30 November 2015

To: Representative Zachary J. Cook, Co-Chair
Senator Richard C. Martinez, Co-Chair
COURTS, CORRECTIONS AND JUSTICE COMMITTEE

Members of The Committee

Subject: Department of Public Safety and Attorney General Reforms

Dear Committee Members:

This letter is to detail problems, and suggest reforms, in these agencies. It draws heavily upon my experience with the NM Law Enforcement Academy Board (LEA) since January 2014, which has been extremely frustrating. I have continued to engage the Board, with little effect, but to leave a record of the issues in the LEA Minutes, which the Committee, and others, may find useful.

Most importantly, the LEA Curriculum, which governs police training across the nine academies in our state, is illegal, and has been since December 2013. Specifically, it violates the training hours requirements of the Safe Pursuit Act, and Amber Alert. The required hours were halved by the LEA Director, with no public input, and no Board discussion. I have repeatedly reported this to the Board and LEA Director and received no response. The third illegal item is the Physical Fitness requirements, modified by the LEA Director without any public input or discussion. The new fitness requirement discriminates against women in significant ways.

Not only is the LEA curriculum illegal, the curriculum was illegally established, as it failed to comply with the Rules Act. The LEA has not replied to my repeated approaches on this matter. I finally filed an OMA lawsuit, which is still unresolved, on this issue.

The LEA Academy, here in Santa Fe, has another issue, as it does not even comply with the approved curriculum, and has not since January 2013, when Director Jack Jones was hired. He "broke" the curriculum and continues to "break" the new curriculum, when he chooses. The Board ignores his deviations. As a result, Santa Fe has the worst police training in the state. Las Cruces has the best, with their own academy and freedom to address LEA deficiencies.

I have repeatedly called these issues to the Board's attention, to no effect. As a result, they illegally "Certify" the officer training lists presented by Director Jones. Jones certainly knows that the training is illegal, and the Board should know, as they have been advised, on the record. The result is that all police officers "Certified" in New Mexico since 2013 are suspect, as the process is utterly corrupt. This threatens criminal prosecutions based on those officers, and the threat of ever more Tort Suits. Because, the LEA Legislation was defied by DPS and the AG.

The DPS and AG offices are directly involved, and accountable, for this corruption. The AG Chairs the LEA Board, and Chief Kassetas is Vice Chair. Between them, they control the Board.

The AG also provides the Board Counsel, currently Mr. Rick Word. AG Counsel approved the 2013 Board actions which directly violated the Rules Act, as noted above. AG Counsel also is involved with IPRA records requests for LEA Records, with Counsel approval/denial of IPRA requests. AG Counsel advises the Board on OMA complaints, and IPRA requests, and then sends the complaints, such as mine, to themselves, for attention. Those complaints then molder on their desks. As noted, the AG, as LEA Chair, and Board Counsel, has assisted Board corruption.

The DPS Secretary, and Chief Kassetas, attacked the Legislated "independence" of the Board, and have captured the LEA Director's Office. This in spite of the Legislative intent which established the LEA as "independent" in 1969, currently defined in NMSA 9-1-7.

The 2013 LEA Minutes show then DPS Secretary Eden; "We believe that, through the actions of the Director of the New Mexico Law Enforcement Academy, with the approval of the full Board, that you are the ones that are best suited **not** to design the curriculum but actually to **approve** the curriculum that is going to be taught. Later, 2014, Chief Kassetas; "I would like to discuss the lesson plans. I do agree with the Director that the **content of the lesson plans** is the job of the Director, the Deputy Secretary of the Department of Public Safety, and ultimately the Secretary, Greg Fouratt, **is responsible for the content**. Later, 2015, Chief Kassetas; ".. Board just going back to that oversight, not going lesson plan by lesson plan **because we don't have time**. That's the Director's job and his staff." In summary, DPS, which appoints the Director, believes that the Board is "not suited" to develop the curriculum. That is to be left to the Director, i.e., DPS. The lesson plans are not to be approved by the Board, as the NMACS specifies, but by DPS Secretary Fouratt and, the public is no longer to see the lesson plans!!

The picture developed shows the New Mexico LEA Board, established as independent in 1969, has been seized by the DPS, which now controls the curriculum and the lesson plans. The public has no input to the process, in spite of the Rules Act. The AG Office, as Board Chair, and as AG Counsel to the Board, has facilitated this DPS "takeover", and the disenfranchisement of the public, who are to have no input to the curriculum, and no right to LEA records.

As this involves years of illegal "Certifications", I believe immediate action is required. As the DPS and AG have directly flaunted Legislative intent, and New Mexico law, more legislation seems ineffective. I suggest instead withholding funds from DPS and the AG contingent upon reforms to address the situation. The DPS to withdraw and restore Board "independence", and the AG to act immediately to restore a legal curriculum, and address the illegal Counsel actions.

Sincerely Yours,

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