



Strengthening Law Enforcement Professions: Proposed Statute: 2023

COURTS, CORRECTIONS & JUSTICE COMMITTEE: NOVEMBER 22, 2022

Panel

- Rachel Feldman, Chair Civil Rights & Law Enforcement Reform Committee, Indivisible SOS (Speaking out Sanely) Santa Fe
- Benjamin Baker, Deputy Secretary, NM Department of Public Safety (Acting Director Law Enforcement Academy)
- Adan Mendoza, Sheriff, Santa Fe County
- Renae McDermott, Commander, Albuquerque Police, Office of the Mayor
- Ray Fritts, Director, Central NM Law Enforcement Academy

GOALS

- Save lives: police and members of the public
- Decrease violence
- Increase stature of the profession
- Stabilize workforce: support recruitment and retention
- Improve public understanding and community relations
- Ensure accountability

Law Enforcement Performance Depends on a System

- Recent legislation established new oversight bodies for 2023
 - ❖ Standards and Training Council
 - ❖ Certification Board
- Gaps remain in legacy legislation
 - ❖ Current curriculum decades out of date—no mechanisms to modernize to national standards and evidence based research
 - ❖ Lack of appropriate staff resources
 - ❖ Lack of required reporting, resulting in inadequate data for accountability
 - ❖ Lack of comprehensive commitment to professionalize
 - ❖ Lack of state-wide consistency

Overview of Legislation

- To achieve our goals, we need a system whose performance can be measured, monitored, and improved. The legislation:
 - ❖ Sets forth principles that embody legislative intent for what performance looks like;
 - ❖ Requires a 5 year cycle of re-evaluation of all training functions and curricula bottom to top, aligned with evidence-based research and national standards;
 - ❖ Introduces a professional development concept to ensure law enforcement officers and telecommunicators can get help to set individualized goals, and supervisors can develop individualized corrective action plans

Overview of Legislation

- The legislation:
 - ❖ Defines responsibilities for an oversight body inside DPS – The Standards and Training Council – for comprehensive review of standards and training at all levels, with reports and recommendations to the legislature.
 - ❖ Defines responsibilities for an independent oversight body (administratively attached to DPS) – The Certification Board – for review of denials of certification and misconduct, ensuring due process.
 - ❖ Requires accountability for meeting all standards through use of existing data systems, with required reporting, and financial consequences for law enforcement agencies that fail to meet reporting requirements.

Oversight of Legislation

- The Legislation:
 - ❖ Appropriates funds to retain experts in curriculum development and implementation for both the law enforcement officer and public safety telecommunicator curricula (to be expended over a 3 year period).
 - ❖ Appropriates funds to staff the Standards and Training Council oversight functions, including implementing new curricula.
 - ❖ Appropriates funds to staff the Certification Board oversight functions, including legal professionals to support due process.
- To prevent interruption in service, all existing rules will be in force until they are replaced by new rules generated by the two new oversight bodies.

Standards & Training

- Law Enforcement Officer (LEO) Training: All levels need to be consistent
 - 1) Basic Training (required for certification)
 - 2) Continuing Education (required to maintain certification)
 - 3) In-service Training (may be agency specific)
 - 4) Advanced Training
 - 5) Instructor Training (required for certification as an instructor)
 - 6) Field Training Officer Training
 - 7) Certification by Waiver
 - 8) Professional Development
 - 9) Certification of regional or satellite training facilities.

Standards & Training

- Telecommunicator Training

- 1) Basic Training

- 2) Continuing Education

- 3) Advanced Training

- 4) Instructor Training

- 5) Professional Development

- 6) Certification of regional or satellite training facilities.

Legislative Intent -- Principles

- Law enforcement officers are prepared to intervene effectively and appropriately in situations that carry significant risk to life and liability;
- Law enforcement officers and law enforcement agencies understand implicit bias and the civil rights guaranteed in the constitutions of New Mexico and the United States and how to avoid and prevent civil rights violations;
- Law enforcement officers use the least restrictive and lowest use of force appropriate to preserve the safety of officers and the public;
- Law enforcement officers and law enforcement agencies recognize and respect all persons as worthy of protection and service, regardless of physical appearance, medical status, mental health, drug abuse or other handicapping condition;

Legislative Intent -- Principles

- Law enforcement officers maintain professional standards at all times, including intervention in inappropriate or illegal conduct by peers or higher ranked officers;
- Law enforcement officers take pride in service to the community, to act as protectors of the community and to demonstrate continued proficiency in all core skills;
- Law enforcement agencies recognize the stresses and difficult working conditions under which law enforcement officers and telecommunicators work; make wellness a priority and encourage the use of mental health and other services to support well-being, including stress management and de-stigmatization of mental health and other supports; and
- Law enforcement officers are sensitive to the collateral damage that occurs in the wake of law enforcement interventions that have violent elements.

Standards & Training Council

- Includes regional satellite training facility directors + 9 Governor & Senate Confirmed representatives of law enforcement and legal professionals, adult educators, telecommunicators, and citizens at large—representative of geography & diversity of state.
- Oversees immediate and every 5 year comprehensive review and modernization of standards of performance and curricula to be consistent across all levels.
- Reports to legislature and governor on needed changes and associated resources.
- Monitors and reviews data on compliance with all standards, with interface with Certification Board.
- Develops professional development programs to support professionalization and local agencies.

Certification Board

- Independent agency (administratively attached to DPS)
- 11 members appointed by Governor, approved by Senate, includes retired district judge (chair), representatives of law enforcement and telecommunications, legal professionals, and citizens (including with behavioral health credentials), representing geographical and cultural diversity of state.
- Investigate and adjudicate appeals of denials, and complaints of misconduct.
- Have subpoena powers, and retain records private to IPRA until adjudication completed.
- May deny, suspend, or revoke certification.

Accountability

- DPS implemented a comprehensive data system in 2016 (ACADIS), which is 10-20% populated. With required reporting by police agencies, and staffing, compliance data and reporting will be available: overview of all certifications, training, curricula, and misconduct.
- Legislation requires police agencies to report at individual certification level to receive funding.
- Recent staff hires building out system capacity.
- National Decertification Index (NDI)—NM LEA contributes data

What this Legislation will Mean

- Perspective of Law Enforcement Officers
- Perspective of Public Safety Telecommunicators
- Professional standing
 - ❖ Personal standing & and career paths
 - ❖ Community perceptions
 - ❖ Recruitment and retention