



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 18, 2017

A public meeting of the Arizona Peace Officer Standards and Training Board was convened on January 18, 2017, at the Arizona Peace Officer Standards and Training Board, located at 2643 E. University Drive, Phoenix, AZ.

Members Present:

Sheriff Scott Mascher, Yavapai County Sheriff's Office, Chairman
Assistant Attorney General Paul Ahler, representing Attorney General Mark Brnovich
Sergeant Chris Andreacola, Tucson Police Department
Sergeant Leo Aparicio, Pinal County Sheriff's Office
Mr. David Brown, Public Member
Mr. H. Jeffrey Coker, Public Member
Chief Lawrence Hall, Buckeye Police Department
Executive Director Andrew LeFevre, Grand Canyon University
Colonel Frank Milstead, Arizona Department of Public Safety
Chief Alan Rodbell, Scottsdale Police Department
Director Charles Ryan, Arizona Department of Corrections

Members Absent:

Sheriff Mark Dannels, Cochise County Sheriff's Office

Staff in Attendance:

Jack G. Lane, Executive Director
Billy Caldwell, Compliance Specialist
Annie Deer, Administrative Assistant
Mike Deltenre, Compliance Specialist
Marie Dryer, Program Administrator
Donna Gieber, Training Specialist
Sandy Hansberger, Administrative Assistant
Cathy Hawse, Compliance Specialist
Steve Jacobs, Compliance Specialist
Mark Perkovich, Program Administrator
Lynn Pirkle, Administrative Services Officer
Sandy Sierra, Administrative Services Officer
Lori Wait, Compliance Specialist
Don Yennie, Program Administrator

Assistant Attorneys General:

Michael Saltz
Seth Hargraves

A. Call to Order

Chairman Mascher called the meeting to order at 10:03 a.m. and asked Mr. (Judge) Coker to lead everyone in reciting the Pledge of Allegiance.

B. Introductions, Presentations and Announcements

Executive Director Lane stated this will be Judge Coker’s last meeting; he will be pursuing new endeavors. Judge Coker thanked the Board and staff for the great work they do and stated it was an honor to be part of such a great organization. He asked the Board to continue to monitor training and the agency’s finances to ensure officers are properly trained to meet the new demands they are now faced with. Chairman Mascher assured him they would continue to do so and thanked Judge Coker for his years of service on the Board.

C. Consent Agenda

Mr. Coker made a motion to accept the Consent Agenda, seconded by Chief Rodbell, motion carried unanimously.

1. Minutes of the Board meeting held on November 16, 2016, were approved as written.
Minutes of the Board meeting held on December 21, 2016, were approved as written.

2. Ministerial Actions:

a. Certification Waivers:

Aaron C. Hergert	Peoria Police Department
Matthew A. Young	AZ Department of Transportation – ECD
Phillip B. Francisco	Navajo Division of Public Safety
Nicholas A. Rinaldi	Peoria Police Department
Kris J. Guffey	Mohave County Sheriff’s Office
Thomas Fielden	Grand Canyon University Police Department
Norberto Rojo	Grand Canyon University Police Department
Ryan G. Sand	Grand Canyon University Police Department

b. Training Unit Report (included with agenda material)

3. Income and Expense Statement – November 2016

Funds as of November 1, 2016	\$1,081,638.13
CJEF Revenue	383,518.74
Misc. Revenue	72.98
Expenditures	(422,031.58)
Balance as of November 30, 2016	\$1,043,198.27

D. Executive Director’s Report

Jack G. Lane, Executive Director

- The Governor released his budget last week; there was no additional appropriation for POST this fiscal year, but language was included in the budget that will allow POST to access fees. We have never done this before, although other boards in the state do access fees. POST staff is exploring options on how to undertake this process and what we need to do in order to access fees. POST will follow this as it goes through and continue to work on getting the budget stabilized. CJEF funding also has a big impact on the Arizona Prosecuting Attorneys’ Advisory Council (APAAC); they are also funded 100% through CJEF.
- The Attorney General’s Office recently settled a lawsuit and recouped \$780,000 from a pharmaceutical company. It is possible we may be receiving those monies to support Narcan Training for all law enforcement in the state. It would be a four year grant that will provide for training costs as well as equipping every officer with a dispenser to dispense the medication. This must still be approved by the Joint Legislative Budget Committee, but it is looking very promising that we will receive those funds.

E. Legislative Update

Jack G. Lane, Executive Director

- Senate Bill (SB) 1072 is a new bill that was introduced that will allow someone that is not happy with an Administrative Law Judge’s (ALJ) ruling to go to a superior court judge and receive a whole new hearing. This applies to all civil service board hearings in the state; as well as the types of hearings POST has before an ALJ. This creates a significant added expense for everyone and it will certainly burden the courts. POST staff needs direction from the Board on how to proceed; Executive Director Lane recommends opposing this. There was a discussion centered on the increased workload and expenses that will occur if this bill passes. Also, instead of opposing the bill perhaps staying neutral with concerns. Executive Director Lane will research this further and find out what is behind the need to make this very significant change and provide this information to the Board at next month’s meeting.

F. Summary of Current Events

Jack G. Lane, Executive Director

There is nothing new to report.

G. Reports – Department of Corrections

Director Charles Ryan

Since the last regular meeting of November 2016, 57 cadets have graduated from COTA. There are currently four classes in session with 102 cadets in attendance. There are 830 vacancies statewide. Seven cadets have graduated through county and tribal detention IGAs. COTA continues to offer its facility to other agencies. Two applicants participated in the waiver process; for a savings of over \$13,430 to the agency.

H. Final Action Cases:

1. #16-165 – Charles E. Jackson – Maricopa County Sheriff’s Office

The Board considered comments from Assistant Attorney General Michael Saltz. Chief Rodbell made a motion to accept the Consent Agreement, Decision and Order for voluntary relinquishment of peace officer certification, seconded by Chief Hall, motion carried unanimously.

2. #16-180 – Jason P. Lindley – Oro Valley Police Department

The Board considered comments from Assistant Attorney General Michael Saltz. Mr. Coker made a motion to accept the Consent Agreement, Decision and Order for voluntary relinquishment of peace officer certification, seconded by Chief Rodbell, motion carried unanimously.

3. #14-161 – Charles V. Austin – Bisbee Police Department

The Board considered comments from Compliance Manager Mark Perkovich. Mr. Paul Ahler (AAG) made a motion to accept the Findings of Fact and Conclusions of Law and revoke peace officer certification, seconded by Sergeant Aparicio, motion carried unanimously.

4. #15-044 – Israel J. Burkholder – Cochise County Sheriff’s Office

The Board considered comments from Compliance Manager Mark Perkovich. Colonel Milstead made a motion to accept the Findings of Fact and Conclusions of Law and revoke peace officer certification, seconded by Chief Rodbell, motion carried unanimously.

5. #15-012 – Kelsey C. Fortnam – Mesa Police Department

Colonel Milstead recused himself from this case. The Board considered comments from Compliance Manager Mark Perkovich. Chief Rodbell made a motion to accept the Findings of Fact and Conclusions of Law and revoke peace officer certification, seconded by Sergeant Aparicio, motion carried unanimously.

6. #16 - 076 – Christopher J. Holgate – Navajo Division of Public Safety

The Board considered comments from Compliance Manager Mark Perkovich. Colonel Milstead made a motion to accept the Findings of Fact and Conclusions of Law and revoke peace officer certification, seconded by Chief Hall, motion carried unanimously.

7. #14-159 – Kenny James – AZ Department of Transportation – ECD
The Board considered comments from Compliance Manager Mark Perkovich. Sergeant Aparicio made a motion to accept the Findings of Fact and Conclusions of Law and revoke peace officer certification, seconded by Colonel Milstead, motion carried unanimously.
8. #16-039 – Aaron D. Johnson – Navajo Division of Public Safety
The Board considered comments from Compliance Manager Mark Perkovich. Chief Hall made a motion to accept the Findings of Fact and Conclusions of Law and revoke peace officer certification, seconded by Chief Rodbell, motion carried unanimously.
9. #16-132 – David W. Servellon – Pima County Sheriff’s Department
The Board considered comments from Compliance Manager Mark Perkovich. Chief Rodbell made a motion to accept the Findings of Fact and Conclusions of Law and deny peace officer certification, seconded by Chief Hall, motion carried unanimously.
10. #16-074 – Travis J. Silversmith – Gila River Police Department
The Board considered comments from Compliance Manager Mark Perkovich. Chief Rodbell made a motion to accept the Findings of Fact and Conclusions of Law and deny peace officer certification, seconded by Chief Hall, motion carried unanimously.

I. New Charging Cases:

1. #16-160 – Clifton M. Bryson – AZ Department of Public Safety
Colonel Milstead recused himself from this case. The Board considered comments from Compliance Manager Mark Perkovich. Mr. Coker made a motion to ***Initiate Proceedings***, seconded by Mr. Paul Ahler (AAG), motion carried unanimously. Chief Rodbell abstained from voting.
2. #16-177 – Austin J. Shipley – Winslow Police Department
The Board considered comments from Compliance Manager Mark Perkovich. Sergeant Andreacola made a motion to close this case with ***No Action with Agency Discretion***, seconded by Chief Hall, motion carried unanimously. Chief Rodbell abstained from voting.
3. #16-031 – Pablo L. Camargo – Tucson Police Department
Sergeant Andreacola recused himself from this case. The Board considered comments from Compliance Specialist Cathy Hawse. Colonel Milstead made a motion to close this case with ***No Action with Agency Discretion***, motion failed due to lack of a second. Mr. Coker made a motion to ***Initiate Proceedings***, seconded by Chief Rodbell, motion carried unanimously.

4. #16-045 – Scott M. Strobel – Pinal County Sheriff’s Office
Sergeant Aparicio recused himself from this case. The Board considered comments from Compliance Specialist Cathy Hawse. After much discussion, Sergeant Andreacola made a motion to ***Resolve in Future***, seconded by Chief Rodbell, motion carried unanimously.
5. #16-185 – Eric D. Kral – Phoenix Police Department
The Board considered comments from Compliance Specialist Steve Jacobs. Colonel Milstead made a motion to ***Initiate Proceedings***, seconded by Director Ryan, motion carried unanimously.
6. #16-088 – Alan L. Mayo – Phoenix Police Department
The Board considered comments from Compliance Specialist Steve Jacobs. Chief Rodbell made a motion to ***Initiate Proceedings***, seconded by Sergeant Aparicio, motion carried unanimously.
7. #16-152 – John R. Pedraza – Phoenix Police Department
The Board considered comments from Compliance Specialist Steve Jacobs. Chief Rodbell made a motion to ***Initiate Proceedings***, seconded by Chief Hall, motion carried unanimously.
8. #16-151 – Daniel G. Riley – Phoenix Police Department
The Board considered comments from Compliance Specialist Steve Jacobs. Sergeant Andreacola made a motion to close this case with ***No Action with Agency Discretion***, seconded by Sergeant Aparicio, motion carried unanimously.
9. #16-150 – Phillip O. Hodgkins – Surprise Police Department
The Board considered comments from Compliance Specialist Lori Wait. Mr. Paul Ahler (AAG) made a motion to ***Initiate Proceedings***, seconded by Sergeant Aparicio, motion carried unanimously.

J. Call to the Public

No one wished to address the Board during the call to the public.

K. Future Agenda Items

Executive Director Lane stated he will have the information on SB-1072 for the Board at next month’s meeting.

L. Adjournment

The meeting was adjourned at 11:15 a.m.