

# New Mexico Civil Rights Commission

Chair- Justice Richard C. Bosson (retired)  
Vice Chair- Mark Baker  
Gerald Byers  
Zackaree Kelin  
Senator Steven Neville

Victor Rodriguez  
Kim Stewart  
Denise Torres  
Judge Stan Whitaker

October 20, 2020

*Via Email*

Director Kelly Alzaharna  
Law Enforcement Academy  
4491 Cerrillos Rd.  
Santa Fe, NM 87507  
[Kelly.Alzaharna@state.nm.us](mailto:Kelly.Alzaharna@state.nm.us)

Dear Ms. Alzaharna,

The New Mexico Civil Rights Commission was created by the New Mexico Legislature and has been tasked with making recommendations regarding a proposed private civil rights action against state and local governmental entities, officers, and employees for violations of rights secured by the New Mexico Constitution. *See* House Bill 5. As you know, the commission has asked that you appear before the commission and give a presentation on October 23, 2020, at 2:00 pm. To assist the New Mexico Legislature, we ask that you provide the following information prior to the meeting on October 23, 2020.

1. The number of police officers referred to law enforcement academy for misconduct in the last 5 years;
2. Of those referred police officers during the reported time period in question 1, how many of those referrals involved allegations of violations of civil rights (i.e. excessive use of force, false arrest, or other 4<sup>th</sup> Amendment allegations)?
3. Of those referred police officers during the reported time period in question 1, how many of those police officers are still actively certified?
4. Of those referred police officers during the reported time period in question 1:
  - a. How many referrals have been resolved and how many are still pending resolution?
  - b. How many of the pending referrals are awaiting a hearing before a hearing officer or for some type of academy board action?

- c. What is the average time period between when the academy receives the referral, an officer requests a hearing before a hearing officer and final academy board action?
  - d. How many referrals resulted in revocation, suspension, order of default revocation, or voluntary surrender of certification in the last 5 years?
  - e. Out of those referrals resulting in revocation, suspension, order of default revocation or voluntary surrender of certification in the last 5 years how many involved allegations of civil rights violations?
  - f. How many prosecutors at the Attorney General's Office are assigned to administratively prosecute police officer misconduct cases?
5. Is verbal de-escalation and use of force refresher training part of the law enforcement academy's mandatory biennium training for certified police officers?
  6. If a police officer is referred for misconduct involving allegations of civil rights violation, does the referred police officer remain employed and continue to exercise police officer powers as long as the employing agency allows it or until a final action is taken by the law enforcement academy board?
  7. Please answer the questions regarding the following hypothetical example- A New Mexico city police agency refers one of its police officers to the academy for misconduct after an internal investigation found the police officer violated someone's 4<sup>th</sup> Amendment rights. The city agrees to settle with the complainant whose rights were violated for \$100,000 to resolve the lawsuit.
    - a. Will the board or hearing officer consider the monetary award in their decision-making process when determining what disciplinary action to take against the police officer's certification?
    - b. Is the decision-making process based on the facts of why the police officer was initially referred (i.e. internal investigation findings)?
  8. What do you see as the driving force behind police officer misconduct and what are your suggestions to address it?
  9. How many certified officers are there in the state?
  10. How many active duty law enforcement officers in the state are not certified?
  11. What is the cost per officer for certification?
  12. Who created the training curriculum used?

13. When was the training curriculum created and last updated?
14. Please provide the curriculum being used.

Your contact for the Civil Rights Commission is the commission's staff attorney, Alexandra Smith (email: [asmith@smith-law-nm.com](mailto:asmith@smith-law-nm.com), phone number (505)417-7432). Please contact her with any questions.

Very truly yours,

Justice Richard C. Bosson

Justice Richard C. Bosson (retired)  
Chair- New Mexico Civil Rights  
Commission

cc: Mark Baker, Vice Chair  
Gerald Byers, Commissioner  
Zackeree Kelin, Commissioner  
Senator Steven Neville, Commissioner  
Victor Rodriguez, Commissioner  
Kim Stewart, Commissioner  
Denise Torres, Commissioner  
Judge Stan Whitaker, Commissioner  
Raul Burciaga, New Mexico Legislative Council Service  
Martin R. Esquivel  
Kenneth Ortiz