not an acceptable requirement. The statute attaches the Council to the LEA. It does not give staff control of the Council's operations to the LEA.

Commented [RF10]: You cannot define a term by use of the same term.

Commented [RF11]: Problems with the definition of "accredited" mentioned in the definition above. The normal use of the term "accredited" typically refers to an approval process by an institution or body qualified to oversee the content of a program. The "director" in question—the LEA director—is not required to have any qualifications for oversight comparable to the typical meaning of the term regarding educational programs.

Commented [RF12]: It is unclear what kind of private business this would apply to, unless it is contracted to a public agency, in which case the contracting relationship must be included in the definition.

Commented [RF13]: This is not an adequate definition of the term. The rules should reference definitions in statute. The public safety agency is intended to refer to the dispatching services of emergency management agencies or those attached to police, fire departments, or hospitals. 911 dispatch services are not, by definition included in this definitions. I believe there is a definition in statute that should be the reference.

Commented [RF14]: There is not a recognized credential to teach law enforcement or telecommunicators outside this system. The point of this definition should be to include experts and instruction from people outside the credentialing of the LEA

Section 10.28.2.7 and who has subject matter expertise, academic credentials, licensing, or professional experience.

TITLE 10 PUBLIC SAFETY AND LAW ENFORCEMENT CHAPTER 28 LAW ENFORCEMENT STANDARDS AND TRAINING PART 3 FACILITIES

No comments

TITLE 10 PUBLIC SAFETY AND LAW ENFORCEMENT CHAPTER 28 LAW ENFORCEMENT STANDARDS AND TRAINING PART 4 REGIONAL SATELLITE ACADEMIES

10.28.4.2 SCOPE: All law enforcement agencies and any other entities who operate a police academy or criminal justice certificate program in New Mexico.

10.28.4.9 B. Initial accreditation will involve a detailed review to ensure that the satellite academy is equipped with the requisite facilities, staffing, infrastructure, and resources to operate a program that is comparable to the academy.

C. An accredited satellite academy will renew its accreditation every three years. A renewal will automatically be processed by the New Mexico Law Enforcement Standards and Training Council, provided the academy has delivered at least three basic training programs during the previous three calendar years. If an academy has not done so, the director will review the academy's status and performance and make a recommendation to the Council for re-accreditation. The director will publish a compliance manual for satellite academy accreditation.

D. For basic law enforcement training and certification by waiver academies, comparable training facilities for the below-listed proficiency areas must be available or contracted for by the requesting agency or instructor and approved by the director. (1) Comparable driving track facility; (2) Comparable firearms range facility; and (3) Comparable obstacle/agility course facility

F. Once accreditation is granted, the agency or institution can conduct the program with the assurance that the program is comparable to or exceeds the minimum standards of training as established by the New Mexico Law Enforcement Standards and Training Council.

Commented [RF15]: This wording is not appropriate. The Council and LEA have no authority over training conducted by law enforcement agencies other than the regional academies. Many police agencies contract with various resources to provide training for their personnel outside the official training system overseen by either the LEA or the Council. Neither have any authority over criminal justice certificate programs that are operated through the community college or other higher education institutions, so these should not be referenced. Only if another agency other than a satellite academy wants the training it provides counted toward any of the credentials overseen by the LEA or the Council, would they be subject to any intervention by LEA or the Council. This should be re-written, and needs to include the satellites that train public safety telecommunications.

Commented [RF16]: This is not the standard. The standard is the criteria set by the Council. It isn't clear what "comparable" means.

Commented [RF17]: Insert "satellite" in front of academy. You have defined academy as the LEA, so need to be consistent in language to distinguish satellites from the LEA.

Commented [RF18]: All references to "director should be the LEA director" and not the Council Director...Compliance with the law requires them to be separate.

Commented [RF19]: Satellites should also have simulation software or equivalent capacity for the type of training that will be required by the new curriculum.

Commented [RF20]: Delete this language—comparable has no meaning or criteria. Insert "meets" in front of "or"

TITLE 10 PUBLIC SAFETY AND LAW ENFORCEMENT CHAPTER 28 LAW ENFORCEMENT STANDARDS AND TRAINING PART 5 QUALIFICATIONS FOR ADMISSION TO THE ACADEMY

B. Screening process:

C. Rejection of applicant and subsequent psychological evaluation within 12 months: (1) In the event an applicant receives a psychological rejection a subsequent or additional psychological evaluation may only be obtained

10.28.5.11 MEDICAL SELECTION GUIDELINES: A. Authority: An applicant to the academy or a regional satellite academy must be examined by a licensed physician and be found to be free of any physical condition that might adversely affect his/her performance as a police officer or prohibit him/her from successfully completing a prescribed basic law enforcement training course. The director or satellite academy director reserves the right to determine if a candidate may pose a direct threat to his/her safety or that of others in attending and participating in all aspects of the training program at the academy

10.28.5.10 BASIC TRAINING; PSYCHOLOGICAL EXAMINATION:

TITLE 10 PUBLIC SAFETY AND LAW ENFORCEMENT CHAPTER 28 LAW ENFORCEMENT STANDARDS AND TRAINING PART 6 COURSE ACCREDITATION PROCEDURES

10.28.6.2 SCOPE: All entities and organizations, either for-profit or public, that offer law enforcement training or educational courses. [10.28.6.2 NMAC - N, xx/xx/2026]

10.28.6.6 OBJECTIVE: The purpose of Part 6 is to establish guidelines for the submission and accreditation of law enforcement and telecommunicator classes through the Law Enforcement Academy.

10.28.6.9 COURSE ACCREDITATION PROCEDURES A. The academy shall establish procedures for the submission and accreditation of in-service, advanced law enforcement training classes, and advanced telecommunicator training classes

C. When accrediting classes, the academy has the authority to review the material for appropriate curriculum design, to ensure that the lesson plan includes citations

Commented [RF21]: There is no screening for implicit or explicit bias related to civil rights protections. Given the importance of compliance with the New Mexico Civil Rights Act and the consequences to state and local government for violations of that Act, it seems important that some objective form of screening be included in this process.

Commented [RF22]: This language does not make sense.

Commented [RF23]: This is a strange statement—it isn't clear that there needs to be a basis for this determination that a person is a danger to self or others, which could lead to a subjective decision to exclude someone based on implicit bias. Exclusion on this basis should require justification that can be appealed. It also isn't clear why this language is included under "medical selection guidelines". Suggest deleting or fleshing it out and considering whether it belongs in the psychological assessment section.

Commented [RF24]: Nowhere in this section is any reference to psychiatric diagnoses or past behavioral health interventions, current medication, or compliance with treatment for a psychiatric illness. Certain psychiatric diagnoses may present as normal in an assessment context. If this is due to compliance with medication/treatment, it should be viewed as non-disqualifying. The issue of compliance with treatment for certain conditions, however, should be subject to further evaluation. Bi-polar conditions, for example, may result in sudden change in mental status that would interfere with job performance. PTSD and some other conditions may be triggered by on-the-job events, such that the person is unable to perform at the expected levels or may interfere with the performance of others. It ...

Commented [RF25]: This is too broadly stated. The Council has no authority over law enforcement training or educational courses offered by colleges or private institutions that are outside the Certified programs overseen by the Council. For example, leadership training and ...

Commented [RF26]: This is too limited. Should be through the LEA, its satellites, by its certified instructors and faculty, when those courses are required for certification as a law enforcement officer, public safety telecommunicator ...

Commented [RF27]: This regulation is assuming by the way it is written that whatever is meant by "accreditation" is a delegated authority to the academy. This assumption is not anticipated by or consistent with the statute or its legislative intent. The statute anticipates that the Academ ...

Commented [RF28]: This is not an academy responsibility but a responsibility of the Council. The Council may delegate portions of the procedures to the Academy but should approve them and oversee compliance with them or explicitly delegate authority. Oversight of all curriculum a ...

Commented [RF29]: The specific meaning of "accrediting" isn't clearly stated and must be a delegated authority from the Council. Note that there are "accreditation" programs and standards by other organizations...e.g., CALEA for academies, and for college ...

and references to its source material, and to ensure alignment with any statewide standard curriculum established by the Council.

D. Lesson plans in approved academy format, any testing material, instructor information, and citations of all reference material must be submitted to the academy no less than 30 days before the anticipated start of a class. This packet may be submitted by email, by registered mail with a return receipt, or by some other means that documents when the packet was sent to the academy.

E. If the academy denies the accreditation of a class, the academy shall communicate the reason in writing to the individual who submitted the class for accreditation. F. The academy has 30 days to accredit or deny accreditation.

E. If the academy denies the accreditation of a class, the academy shall communicate the reason in writing to the individual who submitted the class for accreditation. F. The academy has 30 days to accredit or deny accreditation.

TITLE 10 PUBLIC SAFETY AND LAW ENFORCEMENT CHAPTER 28 LAW ENFORCEMENT STANDARDS AND TRAINING PART 7 INSTRUCTOR CREDENTIALING

10.28.7.2 SCOPE: All law enforcement agencies in the state of New Mexico, any law enforcement instructor, professional lecturer, or specialized law enforcement or telecommunicator instructor conducting training programs in New Mexico.

10.28.7.8 GENERAL INSTRUCTOR: A. A general instructor may teach all topics in a basic law enforcement training program, certification by waiver program, or standard in-service curriculum, except for emergency vehicle operations, use of force, mechanics of arrest and control, DWI/SFST, and firearms.

D. To qualify for a general instructor credential, an applicant shall complete the instructor credential application and satisfactorily demonstrate to the director a combination of education and experience in criminal justice, as well as proficiency in the instructional process, and meet the following requirements:

(2) Completion of an accredited 40-hour instructor development course, or equivalent training approved in writing by the director.

Commented [RF30]: This is problematic as it isn't clear which subject matters need to go to the academy or why, given the ambiguity of use of term accreditation. If a satellite or a law enforcement agency offers educational programs that are outside the specific requirements for certification, credentialing or in-service, then accreditation is outside the authority of the Academy and the Council. For example, one of the satellites offers leadership training for law enforcement...to-date this has not been a requirement, but is providing extra education that is desired for career advancement or sought by students and agency leaders. At some point the Council may decide to offer leadership or executive training programs and continuing education that fits into the overall continuum of programs.

Commented [RF31]: All such references to accreditation will require a clearer definition of "accreditation" as well as clearly delegated authority from the Council under conditions specified by the Council. This entire regulation gives more authority to the Academy than is intended by legislation that assigns those responsibilities to the Council.

Commented [RF32]: This is not acceptable. Curriculum approved by the Council for certification, credentialing or other required status may incorporate modality into the requirements. Some courses must be taught on a firing range or a track, some may require simulations and live hypotheticals. Modality is NOT separate from whatever the accreditation means...it is integral to many curricula, and

Commented [RF33]: Once again, this is too broadly stated. The Council scope does not apply to college or university training programs, those of private entities or those offered by law enforcement agencies that exceed the requirements of Council approved programs. For example, a number of law enforcement agencies have sent their staff for national training in programs such as ABLE (Active

Commented [RF34]: Replace "all" with "most". Don't list exceptions. The curriculum is being revised and there will be a replacement for "standard in-service" curriculum, so there may be many other topics involved...delete everything after in-service curriculum. Add, some topics will require master instructors or other types of specialists. You don't want to revise rules everytime new subjects are

Commented [RF35]: You don't want to put all the responsibility on the "director". There may well be other ways to credential instructors that are more effective, for example, given a fully staffed LEA and an arrangement with the satellites, it may be possible to convene committees of 3 directors for example, or experts/master instructors to review the qualifications of applicants for the general

Commented [RF36]: Here is a more flexible way of writing this. "completion of the Council-approved instructor development course in effect at the time, or equivalent training approved in writing by the director or delegated group of directors and master instructors. It may be that the duration of the instructor course that comes out of the new basic curriculum under development is more than 40

TITLE 10 PUBLIC SAFETY AND LAW ENFORCEMENT CHAPTER 28 LAW
ENFORCEMENT STANDARDS AND TRAINING PART 8 LAW
ENFORCEMENT TRAINING

10.28.8.2 SCOPE: Applies to all law enforcement-certified police officers in the state of New Mexico, all law enforcement agencies in the state of New Mexico, and all applicants for police officer certification by waiver of basic training and all law enforcement agencies in the state of New Mexico.

10.28.8.6 OBJECTIVE: The purpose of Part 8 is to establish minimum standards of training for police officer certification, establish training requirements and eligibility standards for police officers who seek certification by waiver of basic training under Section 29-7-10 NMSA 1978, and establish in-service training requirements for certified police officers and certified public safety telecommunicators.

10.28.8.8 POLICE OFFICER MINIMUM STANDARDS OF TRAINING: A. The Standards and Training Council shall approve the minimum standards of training for the academy's basic law enforcement training program and certification-by-waiver program. This curriculum shall be the standard curriculum for all regional satellite academies and certification-by-waiver programs. The LEOCE shall be based on this standard curriculum. The academy and regional satellite academies may add additional content to the standard curriculum, as long as that content is accredited. The additional content may not replace the standard curriculum unless that part of the curriculum conflicts with state or federal law and has not yet been formally updated by the academy.

10.28.8.10 POLICE OFFICER REGISTRY REPORTING:

A. Reporting Requirements: (1) Employment, termination, or conviction of any felony charge or violation of any federal or state law or local ordinance relating to aggravated assault, theft, driving while intoxicated, controlled substances, or other crime involving moral turpitude of all peace officers in the state of New Mexico must be reported to the academy within 30 days of such action.

(2) Required reporting forms shall be established by the director

(3) All law enforcement agencies that do not comply with the requirement of submitting to the academy status reports on their employees will not be eligible for

Commented [RF37]: Need to exempt tribal police agencies in New Mexico

Commented [RF38]: Need to include basic training for telecommunicator certification

Commented [RF39]: Again need clarification as to what accredited means --it is not up to the Academy but the responsibility of the council...language throughout the rules needs to be consistent. There is also no criteria for approving curriculum from the satellites or police agencies that is outside the curriculum. For example, if an academy wanted to offer curriculum in Dine language, there would be no capacity in either the Council or the Academy to oversee that...the satellite or agency would find an expert in the language to teach the course. Similarly a lot of specialized training in behavioral health or cultural relations or tribal relations may be provided that enhances the ability of the workforce in a region of the state, but doesn't really fall under the purview of the Council. The Council and Academy should not obstruct this type of training. It should stick to what is required for initial and continuing certification and credentialing of advanced, specialized, and technical skills.

Commented [RF40]: Replace "the academy" with "direction of the Council"

Commented [RF41]: A statement needs to be added here that the Academy will administer and maintain the Police Officer Registry in an electronic data base. Something needs to be added as to who has access to data within the registry.

Commented [RF42]: Replace "to the academy" with "to the administrator of the registry".....this will mean that if the registry moves or is administered by another unit of government, the provision holds. Making everything go to the academy or the director is untenable, too ambiguous, and inflexible. Here we are talking about a data base which has an administrative staff. It doesn't matter where the administrative staff are housed. For example, this function may be moved to a data department somewhere else in the justice system, to the Certification Board, or to a data unit in DPS—all outside the Academy.

Commented [RF43]: Imprecise—replace with "registry administrator"

Commented [RF44]: Replace with "to the registry".....what are "training funds"? This is no current law. The agencies are penalized by not receiving Law Enforcement Protection Funds...this is the legal penalty. The law does not authorize other penalties, so this section is inconsistent with law. The Registry would need to report failure to report to DPS and it becomes DPS responsibility to deny funding. There is no legal authorization to deny any training classes to an agency until the registry is made current. There is no authority here to bind DPS from the Academy which is a subsidiary within DPS to withhold funding. This entire section needs to be aligned with the statute.

training funds or attendance at basic or inservice/advanced training classes until the registry is made current. Repeated failures to maintain the registry shall result in a period of suspension of training eligibility to be set by the director.

(4) In order to protect the lives and safety of the officer involved, any law enforcement agencies employing undercover officers may indicate, in writing, a desire to protect the officer's identity. If such an indication is made, the officer's name shall not appear in the general office registry. Their name and other information requested shall, however, be furnished to the academy.

10.28.8.11 BASIC TRAINING; ENTRY LEVEL AND REQUALIFICATION FIREARMS TRAINING;

10.28.8.12 BASIC TRAINING; CONTINUATION OF CERTIFICATION AFTER SEPARATION: A. In the event a New Mexico-certified officer, who has retired from law enforcement service for more than six years, makes application to return to service, the officer shall satisfy the following requirements: (1) Must have graduated from a certified law enforcement academy that was comparable to or exceeds the standards of the programs of the academy.

10.28.8.13 IN-SERVICE TRAINING FOR LAW ENFORCEMENT OFFICERS: A. Curriculum Development

(3) The academy shall use the first nine months of the second year of the cycle to develop the curriculum for the upcoming in-service cycle. The academy may incorporate the approved topics into existing required in-service courses or create a new required course to cover them.

C. The 40 hours of training shall include, but not be limited to, current practices and updates in the following topics: (1)

D. Training content and accreditation for in-service classes

(2) The academy is responsible for creating a standard in-service curriculum for all required in-service classes to ensure that the curriculum is in line with the standard basic law enforcement training curriculum. This content shall be made available to all agencies six months before the start of the in-service training cycle.

Commented [RF45]: This should be revised to require that the Registry provide a secure section for information on officers whose identity must be protected, specifying limited access. Sending this information to the Academy does not protect it and is too vague.

Commented [RF46]: Suggest that all required "report to academy" language be replaced with "report to the Registry". Reporting to the "academy" is too general and accountability cannot be determined. The data needs to land in the Registry where it can be audited and responsibility for getting it there needs to be clear and consistent.

Commented [RF47]: This is no longer about the "academy", but about the standards set by the Council.

Commented [RF48]: This is not up to the Academy, but the Council, which has the right and should have the capacity to commission curriculum development by outside vendor, or have it developed internally by its own staff which are not the same as the "Academy". Throughout this rule, language suggests that the capacity of the Council is exhausted and limited by the staff of the Academy. This is not consistent with the law and legislative intent. Furthermore, it represents a conflict of interest, as the staff of the Academy are not responsible to the Council but to DPS. The Council has no mechanism in this rule to hold the Academy staff and director accountable to its policies if there is a difference of opinion or goals with the DPS administration. The Council is supposed to be independent of DPS and only receive administrative support. This rule ignores the language and intent of the law that establishes the Council.

Commented [RF49]: The reference to 40 hours should be omitted as the requirement is "at least 40 hours" and will likely increase with time and the modernization of the curriculum currently underway. There is no need to include the remainder of this section in detail, since the Council is charged with establishing the curriculum for each 2 year cycle. Replace the detail with something like: "the curriculum established by the Council will be consistent with any requirements of law, but will be updated with each cycle to national standards and the needs of the workforce"....this way the detail of the curriculum requirements in statute in the rule will follow whatever changes are made in law as well as by the Council. Otherwise there will need to be repeated changes to the rules.

Commented [RF50]: Again, the Academy is not the Council. Replace "creating" with "implementing the Council approved in-service curriculum. This language is redundant and can be simplified.

(3) An individual agency may create its own in-service courses that add content to the standard in-service curriculum. These courses must be accredited by the academy.

Commented [RFS1]: Same problem with use of term accredited by the Academy—the Council is the approving authority—not the Academy

(4) The instructor can use any instructional modality, including but not limited to in-person training, online training, or a hybrid of in-person and online training to teach a class, as long as the teaching modality for a particular class is not specifically required by statute.

Commented [RFS2]: This is wrong—modalities are not in statute but embedded in modernized curriculum. It should not be permissible for an instructor to use “any modality”. The modality is part of an approved curriculum. Separating modality from curriculum will degrade the training, as instructors will be able to substitute older methods like powerpoint slides and “canned” videos for the requirement in the modernized curriculum established to meet national standards that integrates knowledge with application. This section should be deleted.

TITLE 10 PUBLIC SAFETY AND LAW ENFORCEMENT CHAPTER 28 LAW
ENFORCEMENT STANDARDS AND TRAINING PART 9 PUBLIC SAFETY
TELECOMMUNICATOR TRAINING

Arballo, Jessica, DPS

From: Barbara Schroder <Barbs1@bway.net>
Sent: Monday, August 24, 2026 2:13 PM
To: Arballo, Jessica, DPS
Subject: [EXTERNAL] Comment on Proposed rule changes
Attachments: Schroder Comment Letter.docx

You don't often get email from barbs1@bway.net. [Learn why this is important](#)

CAUTION: This email originated outside of our organization. Exercise caution prior to clicking on links or opening attachments.

Dear Ms. Arballo,

Please accept the attached letter as formal comment on the proposed repeal of Title 10, Chapter 29, Parts 2-5, 7-10 and new Title 10 Chapter 28 Parts 1-9.

Sincerely yours,
Barbara Schroder



[Type here]

Barbara Schroder
10 Camino Peralta
Barbs1@bway.net
August 24, 2026

Jessica Arballo
DPS Law Enforcement Academy
4491 Cerillos Rd.,
P.O. Box 1628, 87504-1628
jessica.arballo@dps.nm.gov

RE: proposed repeal of TITLE 10, CHAPTER 29, PARTS 2-5, 7-10 NMAC PUBLIC SAFETY AND LAW ENFORCEMENT ACADEMY, and new TITLE 10 CHAPTER 28 PART 1 GENERAL PROVISIONS; PART 2 DEFINITIONS; PART 3 FACILITIES; PART 4 REGIONAL SATELLITE ACADEMIES; PART 5 QUALIFICATIONS FOR ADMISSION TO THE ACADEMY; PART 6 COURSE ACCREDITATION PROCEDURES; PART 7 INSTRUCTOR CREDENTIALING; PART 8 LAW ENFORCEMENT TRAINING; PART 9 TELECOMMUNICATOR TRAINING.

Ms. Arballo;

Please accept this letter as formal comment on the proposed repeal of Title 10, Chapter 29, Parts 2-5, 7-10 and new Title 10 Chapter 28 Parts 1-9.

This rule creates confusion and a lack of accountability due to having one “director” for both the Academy and the Council. This is not workable, and conflicts with the statutory mandate that the Council be independent. It is only “attached” to the Academy for administrative support, not substantive direction.

The rule does not leave the Council the option to by-pass the Academy to retain expert consultants and vendors independently to do work that can expedite the production and updating of curricula. This will slow down efforts to upgrade training for our law enforcement workforce, given training programs that are already sub-standard and decades out of date.

Without major re-working, this proposed rule will take the state backwards and impede modernization of standard setting and training, depriving our law enforcement and emergency dispatch workforce of the quality and real time upgrading of education that it needs to provide public safety to our communities.

Sincerely,

Barbara Schroder

Arballo, Jessica, DPS

From: Jennifer Gorham <jgorham@mvrda.org>
Sent: Monday, August 24, 2026 9:53 AM
To: Arballo, Jessica, DPS
Cc: C-JENNIFER.GORHAM
Subject: [EXTERNAL] Public Comment on Proposed Permanent Rule

CAUTION: This email originated outside of our organization. Exercise caution prior to clicking on links or opening attachments.

Good morning, Jessica,

Below are my comments on the Proposed Permanent Rule changes to Title 10, Chapter 29, Parts 2-5 and 7-10 NMAC. I intended to attend in person and verbalize these comments should I be afforded the opportunity. However, I did want to provide you written comments per the advisement of the Public Notice. Thank you for your consideration,.

Good morning, and thank you for the opportunity to provide comments regarding the proposed rule changes to Title 10, Chapter 29, Parts 2–5 and 7–10 NMAC, and the new Title 10, Chapter 28, Parts 1–9 NMAC.

My name is Jennifer Gorham, and I serve as the Executive Director of the Mesilla Valley Regional Dispatch Authority (MVRDA), the Public Safety Answering Point (PSAP) serving Doña Ana County and located in Las Cruces. MVRDA also hosts a New Mexico Public Safety Telecommunicator Academy, providing training and education to the next generation of Public Safety Telecommunicators.

Public Safety Telecommunicators (PSTs) appreciate the work of the Council and its continued efforts to strengthen training, standards, and professionalism within public safety. We also appreciate the Council's recognition that PSTs represent a significant and strong component of the public safety community and play a critical role in the emergency response system.

I am in support of the proposed changes and appreciate the Council's efforts to establish clear direction and updated standards for law enforcement and telecommunicator training, instructor credentialing, and related processes.

I encourage the Council, however, to continue developing clear standards and protocols for the Certification by Waiver process for Public Safety Telecommunicators (PSTs). As New Mexico continues to attract experienced PSTs from other states, a clearly defined waiver process would support the recruitment of qualified professionals. It would also provide an opportunity to re-certify individuals who were previously certified as PSTs, left the profession, and wish to return.

I also encourage the Council to replace the term "Telecommunicator" with "Public Safety Telecommunicator" throughout the rules. This terminology aligns with national efforts to establish consistent language and recognition of the critical role PSTs play within the public safety system.

Finally, I recommend reviewing Part 8, Law Enforcement Training, where PSTs are referenced in the Objective. Since PST training is addressed separately in the proposed Part 9, references to PSTs in Part 8 should be

removed to maintain clarity and ensure a clear distinction between law enforcement and PST training requirements.

Thank you for your consideration of these comments and for your continued work to strengthen public safety training and professional standards throughout New Mexico.



Jennifer Gorham, CPO, CMCP, ENP, CPE

Executive Director

Mesilla Valley Regional Dispatch Authority

O: 575-647-6803 | **C:** 575-496-1835 |

E: jgorham@mvrda911.gov

W: www.mvrda911.gov

Notice: Our official website domain has changed to mvrda911.gov. Please update your records and bookmarks accordingly.

Arballo, Jessica, DPS

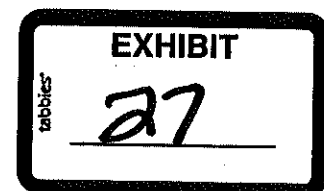
From: Jayne Nordstrom <jaynenord@aol.com>
Sent: Monday, August 24, 2026 4:15 PM
To: Arballo, Jessica, DPS
Subject: [EXTERNAL] Public Comment - Proposed repeal of TITLE 10, CHAPTER 29, PARTS 2-5, 7-10 NMAC PUBLIC SAFETY AND LAW ENFORCEMENT ACADEMY
Attachments: 20260824_PublicCommentPublicSafetyAndLawEnforcementAcademy_Jayne Nordstrom.pdf

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Please accept this email and attached letter as formal comment on the proposed repeal of Title 10, Chapter 29, Parts 2-5, 7-10 and new Title 10 Chapter 28 Parts 1-9.

Jayne Nordstrom



Jayne Nordstrom
1 Calle Vecinos
Santa Fe, NM 87507
jaynenord@aol.com

August 24, 2026

Jessica Arballo
DPS Law Enforcement Academy
4491 Cerillos Rd.,
P.O. Box 1628, 87504-1628
jessica.arballo@dps.nm.gov

RE: Proposed repeal of TITLE 10, CHAPTER 29, PARTS 2-5, 7-10 NMAC PUBLIC SAFETY AND LAW ENFORCEMENT ACADEMY, and new TITLE 10 CHAPTER 28 PART 1 GENERAL PROVISIONS; PART 2 DEFINITIONS; PART 3 FACILITIES; PART 4 REGIONAL SATELLITE ACADEMIES; PART 5 QUALIFICATIONS FOR ADMISSION TO THE ACADEMY; PART 6 COURSE ACCREDITATION PROCEDURES; PART 7 INSTRUCTOR CREDENTIALING; PART 8 LAW ENFORCEMENT TRAINING; PART 9 TELECOMMUNICATOR TRAINING.

Ms. Arballo;

Please accept this email as formal comment on the proposed repeal of Title 10, Chapter 29, Parts 2-5, 7-10 and new Title 10 Chapter 28 Parts 1-9.

I write to raise a significant concern with the proposed rule as drafted.

Having the Academy and its Director report to the DPS Secretary — with direction from the Council treated as secondary — does not comply with the plain language of the statute, and is inconsistent with the meaning of "attachment" under the Executive Reorganization Act.

Thank you for the opportunity to comment.

Sincerely,

Jayne Nordstrom

Arballo, Jessica, DPS

From: Bev Hedin <bevhedin@gmail.com>
Sent: Monday, August 24, 2026 3:59 PM
To: Arballo, Jessica, DPS
Subject: [EXTERNAL] Civil Rights & Criminal Justice Reform

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Bev Hedin

639A Camino Lejo

Santa Fe, NM 87505

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August 24, 2026

Jessica Arballo

DPS Law Enforcement Academy
4491 Cerillos Rd.,
P.O. Box 1628, 87504-1628
jessica.arballo@dps.nm.gov

RE: proposed repeal of TITLE 10, CHAPTER 29, PARTS 2-5, 7-10 NMAC PUBLIC SAFETY AND LAW ENFORCEMENT ACADEMY, and new TITLE 10 CHAPTER 28 PART 1 GENERAL PROVISIONS; PART 2 DEFINITIONS; PART 3 FACILITIES; PART 4 REGIONAL SATELLITE ACADEMIES; PART 5 QUALIFICATIONS FOR ADMISSION TO THE ACADEMY; PART 6 COURSE ACCREDITATION PROCEDURES; PART 7 INSTRUCTOR CREDENTIALING; PART 8 LAW ENFORCEMENT TRAINING; PART 9 TELECOMMUNICATOR TRAINING.

Ms. Arballo;

Please accept this email as formal comment on the proposed repeal of Title 10, Chapter 29, Parts 2-5, 7-10 and new Title 10 Chapter 28 Parts 1-9.

- This rule creates confusion and a lack of accountability due to having one "director" for both the Academy and the Council. This is not workable, and conflicts with the statutory mandate that the Council be independent. It is only "attached" to the Academy for administrative support, not substantive direction.

Sincerely,

Bev Hedin



Arballo, Jessica, DPS

From: Gilbert Najar <Gilbert.Najar@wnmu.edu>
Sent: Monday, August 24, 2026 5:03 PM
To: Arballo, Jessica, DPS
Subject: [EXTERNAL] PUBLIC HEARING ON PROPOSED PERMANENT RULE
Attachments: LESTC Public Hearing Comments Aug 25-27 2026.pdf

CAUTION: This email originated outside of our organization. Exercise caution prior to clicking on links or opening attachments.

Pease find attached my comments for the Public Hearing, August 25-27, 2026.



Attn: Jessica Arballo, DPS Law Enforcement Academy at 4491 Cerillos Rd., P.O. Box 1628, 87504-1628, or by email at jessica.arballo@dps.nm.gov

Subject: Rule Changes to 10.28.2.7 NMAC; 10.28.3.8; 10.28.4.2 NMAC; 10.28.4.12 NMAC; 10.28.5.2 NMAC; 10.28.5.9 NMAC; 10.28.5.10 NMAC and 10.28.8.8 NMAC

Submitted by: Gilbert Najar
gilbert.najar@wnmu.edu
575-538—6288

Comments:

10.28.2.7 Definitions

B. "Academy" means the New Mexico Law Enforcement Academy.

Comments: "Academy" means the New Mexico Law Enforcement Academy and includes the state-wide basic police and telecommunicator academy for accreditation purposes.
Reasoning: This will clarify that the state-wide LEA basic and telecommunicator academies are also regional academies subject to accreditation and re-accreditation.

U. "Separation" means a break in employment with a public safety agency as a full-time certified public safety telecommunicator after being employed for a minimum period of five years and having left the public safety agency in good standing.

Comments: "Separation" means a break in employment with a public safety agency as a full-time certified law enforcement officer or full-time certified public safety telecommunicator after being employed for a minimum period of five years and having left the public safety agency in good standing.

Reasoning: Definition should include law enforcement officers.

Comments: add new definition

Y. "NMAC Working Group" means a subcommittee of the Council that may include non-council members who have a specific expertise, or knowledge.

Reasoning: In Part 1 the term "NMAC Working Group" is used three times.

10.28.1.8 F Rule Clarification. Subsections (4), (5), and (6) use the term "NMAC Working Group." This enables defining and assigning individuals to the group.

10.28.3.8 Use of Facilities

E. Any organization requesting services that are not utilized will be obligated to pay for all services requested unless written notification of cancellation is made at least five days prior to the date of services.

Comments: Any organization requesting services that are not utilized will be obligated to pay for all services requested unless written notification of cancellation is made at least five days prior to the date of services, "unless otherwise contracted."

Reasoning: I do a legal contract for EVOC and the use of facilities which has its own cancellation provisions in the contract.

G. The director or designee may cancel the use of training center facilities 15 days prior to the scheduled date if circumstances warrant such cancellation.

Comments: The director or designee may cancel the use of training center facilities 15 days prior to the scheduled date if circumstances warrant such cancellation, "unless otherwise contracted."

Reasoning: I do a legal contract for EVOC and the use of facilities which has its own cancellation provisions in the contract.

10.28.4.2 SCOPE: All law enforcement agencies and any other entities who operate a police academy or criminal justice certificate program in New Mexico.

Comments: The Academy, all law enforcement agencies and any other entities who operate a police academy or criminal justice certificate program in New Mexico.

Reasoning: This clarifies that the state-wide academy is included.

10.28.4.12 Law Enforcement Officer Certification Examination (LEOCE)

B. If a student does not secure a law enforcement position within one year from the date of passing the LEOCE, they will be required to attend an accredited certification-by-waiver program to maintain their certification.

Comments: If a student does not secure a law enforcement position within one year from the date of passing the LEOCE, they will be required to attend an accredited certification-by-waiver program to obtain ~~maintain~~ their certification.

Reasoning: This clarifies that employment is required to obtain the law enforcement certification.

10.28.5.2 SCOPE:

Comments: SCOPE: All law enforcement agencies and any other entities who operate a police academy or criminal justice certificate program in New Mexico.

Reasoning: Add existing language.

10.28.5.9 FINGERPRINT CLEARANCE FOR ADMISSION:

~~A. All New Mexico police officer applicants for admission to the academy or a regional satellite academy must receive a fingerprint clearance from the Department of Public Safety Technical and Emergency Support Division and the Federal Bureau of Investigation. No person can apply for admission to the academy or a regional satellite academy, if that person has been convicted of, pled guilty to, or entered a plea of nolo contendere to any felony charge or, within the three-year period immediately preceding the application, to any violation of federal or state law or local ordinance relating to aggravated assault, theft, driving while intoxicated, controlled substances, or other crimes involving moral turpitude, or if the officer has been discharged from any branch of the United States armed forces under dishonorable conditions.~~

~~B. One set (two cards) of applicant fingerprint cards shall be completed and forwarded to the Department of Public Safety Technical and Emergency Support Division. The division shall conduct the state records check and forward the second card to the Federal Bureau of~~

~~Investigation Identification Section for a national records check. Incomplete or improperly completed fingerprint cards shall be returned to the requester.~~

~~C. If information received from the Department of Public Safety Technical and Emergency Support Division or the Federal Bureau of Investigation indicates that the applicant has a criminal conviction for a felony or other disqualifying offense, it must be submitted as part of the application packet. If disposition information is not available on a criminal history record, the final disposition must be obtained and submitted as part of the application packet prior to admission to an academy.~~

Comments: Replace the entire section.

Reasoning: This is the DPS approved process.

A. All New Mexico police officer applicants for certification must receive a fingerprint clearance from the department of public safety technical and emergency support division and the federal bureau of investigation. No officer applying for police officer certification is allowed to receive an original appointment on a permanent basis in New Mexico if the officer has been convicted of or pled guilty to or entered a plea of nolo contendere to any felony charge or, within the three-year period immediately preceding their application, to any violation of any federal or state law or local ordinance relating to aggravated assault, theft, driving while intoxicated, controlled substances or other crime involving moral turpitude and have not been released or discharged under dishonorable conditions from any of the armed forces of the United States.

B. IDEMIA: Effective Monday, May 1, 2023, IDEMIA is the new fingerprint supported background check provider. The New Mexico Department of Public Safety is pleased to partner with IDEMIA to transform and streamline the background check process to better serve you.

C. Applicant Registration/Appointment Scheduling: All applicants who will require fingerprinting service must first register via the IDEMIA scheduling website by simply using the agency or applicant type-specific ORI and fingerprint reason. The new website will collect all necessary personal data for the applicant and allow appointment scheduling at one of the many Identogo® centers throughout the State of New Mexico utilizing an easy-to-use search tool. The link to the website is:
<https://www.nm.state.identogo.com>

D. Once the registration is completed, the applicant will receive a Service Summary detailing their appointment time along with items they will need to bring to their appointment. For applicants that provide an e-mail address as their method of contact, this information is also e-mailed to the applicant at the personal e-mail address provided during registration.

E. LEA-5: Once fingerprinting is completed LEA-5 will be completed for submission with the applicant's packet for admission.

10.28.5.10 BASIC TRAINING; PSYCHOLOGICAL EXAMINATION:

C. Rejection of applicant and subsequent psychological evaluation within 12 months:

(1) In the event an applicant receives a psychological rejection a subsequent or additional psychological evaluation may only be obtained. This evaluation must be requested within 30 days of the rejection.

(2) Any rejected applicant who does seek a second opinion may reapply to a New Mexico law enforcement agency 12 months from the signature date of the rejection.

Comments: Add to the section.

(3) It is the responsibility of the licensed psychologist conducting the examination to inform the applicant of the basis for the rejection.

Reasoning: This ensures that the applicant is aware of their status and ensures that unlicensed academy staff are not required to respond to or try to explain the basis for the rejection.

10.28.8.8 POLICE OFFICER MINIMUM STANDARDS OF TRAINING:

B. The physical fitness entrance examination shall be administered no earlier than forty-five (45) days prior to the start date of the academy.

C. Fitness standards for basic police officer training academy entrance and exit standards. All entrance times were set by the NMLEA Board on September 3, 2014, with the altitude adjustment adopted by the NMLEA Board on June 8, 2016. Physical fitness testing standards:

Comments: Add new section and renumber.

C. The physical fitness exit examination shall be administered no earlier than thirty (30) days prior to graduation of the academy.

DE. Fitness standards for basic police officer training academy entrance and exit standards. All entrance times were set by the NMLEA Board on September 3, 2014, with the altitude adjustment adopted by the NMLEA Board on June 8, 2016. Physical fitness testing standards:

Reasoning: Provide clarification.

Arballo, Jessica, DPS

From: Marlene Merritt <marlenemerritt@gmail.com>
Sent: Monday, August 24, 2026 3:47 AM
To: Arballo, Jessica, DPS
Subject: [EXTERNAL] Public comment
Attachments: Merritt_Comment.pdf



Marlene Merritt
205 Rendon Rd.
marlenemerritt@gmail.com
August 24, 2026

Jessica Arballo
DPS Law Enforcement Academy
4491 Cerillos Rd.,
P.O. Box 1628, 87504-1628
jessica.arballo@dps.nm.gov

RE: proposed repeal of TITLE 10, CHAPTER 29, PARTS 2-5, 7-10 NMAC PUBLIC SAFETY AND LAW ENFORCEMENT ACADEMY, and new TITLE 10 CHAPTER 28 PART 1 GENERAL PROVISIONS; PART 2 DEFINITIONS; PART 3 FACILITIES; PART 4 REGIONAL SATELLITE ACADEMIES; PART 5 QUALIFICATIONS FOR ADMISSION TO THE ACADEMY; PART 6 COURSE ACCREDITATION PROCEDURES; PART 7 INSTRUCTOR CREDENTIALING; PART 8 LAW ENFORCEMENT TRAINING; PART 9 TELECOMMUNICATOR TRAINING.

Ms. Arballo;

Please accept this email as formal comment on the proposed repeal of Title 10, Chapter 29, Parts 2-5, 7-10 and new Title 10 Chapter 28 Parts 1-9. It simply does not work to have DPS assert control over the funding and staff intended to be used for the Council's work.

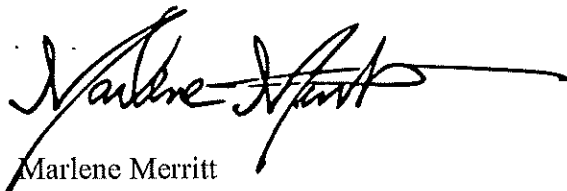
- This rule creates confusion and a lack of accountability due to having one "director" for both the Academy and the Council. This is not workable, and conflicts with the statutory mandate that the Council be independent. It is only "attached" to the Academy for administrative support, not substantive direction.
- Funding controlled by the Academy deprives and prevents the Council from doing its work when the Academy either disagrees, fails to follow-through, or does not have capacity to do the work.
- The role of the Academy and its Director reporting to the DPS Secretary rather and only secondarily taking direction from the Council doesn't comply with the plain language of the statute, and is inconsistent with the meaning of "attachment" in the Executive Re-organization Act.
- The Academy rules should not be included within the rules for the Council. The Academy is a division of DPS and should have its own rules.

The law was clearly written and this new draft does not comply with the applicable law. This proposed rule will take the state backwards and impede modernization of standard setting and

training, depriving our law enforcement and emergency dispatch workforce of the quality and real time upgrading of education that it needs to provide public safety to our communities.

. Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read "Marlene Merritt", with a long horizontal flourish extending to the right.

Marlene Merritt

Arballo, Jessica, DPS

From: Arballo, Jessica, DPS
Sent: Friday, August 21, 2026 11:22 AM
To: MATHEWS, RICHARD
Cc: Boling, Sheyenne, DPS; Dean, Marshall, DPS
Subject: FW: DPS Written Comments on Proposed LESTC Rulemaking
Attachments: DPS comments on proposed rulemaking 082126.pdf

From: Gallardo, Julie, DPS <julie.gallardo@dps.nm.gov>
Sent: Friday, August 21, 2026 10:39 AM
To: Arballo, Jessica, DPS <Jessica.Arballo@dps.nm.gov>
Cc: Bowie, Jason, DPS <Jason.Bowie@dps.nm.gov>
Subject: DPS Written Comments on Proposed LESTC Rulemaking

Good morning Deputy Director Arballo,

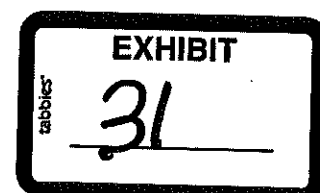
Attached please find correspondence from Secretary Bowie regarding DPS' written comments on rulemaking set for public hearing next week. Please let me know if you need anything else from me.

Thanks,



Julie M. Gallardo
Acting Chief Legal Counsel
Office of Legal Affairs
Department of Public Safety
P.O. Box 1628
Santa Fe, NM 87504
Work Cell: 505-538-6374

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New Mexico Department of Public Safety

MICHELLE LUJAN GRISHAM
GOVERNOR

JASON R. BOWIE
CABINET SECRETARY

MATT BROOM
INTERIM CHIEF

SYLVIA M. SERNA
DEPUTY SECRETARY

August 21, 2026

Via email: jessica.arballo@dps.nm.gov

Jessica Arballo
DPS Law Enforcement Academy
4491 Cerrillos Road, P.O. Box 1628
Santa Fe, New Mexico 87504-1628

RE: Written comment of the New Mexico Department of Public Safety on the proposed repeal of New Mexico Administrative Code Title 10, Chapter 29, Parts 2 through Part 5 and Part 7 through Part 10 and proposed new additions of New Mexico Administrative Code Title 10, Chapter 28, Parts 1 through Parts 9 (Notice of Public Hearing posted July 10, 2026; hearing August 25–27, 2026)

Dear Members of the Law Enforcement Standards and Training Council:

The Department of Public Safety (hereinafter “the Department”) submits this written comment on the proposed new Title 10, Chapter 28 rules and the companion repeal of most of Title 10, Chapter 29 of the New Mexico Administrative Code. The Department supports the Council’s goal of modernizing and reorganizing the training rules to reflect the 2022 and 2023 legislation that divided responsibilities between the Law Enforcement Standards and Training Council (hereinafter “the Council”) and the Law Enforcement Certification Board (“hereinafter “the Board”). However, the rules as proposed create significant legal problems that should be corrected before these rules take effect. The most important are set forth below.

The in-service training rules omit annual statutorily required subjects.

NMSA 1978, Section 29-7-4.4 requires that in-service training “each year” for every certified officer include eight (8) specific subjects: crisis management and intervention; dealing with individuals experiencing mental health issues; de-escalation; peer-to-peer intervention; stress management; racial sensitivity; reality-based situational training; and use-of-force training that includes the elimination of vascular neck restraints. Proposed Rule 10.28.8.13 NMAC lists none of these statutorily required subjects. NMSA 1978, Section 29-7C-4.1 requires the same annual subjects for telecommunicators and includes high-quality telecommunicator CPR, a requirement the Legislature added in 2025. Proposed Rule 10.28.9.11 NMAC carries forward only a mental-impairments topic and omits the rest, and it reduces the one-hour crisis-management minimum in NMSA 1978, Section 29-7C-7 to an unspecified “topic of interactions with persons with mental impairments”

The Department understands that these provisions may have been drafted in anticipation of Senate Bill 50 (2026), which would have moved these subjects from statute to Council rulemaking; however, that bill did not pass. Under the statutes in force, an agency that follows the proposed rule as written would still leave its officers and telecommunicators short of statutory requirements, exposing them to certification suspension and exposing agencies and the state to avoidable litigation risk, particularly in instances in which annual use-of-force training lapses.

Certification by waiver is required in multiple sections but is not defined.

The proposed rules repeatedly require officers, telecommunicators, and returning retirees to complete “an accredited certification-by-waiver program.” Yet, the sections that would establish that program (10.28.8.14, 10.28.8.15, 10.28.9.12 and 10.28.9.13) are all marked “Reserved.” The proposed repeal of Title 10, Chapter 29, Parts 8 through 10 eliminates the existing program rules, including the police officer transition program, which has no replacement. The surviving portion of the current certification by waiver rule, Rule 10.29.6 NMAC, sets forth only eligibility requirements and cross-references for the very rules being repealed.

Additionally, certification by waiver is also a shared function: under NMSA 1978, Section 29-7-10, the Board waives training and certifies, “with the approval of the council.” The waiver and transition provisions should be completed, in coordination with the Board, and in place before any repeal takes effect. Otherwise, New Mexico will have no working pathway for experienced out-of-state officers, returning retirees, or transition candidates during a statewide recruitment shortage.

Several provisions exercise authority that the Legislature gave to the Certification Board.

NMSA 1978, Section 29-7-4.3 assigns certification, including denial, suspension, and revocation, to the Board and divides rulemaking. As such, the Council adopts rules only for the sections enumerated in NMSA 1978, Section 29-7-4(E). However, the proposed rules infringe on those defined roles as follows: they make address reporting “a requirement of certification maintenance” (10.28.1.8(G)); allow the New Mexico Law Enforcement Academy (hereinafter “the Academy”) to refuse to “certify” personnel from agencies with unpaid bills (10.28.3.10(C)); direct that an applicant’s “commission” be suspended, although commissions belong to employing agencies (10.28.8.10(B)); and screen telecommunicator applicants for “acts which would be grounds for denial, revocation, or suspension of certification,” a determination that the statute reserves to the Board (10.28.9.8(A)(5)). These provisions should be removed or rewritten in coordination with the Board.

Binding standards would be created outside the public rulemaking process.

Proposed Rule 10.28.1.8(F) makes a "preliminary clarification" issued by the chair or a working group "the controlling standard" until the Council later meets; proposed Rule 10.28.3.9(A) lets the director raise fees "at any time," effective "immediately," "without notice;" and proposed Rule 10.28.6.9(J) lets the New Mexico Law Enforcement Academy change Council-approved statewide curricula and notify the Council afterward. NMSA 1978, Section 29-7-4(E) requires the Council's rules to be adopted "in accordance with the provisions of the State Rules Act," and standards of general applicability are "rules" under NMSA 1978, Section 14-4-2(F) that cannot be created by a chair's memorandum or an unnoticed fee change.

Relatedly, the proposed rules remove the codified training curricula (672 hours in 16 blocks for officers; 130 hours in 8 blocks for telecommunicators) in favor of standard curricula, manuals, and handbooks that exist outside the Administrative Code, which will make it difficult for agencies, officers, and the public to know what the binding requirements are. Interim guidance should be expressly nonbinding, and the operative curricula should be codified or formally incorporated by reference with public access.

The rules contain internal contradictions and process gaps that will generate disputes.

A few notable examples:

- For instance, the Academy is given until September 30 of the second cycle year to develop in-service curriculum; another subsection requires be distributed by July 1 (10.28.8.13(A), (D));
- The return-to-service proposed rules in 10.28.8.12(A) and (B) overlap and contradict one another, as do 10.28.9.17 and 10.28.9.18 for telecommunicators;
- Graduates who are not hired within a year are told to attend waiver training "to maintain their certification" before they hold any certification (10.28.4.12(B); 10.28.9.9(B));
- Mandatory admission qualifications pursuant to NMSA 1978, Section 29-7-6 become discretionary ("may be rejected," 10.28.5.8(A)), and the scope section of Part 5 is blank;
- An instructor's credential can be suspended or revoked within 30 days with no notice of the allegations, no opportunity to respond, and no appeal other than asking the chair to place the matter on an agenda (10.28.7.14);
- Classes may lawfully proceed when the Academy misses its 30-day deadline and then be denied accreditation retroactively, at the students' expense (10.28.6.9(F)); and
- Regional academies must transmit Social Security numbers and complete psychological and medical reports with no confidentiality, retention, or security requirements (10.28.4.10(B)).

Technical corrections are needed throughout.

For instance:

- Parts 2 through 8 cite “Paragraph (1) of Subsection E of Section 29-7-4” as their statutory authority; Subsection E has no paragraphs.
- Page footers misidentify the part number on most of the proposed rules
- Section cross-references are broken in several places, and
- No transition, savings, or grandfathering provisions address existing accreditations, credentials, pending applications, or students in the pipeline.

The Notice of Public Hearing on Proposed Rulemaking itself has not been made available as the State Rules Act requires.

Although the Notice of Public Hearing on Proposed Rulemaking (hereinafter “the Notice”) appears on the Academy’s website and refers readers to the Rulemaking Sunshine Portal. However, the Notice has not actually been posted on the Sunshine Portal. NMSA 1978, Section 14-4-5.2(A) requires the agency to “provide to the public” the notice of proposed rulemaking not later than thirty days before the hearing, and NMSA 1978, Section 14-4-2(E) defines “provide to the public” to mean distributing the rulemaking information by each of the listed methods, including “posting it on the sunshine portal.” A search of the Sunshine Portal’s rule-hearing list for the Department, current as of August 17, 2026, confirms that this rulemaking is not listed; a copy of those search results is enclosed. Moreover, while the Notice describes the parts being repealed and adopted, it fails to include a summary of the content of the proposed rules required by NMSA 1978, Section 14-4-5.2(B)(1). These defects affect the validity of any rule adopted on this notice.

The Notice does not appear to have been published in a newspaper as required.

NMSA 1978, Section 9-19-6(E) provides that, “[u]nless otherwise provided by statute, no regulation affecting any person or agency outside the department [of public safety] shall be adopted, amended or repealed without a public hearing on the proposed action . . . ,” and that notice of the proposed action “shall be published once at least thirty days prior to the hearing date in a newspaper of general circulation in the state and mailed at least thirty days prior to the hearing date to all persons who have made a written request for advance notice of hearing.”

The Council is administratively attached to this Department, and these rules affect officers, telecommunicators, and agencies throughout the state, so this publication requirement applies to the Council’s rulemaking. The Department is not aware that the July 10, 2026 notice was published in any newspaper of general circulation or mailed to persons who have requested advance notice of hearing. If publication and mailing did not occur, the rulemaking must be re-advertised with proper notice; if they did occur, the Department requests that proof of publication be placed in the rulemaking record.

The Department respectfully requests that the Council not adopt these rules as noticed. The corrections required—restoring the statutory annual subjects, completing the certification-by-waiver and transition parts, realigning the provisions that reach into the Board's authority, and conforming the clarification, fee, and curriculum provisions to the State Rules Act—are substantial enough that the revised rules should be re-noticed for public comment under NMSA 1978, Section 14-4-5.2.

The notice and publication defects described above independently warrant re-advertising the rulemaking and rescheduling the hearing on a properly posted and published notice. Re-noticing will also give the public notice summarizing the content of the rules and allow the Council to adopt rules that can be implemented without immediate amendment.

The Department appreciates the substantial work the Council has invested in this reorganization and shares its objective: clear, lawful, statewide training standards for New Mexico's officers and telecommunicators. These comments are offered so that the final rules achieve that objective without conflicting with the governing statutes.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "J.R. Bowie", with a stylized flourish at the end.

Jason R. Bowie
Cabinet Secretary
New Mexico Department of Public Safety

cc: Julie M. Gallardo, Acting Chief Legal Counsel, DPS Office of Legal Affairs

Encl: Sunshine Portal rule-hearing search results for the Department of Public Safety (August 17, 2026)



Rule Hearing Search

Hearing Date: Comments: Agency:
All Deadline Date: Department of Public Safety

Search

Total Results: 11 - Page #1

View	Agency	Public Hearing	Purpose	Hearing Date	Comments Due Date
View Details	Department of Public Safety	CLASSIFYING CONFIDENTIALITY OF RECORDS IN MISSING PERSONS INVESTIGATIONS	To establish guidelines for confidentiality in missing persons investigations and put forth an appeals process.	6/5/2026	6/4/2026 12:00 PM
View Details	Department of Public Safety	PROPOSED RULE AMENDMENT REGARDING CONCEALED CARRY HANDGUN	A public hearing to receive comments and input on a proposal to make permanent the emergency rule amendments and additional changes	10/14/2025	10/14/2025 12:00 PM
View Details	Department of Public Safety	CORRECTED NOTICE OF PUBLIC HEARING ON PROPOSED PERMANENT RULE AMENDMENT	Correction of prior notice to make permanent the emergency rule amendments and additional changes.	10/14/2025	10/28/2025 12:00 PM
View Details	Department of Public Safety	10.2.4 NMIC LAW ENFORCEMENT RETENTION FUND REPORTING, MONITORING & ADMINISTRATION	The proposed rule amendments will be permanent	10/24/2024	10/24/2024 9:00 AM
View Details	Department of Public Safety	Notice of Adoption of NMIC 10.2.4	To develop rules for Law Enforcement agencies to report law enforcement officer retention information, for DPS to follow in calculating and dispersing monies and for law enforcement agencies to follow in returning unused monies.	11/29/2022	11/29/2022 5:00 PM
View Details	Department of Public Safety	Notice of Public Hearing to Amend NMIC 18.19.8 Motor Vehicle Permitting	Motor Vehicle Permitting procedure and permit revisions	4/11/2022	4/11/2022 5:00 PM
View Details	Department of Public Safety	Department of Public Safety Procedure to Contest SORNA Equivalency Determination	New rule establishing a procedure to determine whether registration as a sex offender is necessary and provide an appellate procedure.	2/23/2021	2/23/2021 5:00 PM
View Details	Department of Public Safety	Expungement of Arrest Records and Related Public Records 10.2.200 nmic	Expungement of Arrest Records and Related Public Records that implements the Criminal Records Expungement Act	12/4/2019	11/30/2019 2:31 PM
View Details	Department of Public Safety	Proposed Amendment of 10.29.7 NMIC In-Service Training Requirements	These revisions also will add consistency in both their language as well as compliance with applicable	5/15/2018	5/11/2018 4:00 PM

Arballo, Jessica, DPS

From: Jennifer Gorham <jgorham@mvrda.org>
Sent: Monday, August 24, 2026 9:53 AM
To: Arballo, Jessica, DPS
Cc: C-JENNIFER.GORHAM
Subject: [EXTERNAL] Public Comment on Proposed Permanent Rule



CAUTION: This email originated outside of our organization. Exercise caution prior to clicking on links or opening attachments.

Good morning, Jessica,

Below are my comments on the Proposed Permanent Rule changes to Title 10, Chapter 29, Parts 2-5 and 7-10 NMAC. I intended to attend in person and verbalize these comments should I be afforded the opportunity. However, I did want to provide you written comments per the advisement of the Public Notice. Thank you for your consideration,.

Good morning, and thank you for the opportunity to provide comments regarding the proposed rule changes to Title 10, Chapter 29, Parts 2–5 and 7–10 NMAC, and the new Title 10, Chapter 28, Parts 1–9 NMAC.

My name is Jennifer Gorham, and I serve as the Executive Director of the Mesilla Valley Regional Dispatch Authority (MVRDA), the Public Safety Answering Point (PSAP) serving Doña Ana County and located in Las Cruces. MVRDA also hosts a New Mexico Public Safety Telecommunicator Academy, providing training and education to the next generation of Public Safety Telecommunicators.

Public Safety Telecommunicators (PSTs) appreciate the work of the Council and its continued efforts to strengthen training, standards, and professionalism within public safety. We also appreciate the Council's recognition that PSTs represent a significant and strong component of the public safety community and play a critical role in the emergency response system.

I am in support of the proposed changes and appreciate the Council's efforts to establish clear direction and updated standards for law enforcement and telecommunicator training, instructor credentialing, and related processes.

I encourage the Council, however, to continue developing clear standards and protocols for the Certification by Waiver process for Public Safety Telecommunicators (PSTs). As New Mexico continues to attract experienced PSTs from other states, a clearly defined waiver process would support the recruitment of qualified professionals. It would also provide an opportunity to re-certify individuals who were previously certified as PSTs, left the profession, and wish to return.

I also encourage the Council to replace the term "Telecommunicator" with "Public Safety Telecommunicator" throughout the rules. This terminology aligns with national efforts to establish consistent language and recognition of the critical role PSTs play within the public safety system.

Finally, I recommend reviewing Part 8, Law Enforcement Training, where PSTs are referenced in the Objective. Since PST training is addressed separately in the proposed Part 9, references to PSTs in Part 8 should be

removed to maintain clarity and ensure a clear distinction between law enforcement and PST training requirements.

Thank you for your consideration of these comments and for your continued work to strengthen public safety training and professional standards throughout New Mexico.



Jennifer Gorham, CPO, CMCP, ENP, CPE

Executive Director

Mesilla Valley Regional Dispatch Authority

O: 575-647-6803 | C: 575-496-1835 |

E: jgorham@mvrda911.gov

W: www.mvrda911.gov

Notice: Our official website domain has changed to mvrda911.gov. Please update your records and bookmarks accordingly.

Arballo, Jessica, DPS

From: Marti Burt <mrbconsulting.nm@gmail.com>
Sent: Monday, August 24, 2026 12:48 PM
To: Arballo, Jessica, DPS
Subject: [EXTERNAL] Speaking to the proposed repeal of TITLE 10, CHAPTER 29, PARTS 2-5, 7-10 NMAC PUBLIC SAFETY AND LAW ENFORCEMENT ACADEMY

You don't often get email from mrbconsulting.nm@gmail.com. [Learn why this is important](#)

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August 24, 2026

Jessica Arballo
DPS Law Enforcement Academy
4491 Cerillos Rd.,
P.O. Box 1628, 87504-1628
jessica.arballo@dps.nm.gov

RE: proposed repeal of TITLE 10, CHAPTER 29, PARTS 2-5, 7-10 NMAC PUBLIC SAFETY AND LAW ENFORCEMENT ACADEMY, and new TITLE 10 CHAPTER 28 PART 1 GENERAL PROVISIONS; PART 2 DEFINITIONS; PART 3 FACILITIES; PART 4 REGIONAL SATELLITE ACADEMIES; PART 5 QUALIFICATIONS FOR ADMISSION TO THE ACADEMY; PART 6 COURSE ACCREDITATION PROCEDURES; PART 7 INSTRUCTOR CREDENTIALING; PART 8 LAW ENFORCEMENT TRAINING; PART 9 TELECOMMUNICATOR TRAINING.

Ms. Arballo:

Please accept this email as formal comment on the proposed repeal of Title 10, Chapter 29, Parts 2-5, 7-10 and new Title 10 Chapter 28 Parts 1-9 (also attached). I am very concerned about this attempt to undermine the clear intent of the law, as I believe it will leave New Mexico even more impaired than it currently is in its work of keeping us all safe.

The proposed rule should be withdrawn. It is egregiously at odds with the statutory authority and intent for the Standards and Training Council. It abrogates to the LEA authority that the statute places with the Council. It removes from the Council the authority to spend the money the Legislature appropriated for its sole use and gives it to the LEA in direct contradiction to statutory language and intent. In giving authority to the LEA that belongs to the Council, it creates a direct conflict of interest for the LEA director, whose statutory obedience is to the Secretary of the Department of Public Safety, not to the terms of the statute governing the Standards and Training Council.

The proposed rule looks and smells just like what it is – a deliberate attempt to eviscerate the authority and mission of the Standards and Training Council, in defiance of the law and its intent. Withdraw it and start over in good faith.

Martha R. Burt, Ph.D.



Arballo, Jessica, DPS

From: valarie.sandscapepublications.com <valarie@sandscapepublications.com>
Sent: Sunday, August 23, 2026 9:49 AM
To: Arballo, Jessica, DPS
Subject: [EXTERNAL] Comment on Proposed Permanent Rule
Attachments: Comment Letter on Proposed Permanent Rule.pdf

You don't often get email from valarie@sandscapepublications.com. [Learn why this is important](#)

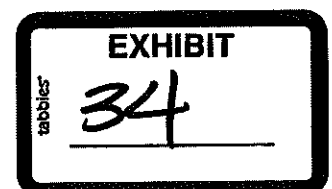
CAUTION: This email originated outside of our organization. Exercise caution prior to clicking on links or opening attachments.

Dear Ms. Arballo,

Please see my attached Comment Letter on the Proposed Permanent Rule.

Thank you for protecting our Santa Fe communities by making sure law enforcement receives up-to-date training!

Best regards,
Valarie Morris



Valarie Morris
144 Alamo Drive
Santa Fe, NM 87501
valarie@sandscapepublications.com
August 23, 2026

Jessica Arballo
DPS Law Enforcement Academy
4491 Cerillos Rd.,
P.O. Box 1628, 87504-1628
jessica.arballo@dps.nm.gov

RE: proposed repeal of TITLE 10, CHAPTER 29, PARTS 2-5, 7-10 NMAC PUBLIC SAFETY AND LAW ENFORCEMENT ACADEMY, and new TITLE 10 CHAPTER 28 PART 1 GENERAL PROVISIONS; PART 2 DEFINITIONS; PART 3 FACILITIES; PART 4 REGIONAL SATELLITE ACADEMIES; PART 5 QUALIFICATIONS FOR ADMISSION TO THE ACADEMY; PART 6 COURSE ACCREDITATION PROCEDURES; PART 7 INSTRUCTOR CREDENTIALING; PART 8 LAW ENFORCEMENT TRAINING; PART 9 TELECOMMUNICATOR TRAINING.

Ms. Arballo;

Please accept this email as formal comment on the proposed repeal of Title 10, Chapter 29, Parts 2-5, 7-10 and new Title 10 Chapter 28 Parts 1-9.

As a former Neighborhood Watch Coordinator for over 700 homes who worked with liaisons at the SFPD and Santa Fe County Sheriff's Office and appreciated all their valuable support, I'm seriously concerned about the long delays and many obstacles in modernizing the training for law enforcement personnel in Santa Fe, critical to providing safety for our communities.

Thank you for your sincere efforts in doing the right thing to protect our community by repealing Title 10, Chapter 29, Parts 2-5, 7-10 and new Title 10 Chapter 28 Parts 1-9.

Arballo, Jessica, DPS

From: Katrin Smithback <ksmithback@gmail.com>
Sent: Saturday, August 22, 2026 6:56 PM
To: Arballo, Jessica, DPS
Subject: [EXTERNAL] Public Hearing

You don't often get email from ksmithback@gmail.com. [Learn why this is important](#)

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Katrin Smithback
2610 Caminito Carlitos
Santa Fe, NM 87505
ksmithback@gmail.com
8/22/26

Jessica Arballo
DPS Law Enforcement Academy
4491 Cerillos Rd.,
P.O. Box 1628, 87504-1628
jessica.arballo@dps.nm.gov

RE: proposed repeal of TITLE 10, CHAPTER 29, PARTS 2-5, 7-10 NMAC PUBLIC SAFETY AND LAW ENFORCEMENT ACADEMY, and new TITLE 10 CHAPTER 28 PART 1 GENERAL PROVISIONS; PART 2 DEFINITIONS; PART 3 FACILITIES; PART 4 REGIONAL SATELLITE ACADEMIES; PART 5 QUALIFICATIONS FOR ADMISSION TO THE ACADEMY; PART 6 COURSE ACCREDITATION PROCEDURES; PART 7 INSTRUCTOR CREDENTIALING; PART 8 LAW ENFORCEMENT TRAINING; PART 9 TELECOMMUNICATOR TRAINING.

Ms. Arballo;

Please accept this email as formal comment on the proposed repeal of Title 10, Chapter 29, Parts 2-5, 7-10 and new Title 10 Chapter 28 Parts 1-9. It is imperative that we modernize training for our law enforcement workforce. The rule does not leave the Council the option to by-pass the Academy to retain expert consultants and vendors independently to do work that can expedite the production and updating of curricula. This will slow down efforts to upgrade training for our law enforcement workforce, given training programs that are already sub-standard and decades out of date.

Sincerely,

Katrin Smithback



Arballo, Jessica, DPS

From: Cindy Pabst <cindypabst@gmail.com>
Sent: Saturday, August 22, 2026 4:04 PM
To: Arballo, Jessica, DPS
Subject: [EXTERNAL] Comment: proposed repeal of Title 10, Chapter 29, Parts 2-5, 7-10 NMAC Public Safety and LEA

You don't often get email from cindypabst@gmail.com. [Learn why this is important](#)

CAUTION: This email originated outside of our organization. Exercise caution prior to clicking on links or opening attachments.

Cindy Pabst
4 Calle Calle
cindypabst@gmail.com
Date 8/22/26

Jessica Arballo
DPS Law Enforcement Academy
4491 Cerillos Rd.,
P.O. Box 1628, 87504-1628
jessica.arballo@dps.nm.gov

RE: proposed repeal of TITLE 10, CHAPTER 29, PARTS 2-5, 7-10 NMAC PUBLIC SAFETY AND LAW ENFORCEMENT ACADEMY, and new TITLE 10 CHAPTER 28 PART 1 GENERAL PROVISIONS; PART 2 DEFINITIONS; PART 3 FACILITIES; PART 4 REGIONAL SATELLITE ACADEMIES; PART 5 QUALIFICATIONS FOR ADMISSION TO THE ACADEMY; PART 6 COURSE ACCREDITATION PROCEDURES; PART 7 INSTRUCTOR CREDENTIALING; PART 8 LAW ENFORCEMENT TRAINING; PART 9 TELECOMMUNICATOR TRAINING.

Ms. Arballo;

Please accept this email as a formal comment on the proposed repeal of Title 10, Chapter 29, Parts 2-5, 7-10 and new Title 10 Chapter 28 Parts 1-9.

- Having one director for both the Academy and the Council is counterintuitive. They should be separate to ensure independence.
- It seems to me that the Academy should not control funding. Separate funding sources ensures independence. It's the same issue as above. Independence.
- Having the Academy and its Director report to the DPS Secretary, rather than only secondarily taking direction from the Council, doesn't comply with the plain language of the statute and is inconsistent with the meaning of "attachment" in the Executive Re-organization Act. Again, it appears as if there is a movement to take control with little oversight.
- The Academy rules should not be included in the Council rules. The Academy is a division of DPS and should have its own rules.

Respectfully,



Cindy Pabst

Arballo, Jessica, DPS

From: Natasha Deighton <box9832.a@gmail.com>
Sent: Saturday, August 22, 2026 10:26 AM
To: Arballo, Jessica, DPS
Subject: [EXTERNAL] proposed repeal of TITLE 10, CHAPTER 29, PARTS 2-5, 7-10 NMAC PUBLIC SAFETY AND LAW ENFORCEMENT ACADEMY, and new TITLE 10 CHAPTER 28 PART 1 GENERAL PROVISIONS; PART 2 DEFINITIONS; PART 3 FACILITIES; PART 4 REGIONAL SATELLITE ACADEMIES; PART ...

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Natasha Deighton
47 Cerrado Loop
Santa Fe, NM 87508

August 22nd 2026

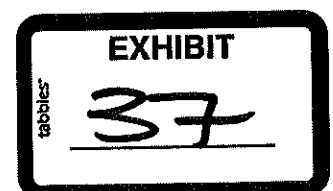
Box9832.a@gmail.com

Jessica Arballo
DPS Law Enforcement Academy
4491 Cerillos Rd.,
P.O. Box 1628, 87504-1628
jessica.arballo@dps.nm.gov

RE: proposed repeal of TITLE 10, CHAPTER 29, PARTS 2-5, 7-10 NMAC PUBLIC SAFETY AND LAW ENFORCEMENT ACADEMY, and new TITLE 10 CHAPTER 28 PART 1 GENERAL PROVISIONS; PART 2 DEFINITIONS; PART 3 FACILITIES; PART 4 REGIONAL SATELLITE ACADEMIES; PART 5 QUALIFICATIONS FOR ADMISSION TO THE ACADEMY; PART 6 COURSE ACCREDITATION PROCEDURES; PART 7 INSTRUCTOR CREDENTIALING; PART 8 LAW ENFORCEMENT TRAINING; PART 9 TELECOMMUNICATOR TRAINING.

Ms. Arballo;

Please accept this email as formal comment on the proposed repeal of Title 10, Chapter 29, Parts 2-5, 7-10 and new Title 10 Chapter 28 Parts 1-



The Academy rules should not be included within the rules for the Council. The Academy is a division of DPS and should have its own rules.

I ask you to follow the law.

Sincerely,

Natasha Deighton