Issuance of Police Officer and Telecommunicator Certifications

- **10.29.1.8(C)(1) NMAC – Issuance of Certifications**
    - The previous language in this section stated that the director would "issue appropriate certificates to graduates of the academy." That language is being removed, but I am not seeing where the new rules identify who will now be responsible for issuing those certifications.
    - There should be clarification on who will issue certifications after someone completes a basic academy or Certification-by-Waiver (CBW) program and passes the required certification examination.
    - 10.29.1 does mention that the Certification Board can discuss the issuance, suspension, renewal, or revocation of a certification in closed session. However, it does not explain whether all initial certifications will need to be presented to the Board for approval or if they can be issued administratively once all requirements are met.
    - There should also be clarification on when the certification becomes effective and whether there will be a specific timeframe for certifications to be processed and issued.
- **Employment and Certification**
    - The rules reference employment as part of the certification process, but the actual process should be clearer.
    - It should specify whether an individual must be employed by a New Mexico law enforcement agency before their certification can be issued.
    - It should also explain what happens after the individual completes the academy/CBW program and passes the applicable certification examination. For example, who submits the individual for certification, what documentation is required, whether Board approval is needed, and who actually issues the certification.
    - This is especially important operationally so that the Academy, Board staff, agencies, and applicants know who is responsible for each part of the process.

Suspension, Reinstatement, and Revocation of LEO and PST Certifications

- **10.29.1.10 and 10.29.1.12 through 10.29.1.15 NMAC – Suspension and Revocation**
    - These sections explain the grounds and procedures for suspending or revoking an LEO or PST certification, but I am not seeing a clear process for what happens after a suspension has been completed.
    - There should be clarification on what an LEO or PST is required to do before their certification can be reinstated.
    - For example, does the individual need to complete remedial training, catch up on required in-service training, submit a reinstatement application, or meet any other current certification requirements?
    - It should also state whether the individual has to be presented to the Certification Board again for reinstatement or if Board staff can reinstate the certification once all requirements have been met.
- **10.29.1.18(G) NMAC – Reinstatement**
    - There is some language regarding reinstatement in this section, but it specifically relates to action taken because of noncompliance with a child-support order.
    - This section states that certification can be reinstated once the individual provides a subsequent statement of compliance and meets any other Board requirements for reinstatement.
    - The reference to “other board requirements for reinstatement” raises another question because the proposed rules do not clearly identify what those requirements are for someone whose certification was suspended for disciplinary reasons.
    - A general reinstatement process should be identified so there is a clear and consistent process for both LEO and PST certifications.
- **Revocation of Certification**
    - There should also be clarification on what a revocation means for the individual going forward.

- If revocation means that the individual permanently loses their certification and can never apply to become certified again, the rule should clearly state that.
- If there are circumstances where someone with a revoked certification can reapply in the future, the rule should explain what that process is, including any waiting period, training requirements, application requirements, or Board approval.
- Suspension and revocation should be clearly separated because the process for someone returning after a temporary suspension would be very different from someone whose certification has been revoked.

Certification by Waiver — Telecommunicators

- **10.28.9.12 NMAC – Certification-by-Waiver Training Program**
  - Unlike the police officer rule in 10.28.8 NMAC, I am not seeing where the telecommunicator rule establishes the minimum standards or curriculum for the PST Certification-by-Waiver program.
  - This needs clarification because other sections of 10.28.9 refer to an "accredited certification-by-waiver program," the "equivalent" of the program, and even the "academic portion" of the program, but there is no section that clearly explains what that program is.
- **PST Certification-by-Waiver Curriculum**
  - There should be clarification on how many hours the PST CBW program will be and what topics or curriculum will be required.
  - It should also explain what previous training or experience can be used toward the program and whether an applicant would have to complete the entire program or only the portions they are missing.
  - There should also be clarification on what makes a PST CBW program "accredited" and who will be authorized to provide the program.
  - Without this information, it may be difficult to determine whether an applicant has actually completed the required CBW training.
- **10.28.9.13(F) NMAC – Previous Training and PST Certification Examination**
  - This section appears to allow an applicant with previous dispatch experience and comparable training to take the PST certification examination.

    - What is not clear is whether someone who meets the requirements in 10.28.9.13(F) can go directly to the certification examination or if they still have to complete some portion of the PST CBW program first.
    - This should be clarified because other sections require completion of an accredited CBW program or portions of that program.

- **Comparison to Police Officer CBW**
    - The police officer rule in 10.28.8 is clearer because it specifically states that the Standards and Training Council will approve the minimum training standards for both the basic academy and the Certification-by-Waiver program.
    - The police officer process also makes it clearer that the applicant completes the approved CBW program before becoming eligible to take the LEOCE.
    - The PST rule should have a similar section explaining what the PST CBW program consists of and how an applicant moves through the process.

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