From: Marti Burt
To: Ramirez-Arechiga, Ivan, DPS
Subject: [EXTERNAL] RE: NM Law Enforcement Certification Board Proposed Rules -- public comment
Date: Wednesday, October 21, 2026 7:27:17 PM

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This letter includes comments on the proposed rules for the NM Law Enforcement Certification Board.

The proposed rule contains provisions that fly in direct contradiction to the Law Enforcement Certification Board's statutory authority. This is illegal. A rule or regulation's job is to implement the intent of a law -- not rewrite it. A public agency has no authority to promulgate a rule that attempts to subvert the clear intent of the law, in this case the law established by 2023-SB19, LAW ENFORCEMENT & PUBLIC SAFETY TELECOMM, which clearly states the mission and authorities of the Certification Board.

The following two sections of the proposed rule are particularly egregious:

“At 10.29.1.10, I-1 Other reports of Misconduct, the proposed rules authorize the Board’s CEO to review information and determine appropriate action.”

- There is no basis in any law or regulation for the Board to refuse to consider complaints that come from outside police agencies or for complaints against any individual holding law enforcement certification, regardless of position inside or outside a police agency.
- The rule's language authorizes the Board’s CEO to use complete discretion without providing criteria, or requirement that the complaints be reported to

the Board.

- This language would allow the CEO to reject any complaint from a citizen, police officer fearing reprisal for reporting within their agency, or any public official with concerns about police leadership or agency operations, without any accountability.
- The Board should provide the CEO with explicit criteria by which all complaints must be reviewed, and should require documentation showing the complaint has been compared to the criteria along with a reason consistent with those criteria for rejecting a complaint. The Board should have an independent authority review a sample of complaints that have been rejected on a regular basis, e.g., twice a year, to ensure that complaints are not being rejected for unacceptable reasons such as expediency, political pressure, relationship to staff or Board members, or other undue influence.
- The Board should require that the CEO provide a response to the complainant in writing with the reason the complaint will not be advanced for Board consideration.

"At 10.29.1.10, I-2, the Board provides an exception to the review process if the complaint is against the head of an agency, The process in the rules sends such complaints to a subcommittee of the Board for review and action."

- There is nothing in statute that provides for separate treatment for complaints against heads of agencies. Doing so provides a double standard, and privileges leaders over other law enforcement officers. This is not authorized by law and is not appropriate.
- There is nothing in statute that authorizes the Board to form a subcommittee of its members to determine action on a complaint. The law requires the Board to take action on the record, and exempting agency heads from review by the entire Board is not allowed. This appears to be an effort to protect law enforcement heads of agencies from public attention to alleged complaints against them.
- These rules create the impression that the heads of police agencies or police executives may not have to answer for their conduct according to the same standards as other certified officers. It suggests that subcommittee meetings may make determinations without documentation or compliance with any criteria to keep some complaints secret even from other Board members.
- The Board should treat complaints from any source against police executives in exactly the same way as it treats complaints for other certified officers. It should provide explicit criteria for review, documentation that such review has been performed, notice to the complainant if a complaint is rejected with reasons, and an audit process to ensure that all review is independent of

political influence or other forms of interference.

Also unacceptable is any attempt to suppress or reject the right of any citizen to make a complaint against a certified law enforcement officer and have that complaint receive full and fair attention. Should there be any doubt about this, the NM Attorney General's office has established this right in clear and certain language.

Thank you for your attention to this matter.

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