

Law Enforcement Director Downplays OD Arrests

By Wheeler Cowperthwaite
SUN Staff Writer

The director of the Law Enforcement Academy said officers making illegal overdose arrests is no different than a motorist being written a ticket for not having proof of insurance.

Those comments by Academy Director Jack Jones came after Española Police Officer Albert Rael unlawfully arrested a 41-year-old man, after he overdosed May 5.

Rael arrested Michael Salazar on charges of possession of a controlled substance: heroin and possession of drug paraphernalia. Salazar spent 18 days in jail, because he was unable to bond out, before Magistrate Judge Joseph Madrid signed a release order. If prosecutors do not file a time extension request, those still in jail after 10 days are supposed to be released.

Since the Overdose Prevention Act passed in 2006, officers are ordered they "shall not" charge anyone with possession of a controlled substance if they are called to the scene of an overdose.

The stated intention is to reduce the amount of overdose deaths by removing some of the fear of arrest

by police — a fear Rael has reignited for Salazar and likely other drug users.

Jones said these illegal arrests hardly rise to the level where the Law Enforcement Academy Board should take action. The Board, chaired by Attorney General Hector Balderas, metes out punishment to officers by taking action on their certifications, either through revocation, suspension or probation.

Jones, in a May 26 interview, likened an officer unlawfully arresting the people at the scene of an overdose to an officer writing a ticket for someone who has car insurance, but does not have the proof in the vehicle.

"If it's a mistake, they need to be retrained on it," he said.

Jones said the issue of the unlawful arrests has never been addressed as requiring any discipline.

"I don't know that the question has ever been asked," Jones said.

Española Police Chief Richard Gallegos tried, during a June 2 interview, to make the case that Rael's unlawful arrest is acceptable because of law enforcement agencies have made similar illegal arrests recently, before becoming defensive and stating he only wanted

to talk about "good" news.

Balderas, who previously said he wants to take an active role as the Board chairman and wants to rebuild community trust in law enforcement, did not want to comment on Jones's position or on the action that should be taken when an officer makes an unlawful arrest.

Balderas said in a Tuesday interview citizens can file a complaint with the board directly by filing an LEA-90, a form to report officer misconduct. The Board's website and the New Mexico Administrative Code only refer to the LEA-90 form as being used by the misbehaving officer's agency.

LEA-90 Case Manager Monica Modrano said if the Attorney General said the public can file complaints, it must be true.

She said citizens have filed LEA-90, or misconduct reports, with the Board before.

According to Jones's understanding of the Code, it is up to the individual agencies to decide if an illegal overdose arrest rises to the level of official punishment and it is up to them to submit a report to the Law Enforcement Academy.

Balderas wrote in a May 12 press release he believes in ac-

countability and discipline.

"I intend to balance the need to train and support our officers, giving them the tools they need to keep our communities safe, with the need to ensure that all officer discipline is handled appropriately and timely, as the public's trust in law enforcement is at risk any time accountability is questioned," Balderas wrote in the release.

Sen. Richard Martinez, D-Rio Arriba, Los Alamos, Santa Fe and Sandoval counties, said he will bring up the issue in the interim legislative committee.

Martinez wrote the law in 2006, the first of its kind in the country. It has been widely copied since, according to national media reports.

"I'll put it on the agenda if we need to amend (the law) or do we need to just depend on the courts to dismiss," Martinez said.

He said he thinks most officers are up-to-date on when they cannot arrest someone in the throes of a drug-induced medical emergency.

Martinez tried, during the last legislative session, to amend his original law to allow greater protections for those who are overdosing and those who are around them in the medical emergencies. The

bill passed through the senate but got stuck in the House.

Martinez said, at the time, he dropped the ball on getting the bill heard in the House.

More arrests, more deaths

Salazar, who said he knew something was wrong about his arrest once he got to the jail, echoed the sentiments of other officers and public health officials: arrests like these make overdose deaths more likely.

Rio Arriba County Health and Human Services Director Lauren Reichelt said unlawful arrests like these cause people not to call 911 when an overdose happens.

Mayor Alice Lucero complained during the April 14 city council meeting, about the number of overdose deaths dropped off at the hospital artificially driving up the number of overdose deaths in city limits.

Nine days after her complaints, another dead man was dropped off at the emergency room. On April 23, Adam Wallington, 27, was dropped off at the hospital emergency room, already dead from a

presumed overdose.

The toxicology report for his death is pending. State Police officers handling the case believed the people he had been doing drugs with were too afraid to call 911 so instead, they brought him to the emergency room.

Reichelt disagreed with Gallegos's and Jones's statements.

"From a public health perspective, to say this is no big deal, it has the same meaning as saying, these people's lives don't matter," Reichelt said.

She said addiction is a disease and an overdose is a symptom of the sickness and that many police officials are eschewing their purpose in the community.

"The police are looking at (addicts) as a law enforcement problem rather than people with a disease, and it may be because these are the same people causing other complaints," she said, referring to drug addiction as the root of many societal ills, such as burglaries.

According to Gallegos's department's mission statement, officers should be protecting both life and property.

County Officials Remain Hopeful

By Barron Jones
SUN Staff Writer

Rio Arriba County officials hope Gov. Susana Martinez's decision to hold a special session Monday, so lawmakers could negotiate a capital outlay bill, will mean officials can move forward with several much-needed projects.

Assistant County Manager David Trujillo said Martinez's decision to hold a day-long special legislative session means the County is a bit closer to securing \$500,000 in funding to help upgrade efforts for the Rio Arriba County Detention Center wastewater treatment project.

"The special session for the Capital Outlay bill is huge," Trujillo said. "It is huge because all of our projects are back on the Capital Bill."

County officials were concerned that they would have to look elsewhere for money to move forward with several key projects, after state legislators failed to approve more than \$3 million in capital funding before the close of the 2015 Legislative Session.

If the governor approves and signs the bill, County officials will receive about \$440,000 to continue working on completing the Food Hub project.

In addition to the wastewater

and Food Hub project, County officials hope to get money that would allow them to start the process of expanding the Rio Arriba County Health Commons.

County Human Services Director Lauren Reichelt said her Department is seeking \$75,000 to plan and design a Health Commons expansion to facilitate more healthcare providers.

Increasing the Health Commons size is important because it would allow the County to bring in dental and behavioral healthcare providers to further meet the needs of County residents. Currently, the Health Commons doesn't provide dental services and their behavioral health capabilities could use more clinicians.

"The people in the County face tremendous challenges and it is important our elected officials work to get those issues resolved so we can take full advantage of the Medicaid expansion under the Affordable Care Act," Reichelt said of the expansion efforts.

Included in the \$3,933,200 of Rio Arriba County projects approved by lawmakers, is a roughly \$100,000 allocation that would pay for at least one fully-equipped squad car.

Sheriff James Lujan said they abandoned a request for a crime scene unit because he couldn't muster the support needed to carry the bill through legislature.

City Provided No Direction to Council

Continued from A1

June," Vigil said. "So, we took it upon ourselves to go and meet with the city's financial director to get an understanding of purchase requests and the voucher process. Also, the city never told us that dealing with a petty cash account was against policy."

City Clerk Anna Squires said she is still trying to make sense of the 2014 Fiesta Council books and finally met with Vigil May 19, after several failed attempts to schedule a meeting with the former Fiesta Council leader.

Vigil acknowledges that the parties had trouble coordinating their schedules to look over the documents.

But, she said the May meeting shouldn't have been necessary, considering she met with Squires in December to provide much of the same information provided during the May meeting. Vigil said she and Squires met briefly in December to discuss the Fiesta Council financials.

The purpose of the most recent meeting was to match the receipts to the cash withdrawals listed on the credit union print-out, which is the first step toward completing the affidavit of signature process.

An affidavit of signature is a legally binding document akin to swearing in a court of law, that the information provided is true. However, an affidavit of signature is usually accepted only after the affiant provides adequate information to support his or her claim.

In the case of the 2014 Fiesta Council's expenditures, Vigil would be swearing that the transactions she can't support with receipts were what she claimed them to be.

Eager to move on with the affidavit process, Vigil sent Squires an email wanting to know what was needed to move

"We did not get a liaison until June, so we took it upon ourselves to go and meet with the city's financial director to get an understanding of purchase requests and the voucher process. Also, the city never told us that dealing with a petty cash account was against policy."

Antionette Vigil
former Fiesta Council president

forward.

However, Squires informed Vigil that the process has been slowed down because city officials are trying to make sense of the information Vigil provided.

"We are still in the process of reviewing all the information provided specifically for the private account," Squires wrote in an email. "There are question(s) with regards to whom or what entity was provided cash from this account, as we do not have receipts to reflect all transaction(s) listed on the bank statement."

Vigil said Squires is trying to track down information that is difficult to obtain because of the fleeting nature of the services.

For example, she said she is having difficulty proving she paid the driver to transport Council members to Taos because she failed to get a copy of the signed invoice showing payment was made.

The Council started Fiscal Year 2015 with a projected \$45,000 in revenue, according to the May 26 preliminary budget city councilors approved. So far, the record shows, the City took in a bit more than two thirds of revenue estimated, which

gave them a total of \$31,943 in revenue to run the Fiesta. For budget purposes, the 2014 Fiesta budget is included the city's Fiscal Year 2015 budget.

The Council projected it would cost roughly \$45,000 to put on the festivities. But, when it was all said and done, the city spent just \$30,345, hosting the Fiesta last year.

It isn't clear how much of an impact resolving the Vigil matter would have on the Fiesta's overall budget summary.

Former Fiesta Council Treasurer Carol Anne Salazar, who served during the 2014 season, said she isn't sure why everyone is so surprised about Vigil's use of the private account.

She said shortly before the July event, she and other members of the executive council audited the books and all transactions were accounted for.

It was at that time, she was informed deputy treasure Deputy Treasurer Elicka Martinez would be taking over most of the banking duties.

"Once I found out the Zia account got opened, I notified Bernadette Jaramillo and I notified the mayor and Anna Squires around July or August," Salazar

said. "But, I also told Antionette not to do this because all money needs to go through city hall."

Vigil said, as a means of transparency, during each meeting, she supplied the executive council with a report of the Council's finances.

"Every Fiesta Council member was provided with a down to the penny account of all transactions," Vigil said.

Current Treasurer Angel Pacheco-Lujan said she was instructed to concentrate on this year's budget.

"I was told to focus on the 2015 expenditures and revenues only and not worry about anything that occurred in 2014," Pacheco-Lujan said.

That explains why she doesn't know why this year's Fiesta Council balance sheet started with a \$1,575.80 negative balance.

Pacheco-Lujan said so far, the Council has raised \$10,606 from vendors and sponsorship. Out of that money, she said the Council spent \$4,416 to pay for costumes and put on dances.

This leaves \$4,614.20 going into the final two months of Fiesta preparations when you subtract the negative \$1,575 balance this year's Council started with.

Pacheco-Lujan said she believes the Council is doing well but hasn't dismissed the idea of attracting financial supporters.

"We are working on trying to raise more money and attract more sponsors," she said.

And sponsors they will need, considering the city officials estimated the Council spent about \$30,000 put on last year's Fiesta.

Community Services and city Fiesta Council liaison Mark Trujillo didn't respond to explain what the city has planned if the Council can't raise enough money to fund the event.

CORRECTION

Last week's story on A7 titled, "Principal Applicants Vie for Two Mesa Vista Positions," stated Assistant to the Superintendent Audra Chacon said Ojo Caliente Elementary Principal Felipe Blea and Mesa Vista High School Principal Virginia Terrazas might not be rehired next school year. Chacon actually said two administration positions are open, but when asked if she was referring to the two principals, she said she did not know.

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In short, we want your news. To make it easier for our readers to submit news to their newspaper, we offer the following guidance:

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753-2126 (phone)
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• **Write legibly.** Include a contact name and phone number in case we have questions.

• Include basic information.

Who are you (or your club)? What are you doing? Where will your event take place? When is the event? (Date and time.)

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