



# *Arizona Peace Officer Standards and Training Board*

2643 East University Drive Phoenix, Arizona 85034-6914 Phone (602) 223-2514 Fax (602- 244-0477

## **MINUTES OF MEETING JANUARY 15, 2014 PHOENIX, ARIZONA**

A public meeting of the Arizona Peace Officer Standards and Training Board was convened on January 15, 2014, at AZ POST, located at 2643 E. University Drive, Phoenix, AZ.

### **Members Present:**

Sergeant Chris Andreacola  
Mr. David Brown  
Chief Steven Campbell  
Sheriff Scott Mascher  
Detention Director Mike Olson  
Mr. Andrew Pacheco, representing Attorney General Tom Horne  
Chief Alan Rodbell  
Director Charles Ryan  
Professor Cornel Stemley  
Deputy Director Dennis Young, representing Director Bobby Halliday

### **Members Absent:**

Mr. H. Jeffrey Coker, Chairman  
Sergeant Anthony Nelson  
Sheriff Bill Pribil

### **Staff in Attendance:**

Ted Brandon  
Jim DeLung  
Mike Deltenre  
Marie Dryer  
Sandy Hansberger  
Steve Jacobs  
Jeff Kirkham  
Jack Lane  
Cathy Masters  
Lyle Mann  
Gary Maschner  
Donna Mulvey  
Mike Rosenberger  
Sandy Sierra

Assistant Attorney General  
Diana Stabler  
Nancy Beck  
Christopher Munns, Solicitor General’s Office

**A. Call to Order**

Acting Chairman Campbell called the meeting to order at 10:01 a.m.

**B. Introductions, Presentations and Announcements**

Executive Director Lyle Mann informed the Board that two items on the Consent Agenda have been amended and one case overview has also been amended. The Board was provided copies of these changes. He also discussed the CJEF revenue that is currently below budget projections.

**C. Consent Agenda**

Mr. Brown made a motion to approve the Consent Agenda, with the two amendments previously discussed, seconded by Chief Rodbell, motion carried unanimously.

1. Minutes of the Board meeting, held on November 20, 2013, were approved as written. Minutes of the Complaint Subcommittee Meeting, held on November 20, 2013, were approved as written. Minutes of the Board meeting, held on December 18, 2013, were approved as written.
2. Ministerial Actions:
  - a. Certification Waivers:

|                   |                                  |
|-------------------|----------------------------------|
| Miles R. McLane   | Wickenburg Police Department     |
| Joseph P. Rocco   | Maricopa County Sheriff’s Office |
| Jose A. Vasquez   | Cocopah Tribal Police Department |
| Stephen J. Leon   | Navajo County Sheriff’s Office   |
| Daniel M. Root    | AZ Department of Corrections     |
| Jason C. Smerglia | Greenlee County Sheriff’s Office |
  - b. Instructor Certification Renewals (list attached to agenda material)
  - c. Training Program Confirmations (list attached to agenda material)
  - d. Academy Graduation Dates (list attached to agenda material)

## 3. Income and Expense Statement – November 2013

|                                  |                       |
|----------------------------------|-----------------------|
| Funds as of November 1, 2013     | <b>\$2,046,272.28</b> |
| CJEF Revenue                     | <b>496,880.12</b>     |
| Expenditures/Encumbrances/Sweeps | <b>(578,376.10)</b>   |
| Balance for November 30, 2013    | <b>\$1,964,776.30</b> |

**D. Legislative Update**

Executive Director Mann stated the legislature went into session on January 13, 2014. He discussed the enabling statute bill and the status of the bill. He was provided direction to leave the tribal agency issues alone.

**E. Summary of Current Events**

Executive Director Mann stated the personnel matters approved by the Board will be presented to the Law Enforcement Merit System Council on January 16, 2014, for its approval.

**F. Committee Update**

Executive Director Mann stated there is nothing new to report at this time.

**G. Reports**

## 1. Basic Training Academies

ALEA – Sergeant Richard Fink reported Class #470 began on November 4, 2013, and currently has 48 recruits representing 12 agencies; the class will graduate on March 21, 2014. Class #471 will begin on February 3, 2014; they currently have 47 reservations for this class. They are hoping to have five academy classes in 2014.

AZ Western College – No report provided.

Chandler-Gilbert Community College – No report provided.

Glendale Community College – No report provided.

Maricopa County Sheriff's Office – Commander Marc Summers reported Class #132 began January 6, 2014, and currently has 26 recruits; the class will graduate on May 29, 2014. A new class will begin at the end of April and they are hoping to have a third class by the end of the year.

Mesa Police Department – No report provided.

NALETA – Provided a written report, presented by Program Administrator Marie Dryer, that states they just started their first regular academy with 7 recruits. All recruits are appointed from agencies within their region.

NARTA – Captain Jeff Newnum reported Class #35 graduated on December 6, 2013; with 38 recruits representing 19 agencies. Class #36 began January 6, 2014; with 31 recruits representing 11 agencies. This class will graduate March 5, 2014.

Pima Community College – Provided a written report, presented by Program Administrator Marie Dryer, that states Class #13-1 began September 11, 2013, and will graduate on May 21, 2014; the class began with 29 recruits and currently 25 remain.

Pima County Sheriff's Department – Provided a written report, presented by Program Administrator Marie Dryer, that states the current class will graduate on January 24, 2014, with 13 recruits representing 3 agencies. The next class will begin May 5, 2014; they currently have 30 reservations for this class.

SALETC – Commander Bruce Smith reported a new class started January 6, 2014; they currently have 29 recruits representing 16 agencies in this class. The next class will start April 14, 2014.

WALETA – Chief Robert DeVries reported they had a class graduate on December 20, 2013, with 17 recruits representing 4 agencies. The next class will begin January 27, 2014, and they have 26 reservations so far for this class. They will be starting a class on June 19, 2014, for military police veterans; this will be an 8 week academy. The 4<sup>th</sup> dispatcher's academy began on January 6, 2014; they have had great success with dispatcher academies.

2. Department of Corrections – Director Ryan reported that since the last regular meeting, 94 cadets have graduated from COTA. They currently have four classes in session with 81 cadets. They have 419 vacancies statewide. Four cadets have graduated through the waiver process; which amounts to savings of just over \$17,000 for the Department.
3. In-Service Training – Jim DeLung reported ALP #9 started the first week, of a three week training session, this week. ALP #10 and #11 are full and they anticipate adding ALP #12 this fall. The unit coordinated seven different training classes during this period. The Background Investigator's School was one of these classes and it was very well received.
4. Special Projects/Digital Media Training – Marie Dryer reported that since the last meeting, the driver simulator was utilized by five agencies with 190 officers

receiving this training. The unit coordinated eleven classes during this period; with a total of 169 students in attendance. The development of the train-the-trainer for the program “What You Do Matters: Lessons from the Holocaust” continues. This program is tentatively scheduled for the first week of April at POST. The Gordon Graham Seminar will be held April 22, 2014. This class filled up in one day and there is a waiting list. They are attempting to schedule an additional day for this class. AZ POST has partnered with CA POST in the area of video training. It is hoped to have the Social Media Training Program released in March. The Digital Media Unit currently has 11 projects on the production schedule.

## H. Final Action Cases:

### Case #1 – Delfred D. Begay – Navajo Division of Public Safety

*Mr. Pacheco recused himself from this case.* The Board considered comments from Assistant A.G. Diana Stabler. Sheriff Mascher made a motion to deny the Motion for Rehearing, seconded by Professor Stemley, motion carried unanimously.

### Case #2 – Scott T. Berry – Salt River Pima-Maricopa Indian Community

*Mr. Pacheco recused himself from this case.* The Board considered comments from Assistant A.G. Nancy Beck, Solicitor General Christopher Munns and Michael Storie, attorney for Scott Berry. Professor Stemley made a motion to deny the Motion for Reconsideration, seconded by Detention Director Olson, motion carried with one nay vote.

### Case #3 – Jose G. Lizarraga Jr. – Maricopa Police Department

The Board considered comments from Assistant A.G. Diana Stabler. Mr. Brown made a motion to adopt the Consent Agreement, Decision and Order for voluntary relinquishment of peace officer certification, seconded by Chief Rodbell, motion carried unanimously.

### Case #4 – Todd M. Long – Tempe Police Department

The Board considered comments from Assistant A.G. Diana Stabler. Detention Director Olson made a motion to adopt the Consent Agreement, Decision and Order for voluntary relinquishment of peace officer certification, seconded by Chief Rodbell, motion carried unanimously.

### Case #5 – Brian C. Heisig – Scottsdale Police Department

*Chief Rodbell recused himself from this case.* The Board considered comments from Assistant A.G. Nancy Beck. Mr. Pacheco made a motion to adopt the Consent Agreement, Decision and Order for voluntary relinquishment of peace officer certification, seconded by Sheriff Mascher, motion carried unanimously.

Case #6 – Andrew Kisela – University of AZ Police Department

The Board considered comments from Assistant A.G. Diana Stabler. Mr. Brown made a motion to adopt the Consent Agreement, Decision and Order for voluntary relinquishment of peace officer certification, seconded by Chief Rodbell, motion carried unanimously.

Case #7 – Jonathan C. Roundy – Colorado City Marshal's Office

*Mr. Pacheco recused himself from this case.* The Board considered comments from Assistant A.G. Diana Stabler. Detention Director Olson made a motion to adopt the Consent Agreement, Decision and Order for voluntary relinquishment of peace officer certification, seconded by Chief Rodbell, motion carried unanimously.

Case #8 – Adrian J. Gaona – Phoenix Police Department

The Board considered comments from Compliance Manager Jack Lane. Sheriff Mascher made a motion to adopt the Findings of Fact and Conclusions of Law and suspend peace officer certification for six months effective January 15, 2014, seconded by Professor Stemley, motion carried unanimously.

Case #9 – John C. Flanagan – Phoenix Police Department

The Board considered comments from Compliance Manager Jack Lane. Professor Stemley made a motion to adopt the Findings of Fact and Conclusions of Law and revoke peace officer certification, seconded by Detention Director Olson, motion carried unanimously.

Case #10 – Torrey L. McRae – Maricopa County Sheriff's Office

*Detention Director Olson recused himself from this case.* The Board considered comments from Compliance Manager Jack Lane. Professor Stemley made a motion to adopt the Findings of Fact and Conclusions of Law and revoke peace officer certification, seconded by Chief Rodbell, motion carried unanimously.

**I. New Charging Cases:**Case #1 – Bryce G. Bigelow – AZ Department of Public Safety

*Deputy Director Young and Sheriff Mascher recused themselves from this case.* The Board considered comments from Compliance Specialist Ted Brandon. Detention Director Olson made a motion to **Initiate Proceedings**, seconded by Director Ryan, motion carried unanimously.

Case #2 – Jason E. Cummings – Navajo Division of Public Safety

The Board considered comments from Compliance Specialist Ted Brandon. Professor Stemley made a motion to **Initiate Proceedings**, seconded by Mr. Pacheco, motion carried unanimously.

Case #3 – Cody M. Miller – Navajo Division of Public Safety

The Board considered comments from Compliance Specialist Ted Brandon. Sergeant Andreacola made a motion to **Research Further**, seconded by Professor Stemley, motion carried unanimously.

Case #4 – Robert J. Platero – Navajo Division of Public Safety

The Board considered comments from Compliance Specialist Ted Brandon. Mr. Pacheco made a motion to close this case with **No Action with Agency Discretion**, seconded by Deputy Director Young, motion carried unanimously.

Case #5 – Robert J. Platero – Navajo Division of Public Safety

The Board considered comments from Compliance Specialist Ted Brandon. Mr. Brown made a motion to close this case with **No Action**, seconded by Mr. Pacheco, motion carried unanimously.

Case #6 – Scott C. Gomez – Phoenix Police Department

The Board considered comments from Compliance Specialist Steve Jacobs. Professor Stemley made a motion to **Research Further**, seconded by Chief Rodbell, motion carried unanimously.

Case #7 – Frank A. Marin – Phoenix Police Police Department

*Chief Campbell recused himself from this case; Deputy Director Young was acting Chair.* The Board considered comments from Compliance Specialist Steve Jacobs. Mr. Brown made a motion to **Initiate Proceedings**, seconded by Mr. Pacheco, motion carried unanimously.

Case #8 – Juan R. Saenz – Wellton Police Department

The Board considered comments from Compliance Specialist Steve Jacobs. Deputy Director Young made a motion to **Initiate Proceedings**, seconded by Sheriff Mascher, motion carried unanimously.

Case #9 – Darius A. Taylor – Scottsdale Police Department

*Chief Rodbell recused himself from this case.* The Board considered comments from Compliance Specialist Jeff Kirkham. Mr. Pacheco made a motion to close this case with **No Action with Agency Discretion**, seconded by Detention Director Olson, motion carried unanimously.

Case #10 – Janell L. Brashier – Eloy Police Department

The Board considered comments from Compliance Specialist Mike Rosenberger. Professor Stemley made a motion to **Initiate Proceedings**, seconded by Mr. Brown, motion carried unanimously.

Case #11 – Michael H. Carrillo – Pinal County Sheriff's Office

The Board considered comments from Compliance Specialist Mike Rosenberger. Detention Director Olson made a motion to **Initiate Proceedings**, seconded by Mr. Brown, motion carried unanimously.

Case #12 – Susan L. Head – Coolidge Police Department

The Board considered comments from Compliance Specialist Mike Rosenberger. Sergeant Andreacola made a motion to close this case with ***No Action with Agency Discretion***, seconded by Professor Stemley, motion carried unanimously.

Case #13 – Nicholas R. Hale – Mesa Police Department

The Board considered comments from Compliance Specialist Mike Rosenberger. Professor Stemley made a motion to ***Initiate Proceedings***, seconded by Director Ryan, motion carried unanimously.

Case #14 – Reginald A. Sayles – Avondale Police Department

The Board considered comments from Compliance Specialist Mike Rosenberger. Professor Stemley made a motion to ***Initiate Proceedings***, seconded by Director Ryan, motion carried unanimously.

Case #15 – David L. Wood – Mammoth Police Department

This case was pulled.

**K. Call to the Public**

No one wished to address the Board during the Call to the Public.

**L. Adjourn**

Acting Chairman Campbell adjourned the meeting at 12:00 p.m.