BEFORE THE LAW ENFORCEMENT STANDARDS AND TRAINING COUNCIL
FOR THE STATE OF NEW MEXICO

IN RE:

RULEMAKING PROCEEDING FOR

ADOPTION OF 10.28.1 NMAC - General Provisions;
ADOPTION OF 10.28.2 NMAC - Definitions;
ADOPTION OF 10.28.3 NMAC - Facilities;
ADOPTION OF 10.28.4 NMAC - Regional Satellite Academies;
ADOPTION OF 10.28.5 NMAC - Qualification for Admission to the Academy;
ADOPTION OF 10.28.6 NMAC - Course Accreditation Procedures;
ADOPTION OF 10.28.7 NMAC - Instructor Credentialing;
ADOPTION OF 10.28.8 NMAC - Law Enforcement Training;
ADOPTION OF 10.28.9 NMAC - Public Safety Telecommunicator Training;

AND

REPEAL OF 10.29.2 NMAC - Financial;
REPEAL OF 10.29.3 NMAC - Course Accreditation Procedures/Guidelines;
REPEAL OF 10.29.4 NMAC - Instructor Certification and Advanced Certifications;
REPEAL OF 10.29.5 NMAC - Regional/Satellite Police Officer Basic Academies;
REPEAL OF 10.29.7 NMAC - In-Service Training Requirements;
REPEAL OF 10.29.8 NMAC - Officer Transition Training Program;
REPEAL OF 10.29.9 NMAC - Police Officer;
REPEAL OF 10.29.10 NMAC - Public Safety Telecommunicator.

CONCISE EXPLANATORY STATEMENT

The New Mexico Law Enforcement Standards and Training Council (the "Council") hereby **ADOPTS** new rules in the administrative code, including Parts 10.28.1 NMAC (General Provisions); 10.28.2 NMAC (Definitions); 10.28.3 NMAC (Facilities); 10.28.4 NMAC (Regional Satellite Academies); 10.28.5 NMAC (Qualification for Admission to the Academy); 10.28.6 NMAC (Course Accreditation Procedures); 10.28.7 NMAC (Instructor Credentialing); 10.28.8 NMAC (Law Enforcement Training); 10.28.9 NMAC (Public Safety Telecommunicator Training); and hereby **REPEALS** rules in the administrative code, including Parts 10.29.2 NMAC (Financial); 10.29.3 NMAC (Course Accreditation Procedures/Guidelines); 10.29.4 NMAC (Instructor Certification and Advanced Certifications); 10.29.5 NMAC (Regional/Satellite Police Officer Basic Academies); 10.29.7 NMAC (In-Service Training Requirements); 10.29.8 NMAC (Officer Transition Training Program); 10.29.9 NMAC (Police Officer); 10.29.10 NMAC (Public Safety Telecommunicator). The published rules are codified in Title 10, Chapter 28, NMAC.

(1) Statutory Authority for Rule Promulgation:

These rules are promulgated pursuant to statutory authority in the Law Enforcement Training Act ("Act"), NMSA 1978, § 29-7-4(E): "The [Law Enforcement Standards and Training Council] shall . . . adopt, publish and file, in in accordance with the provisions of the State Rules Act, all rules concerning the implementation and enforcement of Sections 29-7-2 through 29-7-7.7, 29-7-12, 29-7-14, 29-7C-4, 29-7C-5 and 29-7C-7 NMSA 1978."

(2) Effective Date of Rule:

Date of publication in the New Mexico Register.

(3) Date of Adoption of Rule:

Per 1.24.25.14 NMAC, the date of adoption is the date the Chair of the Council signs this Concise Explanatory Statement.

(4) Date of Meeting Approving Rule:

September 29-30, 2026

(5) Reasons for Adopting Rules:

10.28.1 NMAC - General Provisions. Providing procedures for conducting the business of the Council including rule clarification and compliance with the Open Meetings Act.

10.28.2 NMAC – Definitions. Providing definitions for terms used in the rules.

10.28.3 NMAC – Facilities. Establishing guidelines for use of academy facilities; establishing fees for services and procedures for collection.

10.28.4 NMAC - Regional Satellite Academies. Establishing procedures for the implementation of a satellite academy program; defining the content and evaluation of a satellite academy program.

10.28.5 NMAC - Qualification for Admission to the Academy. Establishing qualifications for admission to the academy or a regional satellite academy.

10.28.6 NMAC - Course Accreditation Procedures. Establishing guidelines for the submission and accreditation of law enforcement and telecommunicator classes through the Law Enforcement Academy.

10.28.7 NMAC - Instructor Credentialing. Providing rules to regulate the credentialing of instructors and professional lecturers who teach law enforcement and telecommunicators; establishing requirements for advanced police certification.

10.28.8 NMAC - Law Enforcement Training. Establishing minimum standards of training for police officer certification; establishing in-service training requirements for certified police officers.

10.28.9 NMAC - Public Safety Telecommunicator Training. Establishing guidelines for admission into academy, minimum training standards, and certification for public safety telecommunicators.

(6) Reasons for Repealing Rules:

10.29.2 NMAC – Financial. Rule is redundant upon promulgation of 10.28.3 NMAC.

10.29.3 NMAC - Course Accreditation Procedures/Guidelines. Rule is redundant upon promulgation of 10.28.6 NMAC.

10.29.4 NMAC - Instructor Certification and Advanced Certifications. Rule is redundant upon promulgation of 10.28.7 NMAC.

10.29.5 NMAC - Regional/Satellite Police Officer Basic Academies. Rule is redundant upon promulgation of 10.28.4 NMAC.

10.29.7 NMAC - In-Service Training Requirements. Rule is redundant upon promulgation of 10.28.8 NMAC.

10.29.8 NMAC - Officer Transition Training Program. The Council chose not to renew this part which created a certification by waiver program for a group that had never been certified by a state level law enforcement certification authority.

10.29.9 NMAC - Police Officer. Rule is redundant upon promulgation of 10.28.8 NMAC.

10.29.10 NMAC - Public Safety Telecommunicator. Rule is redundant upon promulgation of 10.28.9 NMAC.

(7) Reasons for Changes from Published Proposed Rules:

10.28.1 NMAC - General Provisions.

- The Council voted to amend language in 10.28.1.8 to set out the director's statutory functions after considering public comment from multiple sources regarding the proper role of the director. Multiple comments were received that were critical of the lack of independence of the Council due to one director overseeing both the academy and the Council. Multiple comments were received that were critical of provisions in the rules that indicated the director was under the supervision of the DPS secretary. One public comment stated that the intent of the statute was for the Council to have its own director distinct from the director of the academy. The Council discussed and noted that Section

29-7-5, NMSA 1978, places the director under the supervision of the DPS secretary, and makes them the chief executive officer of the academy, but also requires them to "implement the training standards and requirements developed and adopted by the Council." NMSA 1978, § 29-7-5(D). The Council noted that the statute identifies only one director and that the Council, through its rules, could not correct what was perceived by some to be a conflict where the director serves under two masters (the Council and DPS). The Council discussed that it could not stray from the language of the statute, nor conflict with it, when promulgating rules.

- The Council voted to amend language in 10.28.1.8 to include the director's "designee" to allow the director flexibility to perform his duties.

- The Council voted to amend language in 10.28.1.8 to specify procedures for the Council to hear requests for rule clarification and to indicate that the requests will first be considered by a group of three: the chair, the vice-chair and the director or his designee. These amendments were based on multiple comments by both the public and by Council members indicating that, in the past, different interpretations of the rules were made depending on who you spoke to at the academy and that a clear path for rule clarification was needed. The rule was also amended to remove reference to "stakeholder" as the term was undefined.

10.28.2 NMAC – Definitions.

- The Council voted to amend 10.28.2.7 to clarify the definition of "Academy" after receiving public comment that the definition needed to include additional academies, not limited to the New Mexico Law Enforcement Academy and to clarify that the term "Academy" also refers to "Regional Satellite Academies."

- The Council voted to amend 10.28.2.7 to broaden the definition of "Public safety agency" based on public comment that the definition should be more encompassing.

- The Council voted to amend 10.28.2.7 to change from "Telecommunicator" to "Public Safety Telecommunicator" to align with statute after receiving multiple public comments. This change was made throughout the proposed rules.

- The Council voted to amend 10.28.2.7 to clarify that a "Separation" also includes law enforcement officers after receiving public comment that officers should be included.

- The Council voted to amend 10.28.2.7 to clarify rules regarding sponsorship and qualifications for training and certification after receiving public comment that more clarity was needed.

- The Council voted to amend 10.28.2.7 to clarify what is meant by "Standardized statewide curriculum" after receiving public comment that clarity was need in conjunction with 10.28.6.9.

- The Council voted to amend 10.28.2.7 to include a definition of "Working group" based on public comment that this term appeared elsewhere in the proposed rules.

10.28.3 NMAC – Facilities.

- The Council voted to amend 10.28.3.2 to align with NMSA 1978, § 29-7-12.

- The Council voted to amend 10.28.3.8 to align with statute after receiving public comment that specific statutory information was lacking.

- The Council voted to amend 10.28.3.8 to acknowledge the potential existence of contractual cancellation provisions based on public comment that academies sometimes enter into contracts that cover facility cancellation.

- The Council voted to amend 10.28.3.9 by removing the proposed reference to charges for services and instead referencing charges that are allowed by statute which is now included in 10.28.3.9 based on a public comment that these fees should not be solely determined by the director.

10.28.4 NMAC - Regional Satellite Academies.

- The Council voted to amend 10.28.4.2 to clarify that the state-wide academy must follow the same rules as the regional academies after receiving public comment that all academies should be included. The rule was further clarified to remove reference to criminal justice certificate programs based on public comment that these programs are outside the scope of the rule.

- The Council voted to amend 10.28.4.10 to clarify when the application packet must be submitted to the academy and to provide flexibility should the academy deem an exception should be granted.

- The Council voted to amend 10.28.4.12 to change "maintain" to "obtain" to clarify that an academy graduate does not yet have a certification after receiving public comment on this point.

- The Council voted to amend 10.28.4.12 to specify that the director shall submit an affidavit to the board attesting to the qualification of an applicant for certification based on public comment that the board requires more than a list of applicants to make an informed decision on certification. The Council discussed that this falls under Council rules because (1) the director is under the authority of the Council and has no connection to the board in statute; (2) accredited training programs and the associated LEOCE fall under the Council. The Council also discussed that this provides the director an avenue for advising the board about concerns should the director believe that certification is not

appropriate. It also avoids the director making a decision on certification without the board's approval.

10.28.5 NMAC - Qualification for Admission to the Academy.

- The Council voted to amend 10.28.5.2 to clarify that the state-wide academy must follow the same rules as the regional academies after receiving public comment that all academies should be included.

- The Council voted to amend 10.28.5.8 to clarify the procedure when an applicant disagrees with a denial of academy admission.

- The Council voted to amend 10.28.5.8 to specify the procedure for addressing an applicant who is not capable of participating in all aspects of the academy. This section was moved from 10.28.5.11.

- The Council voted to amend 10.28.5.9 to remove references to dated DPS fingerprinting procedures based on public comment that the DPS procedure is outdated and should not be referenced in a rule with broader scope.

- The Council voted to amend 10.28.5.10 to clarify the duty of licensed psychologists to inform applicants of the basis for rejection based on public comment that this responsibility lies with the psychologist and not academy staff.

10.28.6 NMAC - Course Accreditation Procedures.

- The Council voted to amend 10.28.6.2 to specify that the scope of the rule only covers agencies seeking accreditation through the academy based on a public comment that the scope was too broad.

- The Council voted to amend 10.28.6.9 to allow for broader scope of what is accredited and to clarify why courses are accredited based on public comment that more clarity was needed.

- The Council voted to amend 10.28.6.9 to specify what is required for an appropriate curriculum design based on public comment that more clarity was needed.

- The Council voted to amend 10.28.6.9 clarify what is approved academy format based on public comment that more clarity was needed.

10.28.7 NMAC - Instructor Credentialing.

- The Council voted to amend 10.28.7.2 to appropriately align the scope with the rules.

- The Council voted to amend 10.28.7.8 to clarify language and to remove the requirement for approval in writing by the director based on multiple public comments that the language was not clear and required more flexibility. The Council also clarified that equivalent training for an accredited instructor development course must be approved by the Council based on public comment that the rule as written placed too much discretion with the academy director.

- The Council voted to amend 10.28.7.8 to add "senior master instructor" to allow for continuity in application of the rules for those who continue to teach with higher levels of expertise. Specific examples of how to demonstrate that the instructor has maintained current knowledge during the preceding four years were provided. Similar changes were made to 10.28.7.11, 10.28.7.12 and 10.28.7.13. Clarified how often a class must have been taught within the preceding four years based on a public comment that providing documentation for multiple classes would be burdensome.

10.28.8 NMAC - Law Enforcement Training.

- The Council voted to amend 10.28.8.8 to allow use of outside experts for curriculum development to align with current practice.

- The Council voted to amend 10.28.8.8 to align with statute which requires specific training topics.

- The Council voted to amend 10.28.8.10 to align with current statutory consequences for failure to comply with reporting requirements.

- The Council voted to amend 10.28.8.12 referencing return-to-service based on public comment that (A) and (B) overlap and contradict one another. Similar fixes were made for 10.28.9.17 and 10.28.9.18.

- The Council voted to amend 10.28.8.12 to remove language in subsection B because it was redundant to language in subsection A based on public comment.

- The Council voted to amend 10.28.8.12 because it was unclear how many in-service cycles an officer would have to go through depending on the number of years of separation.

- The Council voted to amend 10.28.8.12 to clarify if an officer has retired, they have an opportunity to retain their certification.

- The Council voted to amend 10.28.8.13 to allow the Council to direct the academy to use outside experts to develop curriculum based on a public comment that the Council should not be limited to outside experts and consultants selected by the academy.

- The Council voted to amend 10.28.8.13 to remove redundancy based on public comment that noted the redundancy.

- The Council voted to amend 10.28.8.13 to address a conflict in the time to develop in-service curriculum based on public comment pointing out the conflict.

- The Council voted to amend 10.28.8.13 to align with statutory mandated training.

10.28.9 NMAC - Public Safety Telecommunicator Training.

- The Council voted to amend 10.28.9.8 to clarify procedures when an applicant disagrees with a denial of academy admission.

- The Council voted to amend 10.28.9.9 to specify that the director shall submit an affidavit to the board attesting to the qualification of an applicant for certification based on public comment that the board requires more than a list of applicants to make an informed decision on certification. The Council discussed that this falls under Council rules because (1) the director is under the authority of the Council and has no connection to the board in statute; (2) accredited training programs and the associated LEOCE fall under the Council. The Council also discussed that this provides the director an avenue for advising the board about concerns should the director believe that certification is not appropriate. It also avoids the director making a decision on certification without the board's approval.

- The Council voted to amend 10.28.9.10 to remove the number of hours of training required based on a public comment that these numbers may change after the program has been assessed for modernization.

- The Council voted to amend 10.28.9.10 to align with statutory mandated training.

- The Council voted to amend 10.28.9.10 to specify that the Council may direct the academy to use outside experts to develop the curriculum based on a public comment that the Council has the discretion to direct the academy.

- The Council voted to amend 10.28.9.11 to align with statutory mandated training.

- The Council voted to amend 10.28.9.15 to align with statutory mandated reporting requirements placed on public safety agencies.

- The Council voted to amend 10.28.9.15 to align with statutory mandated record keeping requirements for maintaining rosters of certified public safety telecommunicators.

- The Council voted to amend 10.28.9.15 to remove language about eligibility for funding because it did not align with statute.

- The Council voted to amend 10.28.9.17 to clarify if a public safety telecommunicator has retired, they have an opportunity to retain their certification.

- The Council voted to amend 10.28.9.17 to change "If" to "When" based on a public comment that the language was not aligned with the rules applicable to law enforcement officers.

- The Council voted to amend 10.28.9.17 because it was redundant based on public comment.

- The Council voted to amend 10.28.9.18 to show that a public safety telecommunicator can maintain their certification when they are not employed by a public safety agency if they maintain their in-service requirements. The amendment also eliminated redundancy based public comment.

(8) Reasons for Changes from proposed Repeal of Rules:

10.29.2 NMAC – Financial. No change. Rule was repealed.

10.29.3 NMAC - Course Accreditation Procedures/Guidelines. No change. Rule was repealed.

10.29.4 NMAC - Instructor Certification and Advanced Certifications. No change. Rule was repealed.

10.29.5 NMAC - Regional/Satellite Police Officer Basic Academies. No change. Rule was repealed.

10.29.7 NMAC In-Service Training Requirements. No change. Rule was repealed.

10.29.8 NMAC - Officer Transition Training Program. No change. Rule was repealed.

10.29.9 NMAC - Police Officer. No change. Rule was repealed.

10.29.10 NMAC - Public Safety Telecommunicator. No change. Rule was repealed.

(9) Reasons for Not Accepting Substantive Arguments from Public Comment on Adoption of Rules:

General comments.

Public comment was received that stated the Notice of Public Hearing and the proposed rules were not posted on the Sunshine Portal. [Exhibit 31] This comment was not accepted because it was based on the erroneous assumption that the rules and notice were required to be posted under

the listing of the Department of Public Safety. Pursuant to NMSA 1978, Section 29-7-4(E), the Council has its own rulemaking authority ("The Council shall . . . adopt, publish and file, in accordance with the provisions of the State Rules Act, all rules concerning the implementation and enforcement of Sections 29-7-2 through 29-7-7.7, 29-7-12, 29-7-14, 29-7C-4, 29-7C-5 and 29-7C-7 NMSA 1978"). The Council has its own listing on the Sunshine Portal where the rules and notice were properly posted. (Rulemaking Hearing, Exhibit 2)

Public comment was received that stated the Notice of Public Hearing was not published in a newspaper. [Exhibit 31] This comment was not accepted because it was based on the erroneous assumption that the notice was required to be published in a newspaper. The notice was properly published pursuant to NMSA 1978, Section 14-4-5.2. The notice and proposed rules were published in the New Mexico Register, the Sunshine Portal and on the LEA-LESTC website.

Public comment was received that stated several provisions exercised authority statutorily granted to the Law Enforcement Certification Board ("board"). [Exhibit 31] The comment was not accepted because the rules were adopted pursuant to NMSA 1978, Section 29-7-4(E) which expressly authorizes the Council to adopt rules "concerning the implementation and enforcement of" the majority of the provisions of the Law Enforcement Training Act (NMSA 1978, § 29-7-1 to -16). The Council worked hand-in-hand with the board to propose a comprehensive set of rules that are consistent with the respective authority of each.

Public comment was received that stated certification by waiver is referenced in the rules but not defined. [Exhibit 31] Other public comments raised concerns about the lack of certification by waiver rules. [Exhibit 32] The Council did not find these comments to be substantive and did not discuss them. The comments were not accepted because pursuant to NMSA 1978, Section 29-7-4.3(H), the board, and not the Council, is required to adopt rules concerning the implementation and enforcement of NMSA 1978, Section 29-7-10 (Certification by Waiver). The Council coordinated with the board so that each agency proposed rules pursuant to their statutory authority. The board's proposed rules concerning certification by waiver are currently posted and undergoing the public comment period with an anticipated adoption date before the end of the year.

Public comment was received that stated binding standards would be created outside of the public rulemaking process citing one example where preliminary clarification could be issued by the chair until the Council meets. [Exhibit 31] This comment was not accepted because the example indicates the clarification is not binding.

Public comment was received that stated the proposed rules removed the codified training curricula without replacement. [Exhibit 31] This comment was not accepted because recently the Council through the Law Enforcement Academy determined that the curriculum contained in the current rules was outdated, arbitrary and not evidence based. Therefore, the curriculum needed to be removed. The Council through the Law Enforcement Academy has contracted with the International Association of Directors of Law Enforcement Standards and Training ("IADLEST") to develop an evidence-based basic law enforcement training program developed from job task analyses completed by IADLEST. When the entire curriculum is completed, the

Council will make the determination regarding updating the rules to reference the new curriculum.

Public comment was received that stated technical corrections were needed. [Exhibit 31] Examples were provided. The Council did not find this comment to be substantive and did not discuss it. However, the rules were carefully reviewed for technical errors.

10.28.1 NMAC - General Provisions.

Public comment was received that stated rules do not apply to Tribal or Pueblo police officers. This comment was not accepted due to its erroneous assumption. NMSA 1978 Section 29-1-11 requires applicants who are commissioned officers, such as tribal and pueblo police officers, to complete basic police training approved by the New Mexico law enforcement academy. Therefore, the rules do apply to Tribal and Pueblo police officers.

10.28.2 NMAC – Definitions.

Council discussed and made amendments after considering all substantive public comments on this part. See above.

10.28.3 NMAC – Facilities.

Council discussed and made amendments after considering all substantive public comments on this part. See above.

10.28.4 NMAC - Regional Satellite Academies.

Council discussed and made amendments after considering all substantive public comments on this part. See above.

10.28.5 NMAC - Qualification for Admission to the Academy.

Public comment was received that stated the provision under medical selection guidelines allowing a director to determine whether a candidate poses a threat to the safety of themself or others should be deleted because it was subjective. [Exhibit 23] The comment was not accepted because the Council felt there should be some mechanism to address safety issues as they occur during the academy. The provision was, however, moved to a more appropriate place within the rules.

Public comment was received that stated the medical selection criteria should address psychiatric diagnoses, past behavioral health interventions, medication, and treatment compliance for psychiatric illnesses. [Exhibit 23] The comment was not accepted because it was deemed to be outside of rulemaking and within the purview of the licensed psychologist who would conduct the psychological screening. There was also concern that this change would stray into the authority of the board which is statutorily authorized to assess whether certification is appropriate based on medical or psychological screening.

10.28.6 NMAC - Course Accreditation Procedures.

Public comment was received that stated references to modality giving instructors discretion to use whatever modality they want is inconsistent with professional adult education practice and national standards. [Exhibit 23] The comment was not accepted because it was deemed to be inaccurate.

10.28.7 NMAC - Instructor Credentialing.

Public comment was received that stated professional lecturers often do not make good instructors and, therefore, they should be required to attend an academy accredited instructor development class or equivalent training. [Exhibit 22] The comment was not accepted because the Council felt it would be presumptuous to assume that a professional lecturer, who has developed expertise in their area of study, would need to undergo basic instructor training. The same comment was made and rejected as to college and university educators.

Public comment was received that stated the omission of "lack of good moral character" as grounds for revocation or suspension of an instructor's credential was a mistake. [Exhibit 22] The comment was not accepted because the Council felt "good moral character" was a subjective determination outside the role of the Council. The determination is better suited for the board should a misconduct report be filed. There, the board can consider the source of information and afford due process rights when deciding whether to take action against certification.

Public comment was received that stated revocation of an instructor credential should include "lacked the ability to effectively communicate or instruct in . . . other instructional setting." The comment was not accepted because there is no infrastructure to monitor classes outside of an academy to ensure quality of teaching.

10.28.8 NMAC - Law Enforcement Training.

Public comment was received that stated the section referencing when the board set entrance times and when the board adjusted for altitude contained in 10.28.8.8(D) should be deleted. The comment was not accepted because Council intends to amend the entire physical fitness exam rules at a later date.

10.28.9 NMAC - Public Safety Telecommunicator Training.

Council discussed and made amendments after considering all substantive public comments on this part. See above.

(9) Reasons for Not Accepting Substantive Arguments from Public Comment on Repeal of Rules:

No substantive comments referencing rule repeals were received. Public comments indicating concerns regarding the Council's overall authority to adopt and repeal rules are addressed elsewhere in this document.

The proposed rules, as authorized by the Council during its regular meeting held September 29-30, 2026, are hereby adopted/repealed as described above as of the date of this Concise Explanatory Statement.

IT IS SO ORDERED.

ON BEHALF OF LAW ENFORCEMENT STANDARDS AND TRAINING COUNCIL FOR THE STATE OF NEW MEXICO

10/21/2026

Richard Mathews Digitally signed by Richard Mathews Date: 2026.10.21 08:19:55 -06'00'

DATE

RICHARD MATHEWS, CHAIR