

**ARIZONA PEACE OFFICER STANDARDS AND TRAINING BOARD  
MINUTES OF MEETING  
JANUARY 19, 2011  
PHOENIX, ARIZONA**

A public meeting of the Arizona Peace Officer Standards and Training Board was convened on January 19, 2011, at AZ POST, located at 2643 E. University Drive, Phoenix, AZ.

Members Present:

Mr. Joseph Duarte, Chairman  
Sheriff John Armer  
Dr. Scott Decker  
Detective Lee Ann Dobbertin  
Deputy Director Charles Flanagan, representing Director Charles Ryan  
Chief Patricia Huntsman  
Chief Kevin Kotsur  
Mr. Gerald Richard, representing Attorney General Tom Horne  
Sheriff Tom Sheahan  
Director Jerry Sheridan  
Deputy Director Dennis Young, representing Director Bobby Halliday

Members Absent:

Ms. Wendy Larsen  
Sergeant Robert Thompson

Staff in Attendance:

Harry Atkins  
Ted Brandon  
Dan Ciernia  
Jim DeLung  
Marie Dryer  
Faith Fennell  
Rosalee Fitch  
Jon Heiden  
Bob Irish  
Steve Jacobs  
Lyle Mann  
Gary Maschner  
Curt Milam  
Paul Orfe  
Sandy Sierra  
Chester Szoltysik  
Rick Watling  
Maria Wheaton  
Don Yennie

Assistant Attorney General  
 Nancy Beck  
 Diana Stabler

**A. CALL TO ORDER**

Chairman Duarte called the meeting to order at 10:00 a.m. and asked that a Moment of Silence be observed in memory of those killed in Tucson last week.

**B. INTRODUCTIONS, PRESENTATIONS AND ANNOUNCEMENTS**

Executive Director Lyle Mann introduced Dennis Young, the newly appointed Deputy Director of the Department of Public Safety. He also stated Mr. Gerald Richard was reappointed by Attorney General Tom Horne as his representative on the Board.

**C. CONSENT AGENDA**

The Consent Agenda was approved unanimously, motion made by Sheriff Armer, seconded by Chief Huntsman.

1. Minutes of the Regular Board meeting, held on November 17, 2010, were approved after an amendment was made to correct the date on page 3 to 2011 instead of 2010.

Minutes of the Charging Board meeting, held on December 15, 2010, were approved as written.

2. Ministerial Actions:
  - a. Certification Waivers:
 

Theodore M. Buehler	Apache Junction Police Department
Raymond O. Cota	Sedona Police Department
Michael A. Jardine	Prescott Valley Police Department
David W. Peterson	Florence Police Department
Kevin H. Williams	AZ State Univ. Dept. of Public Safety
Jared E. Leonard	Snowflake-Taylor Police Department
Barry N. Young	Arizona Department of Corrections
  - b. Instructor Certification Renewals: LIST ATTACHED TO AGENDA PACKET.
  - c. Training Program Confirmations: LIST ATTACHED TO AGENDA PACKET.
3. Decertification Status Report - As of November 30, 2010, the Compliance and Standards Unit had a caseload of 93 active cases. Eight cases are ready for initial presentation; thirty-seven cases need further investigation; seven cases are pending service of or response to a Notice of Complaint or Decision; three cases are pending a hearing; eight cases are ready for final action, and thirty cases are waiting for outside action, i.e., a criminal trial or civil service hearing.

4.	Income and Expense Statement – November 2010	
	Funds as of November 1, 2010	\$1,530,946.17
	CJEF Revenue	586,828.07
	Expenditures/Encumbrances	(457,364.43)
	Balance for November 30, 2010	\$1,660,409.81

#### **D. LEGISLATIVE UPDATE**

Executive Director Mann stated all bills currently at the legislature are being monitored; but there are no particular bills that directly impact POST being discussed at this time. He discussed possible changes to the Officer Bill of Rights Legislation and possible impact on the Board. He also discussed requesting a legislative change that would provide the Board with a report generated by domestic violence fatality review teams. These teams review domestic violence tragedies and generate a report at the end of their review. He feels it is important for the Board to assess if any training needs to be addressed as a result of this. He also provided an update on the budget for the Board and stated there are no further budget sweeps known at this time for this fiscal year; and next fiscal year the sweeps are presently expected to remain the same.

#### **E. SUMMARY OF CURRENT EVENTS**

Current events were discussed during Legislative Update.

#### **F. COMMITTEE UPDATE**

The Qualifications Review Committee met recently and next month will provide a proposal to the Board regarding firearms qualifications for semiautomatic weapons. The vast majority of officers use semiautomatic weapons as their side arm. The new but similar qualification will be brought to the Board for approval and will be tried on a test basis for the remainder of 2011 with full implementation effective CY 2012.

The Medical Marijuana Committee, in close participation with the chiefs and sheriffs associations, is working on the following: 1) training for officers on how this will be enforced, 2) people seeking employment as peace officers, how will use of medical marijuana be applied as it impacts POST rules, 3) what will be done regarding a serving officer using medical marijuana while serving. The Committee will continue to meet to address these issues.

#### **G. REPORTS**

##### **1. Basic Training**

Chandler-Gilbert – Director Terpay reported they currently have two classes in session. Class #5 started June 12th and will graduate on April 29, 2011. Class #6 started on October 9th and will graduate on August 24, 2011. Class #6 is in attendance at today's meeting. They also have a class that will start on May 11, 2011.

2. Department of Corrections – Deputy Director Flanagan reported that since the last meeting, 149 cadets graduated from COTA. They have 189 vacancies statewide. 9 cadets have graduated through the waiver process, which amounts to savings of \$32,000 for the Department. They currently have 5 classes in session with 205 cadets attending. They had a canine academy nationally recognized that graduated on December 15, 2010. Class #902 will graduate on January 28, 2011, and this also will mark the 25<sup>th</sup> anniversary of COTA.
3. Center for Leadership Excellence – Don Yennie reported that on December 2, 2010, LPO #18 graduated 30 students representing 15 agencies. Also in December, LPO #19 began in Casa Grande with 30 students representing 11 agencies. LPO #20 begins January 24, 2011. LPO #21 in Southern Arizona was canceled due to low enrollment and some of those individuals were moved to the Northern Arizona class. So far 562 students have graduated through the LPO Program.

#### H. FINAL ACTION CASES:

##### Case #1 – Hernal A. Aitken – Yuma Police Department

The Board considered comments from Assistant A.G. Nancy Beck. Director Sheridan made a motion to adopt the Administrative Law Judge's Findings of Fact and Conclusions of Law and revoke peace officer certification, seconded by Deputy Director Flanagan, motion carried unanimously.

##### Case #2 – Heather J. Opp - Glendale Police Department

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

##### Case #3 – Jimmy L. Slater – Maricopa County Sheriff's Office

*Director Sheridan recused himself from this case.* The Board considered comments from Compliance Manager Bob Irish. Sheriff Armer made a motion to adopt the Findings of Fact and Conclusions of Law and revoke peace officer certification, seconded by Mr. Richard, motion carried unanimously.

#### I. NEW CHARGING CASES:

##### Case #1 – David Adams Jr. – San Carlos Tribal Police Department

The Board considered comments from Compliance Specialist Paul Orfe. Chief Huntsman made a motion to ***Initiate Proceedings***, seconded by Dr. Decker, motion carried unanimously.

##### Case #2 – Raul Alvarado – Pinal County Sheriff's Office

The Board considered comments from Compliance Specialist Curt Milam. Director Sheridan made a motion to close this case with ***No Action with Agency Discretion***, seconded by Sheriff Sheahan, motion carried unanimously.

Case #3 – Steven R. Celsy - Surprise Police Department

The Board considered comments from Compliance Specialist Curt Milam. Sheriff Armer made a motion to ***Initiate Proceedings***, seconded by Director Sheridan, motion carried unanimously.

Case #4 – Christopher A. Fultz – Casa Grande Police Department

The Board considered comments from Compliance Specialist Steve Jacobs. Mr. Richard made a motion to close this case with ***No Action***, seconded by Sheriff Sheahan, motion carried unanimously.

Case #5 – Roy M. Kingsbury – Kingman Police Department

*Sheriff Sheahan recused himself from this case.* The Board considered comments from Compliance Specialist Gary Maschner. Director Sheridan made a motion to ***Initiate Proceedings***, seconded by Chief Huntsman, motion carried unanimously.

Case #6 – Raymond K. Sipe – Kingman Police Department

*Sheriff Sheahan recused himself from this case.* The Board considered comments from Compliance Specialist Gary Maschner. Director Sheridan made a motion to ***Initiate Proceedings***, seconded by Chief Huntsman, motion carried unanimously.

Case #7 – Douglas F. McCumber Jr. – Salt River Police Department

The Board considered comments from Compliance Specialist Steve Jacobs. Sheriff Armer made a motion to ***Initiate Proceedings***, seconded by Dr. Decker, motion carried unanimously.

Case #8 – Geoffrey Pacheco - Coolidge Police Department

The Board considered comments from Compliance Specialist Paul Orfe. Director Sheridan made a motion to ***Research Further***, seconded by Chief Huntsman, motion carried unanimously.

Case #9 – Joshua F. Starr – Quartzsite Police Department

The Board considered comments from Compliance Specialist Ted Brandon. Chief Kotsur made a motion to ***Initiate Proceedings***, seconded by Sheriff Sheahan, motion carried unanimously.

**J. CALL TO THE PUBLIC**

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

**K. ADJOURN**

Chairman Duarte adjourned the meeting at 11:20 a.m.