



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 21, 2015 PHOENIX, ARIZONA

A public meeting of the Arizona Peace Officer Standards and Training Board was convened on January 21, 2015, at AZ POST, located at 2643 E. University Drive, Phoenix, AZ.

Members Present:

Mr. H. Jeffrey Coker, Chairman
Sergeant Chris Andreacola
Chief Steven Campbell
Sheriff Scott Mascher
Mr. Andrew Pacheco, representing Attorney General Mark Brnovich
Chief Alan Rodbell
Director Charles Ryan
Professor Cornel Stemley
Sergeant Timothy Williams
Deputy Director Dennis Young, representing Director Bobby Halliday

Members Absent:

Mr. David Brown
Detention Director Mike Olson
Sheriff Bill Pribil

Staff in Attendance:

Ted Brandon
Dan Ciernia
Annie Deer
Marie Dryer
Rosalee Fitch
Sandy Hansberger
Cathy Hawse
Steve Jacobs
Lori Ketron
Jack Lane
Cathy Masters
Lyle Mann
Sandy Sierra
Chester Szoltysik
Dale Wyman
Don Yennie

Assistant Attorney General

Michael Saltz

Nancy Beck

A. Call to Order

Chairman Coker called the meeting to order at 10:04 a.m.

B. Introductions, Presentations and Announcements

Executive Director Lyle Mann informed the Board that Mr. Andrew Pacheco has been reappointed to continue to serve as the Attorney General representative on the Board. He also stated Director Ryan will continue on the Board as the Department of Corrections director. He stated he will ask the director of the Governor’s Office of Boards and Commissions that all Board members be reappointed, if that is what the Board members desire. He also stated he will be attending an IADLEST Executive Meeting in Washington, DC this week.

C. Consent Agenda

Sheriff Mascher made a motion to approve the Consent Agenda, seconded by Chief Campbell, motion carried unanimously.

1. Minutes of the Board meeting held on November 19, 2014, were approved as written.
Minutes of the Board meeting held on December 17, 2014, were approved as written.

2. Ministerial Actions:

- a. Certification Waivers:
 - Kristopher W. Babros AZ Department of Economic Security – OSI
 - Michael J. Gibbs Burlington No. Santa Fe Railroad PD
 - Daniel J. Rendulich Mesa Police Department
 - Charles J. Teigen Payson Police Department
 - Cesar H. Ortega III AZ Department of Transportation – ECD
 - Justin T. Winter AZ Game and Fish Department
 - Richard N. Fowler Holbrook Police Department
 - Matthew A. Hendrickson AZ Department of Public Safety
 - Kenneth D. McGuire Northern AZ University PD
 - Jonathan A. Ore-Giron Peoria Police Department
 - Robert J. Williamson Jr. Ak Chin Tribal Police

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)
 - e. General Correspondence
3. Income and Expense Statement – November 2014

Funds as of November 1, 2014	\$1,671,304.87
CJEF Revenue	351,250.53
Expenditures/Encumbrances/Sweeps	(428,395.64)
Balance for November 30, 2014	\$1,594,159.76

D. Regular Agenda

1. Litigation Report. *Scott Berry v. Arizona Peace Officer Standards and Training Board*, LC20014-000094

Assistant Attorney General Nancy Beck addressed the Board to discuss the Superior Court of Arizona ruling affirming the Board's decision to retroactively suspend Scott Berry's certification and deny his motion for rehearing.

2. Request for Full Authority Peace Officer Certification – AZ Department of Public Safety

Deputy Director Young abstained from voting on this item.

The AZ Department of Public Safety petitioned the Board to issue a full authority peace officer certification, without restriction, for Reserve Officer Stephen L. Martin.

Chief Campbell made a motion to grant a full authority peace officer certification, without restriction, to Reserve Officer Stephen L. Martin, seconded by Director Ryan, motion carried unanimously.

3. Discussion of the Board's role as it concerns the use of force by officers and accountability of officers specifically in its Basic Peace Officer Training, In-Service Training, Board Policies and its Administrative Rules

A discussion was held regarding police use of force. Chairman Coker felt this discussion was necessary in light of recent events. He would like to see the best training possible offered to protect both the officers and the public. Executive Director Mann stated the president has appointed a commission to look into this matter. Once the commission has completed its review, we will have a better understanding of what is needed regarding training. Several Board members commented on their experiences and views and all felt it was necessary to have this discussion.

It was determined that we will wait for the results of the president's commission before proceeding further.

E. Legislative Update

Executive Director Mann stated several bills have dropped at the legislature and several more will drop within the next two weeks. He presented several bills to the Board that he needs direction on regarding support of these bills.

HB 2107 – Law Enforcement Merit System Council Continuation

Chief Campbell made a motion to support of this bill, seconded by Professor Stemley, motion carried unanimously.

HB 2377 – Law Enforcement Merit System Council Determination

Chief Rodbell made a motion to oppose this bill, seconded by Director Ryan, motion carried unanimously.

HB 2378 – Peace Officers Unlawful Sexual Conduct

Sheriff Mascher made a motion to support this bill, seconded by Chief Rodbell, motion carried unanimously.

HB 2438 – Post-Traumatic Stress Disorders Public Safety

No action needed on this bill; for information only.

HB 2376 and HB 2410 – Traffic quotas

The Board felt this is not something it should take a position on. Chief Rodbell made a motion to take No Action, seconded by Chief Campbell, motion carried unanimously.

F. Summary of Current Events

Executive Director Mann stated the governor has implemented a state employee hiring freeze; the only exemptions are for public safety and child safety agencies. He also stated the governor has imposed a moratorium on new rules; except when changes to rules create efficiencies; protect public health and safety; are necessary to avoid violating a court order or federal law; and fulfill budgetary obligations. He stated if it is necessary, he will ask for exemptions later in the year. He also informed the Board that there have been some agencies appointing interim chiefs who are not AZ POST certified; this is against AZ POST rules. He has instructed staff to initiate a procedure to ensure verification of certification when a new chief or interim chief is appointed.

G. Committee Update

Executive Director Mann stated there is nothing new to report.

H. Reports

1. Basic Training Academies

ALEA – No report provided.

AZ Western College – No report provided.

Chandler-Gilbert Community College – No report provided.

Glendale Community College – No report provided.

Maricopa County Sheriff's Office – Provided a written report, presented by Program Administrator Marie Dryer, which states Class #135 began November 3, 2014; they currently have 30 recruits and will graduate on April 16, 2015. Class #136 began January 20, 2015; with 19 recruits.

Mesa Police Department – No report provided.

NALETA – No report provided.

NARTA – Commander Jeff Newnum reported Class #38 began January 12, 2015; they currently have 27 recruits in this class. The class will graduate May 14, 2015.

Pima Community College – No report provided.

Pima County Sheriff's Department – Provided a written report, presented by Program Administrator Marie Dryer, which states Class #15-1 began January 12, 2015, with 39 recruits. Class #15-2 will begin in September 2015.

SALETC – Commander Gerald Teague reported Class #14-4 began October 20, 2014, and will graduate on February 12, 2015; they currently have 39 recruits. Class #14-5 began December 15, 2014; with 16 recruits, they will graduate April 9, 2015. Class #15-1 will begin January 26, 2015 and graduate May 21, 2015.

WALETA – No report provided.

- ### 2. Department of Corrections – Director Ryan reported that since the December meeting, 70 cadets have graduated from COTA. They currently have five classes in session with a total 146 cadets in these classes. They currently have 622 vacancies statewide. Their current attrition rate is 8.24%.
- ### 3. In-Service Training – Don Yennie reported on the In-Service Training classes which have been held since the last regular meeting. He also reported on the

localized training classes provided to various agencies. He discussed budget cuts as they relate to training cuts and the impact this has.

4. Special Projects/Digital Media – Marie Dryer reported that since the last regular meeting, the driver simulator has been utilized by four agencies, with 166 officers receiving this training. What You Do Matters, Lessons from the Holocaust Training continues; there were 10 classes and 210 students trained since the last regular Board meeting. There was a National Below 100 Meeting of instructors held in Yuma in December with 37 in attendance. There have been four proficiency classes taught with 132 students receiving training. The Human Trafficking DVD was released in December 2014. The Sovereign Citizen dual training DVD is in production and they hope to release it in February.
5. AZ Women’s Initiative – Lt. Cathy Masters reported on the activities of the AZ Women’s Initiative. She discussed two upcoming workshops they will be offering. Women on the Move this month are: Christine Desanti, who has accepted a lieutenant’s position with the Surprise Police Department and Laura Liuzzo, who has accepted a lieutenant’s position with the El Mirage Police Department.
6. E-Learning Presentation – Chester Szoltysik provided a power point presentation on a proposal from Envisage Technologies for POST type agencies and other private companies to participate in their new Fast Forward distance learning solutions.

I. Final Action Cases:

Case #1 – Jennifer N. Robinson – Flagstaff Police Department

Chairman Coker, Mr. Pacheco and Sergeant Andreacola recused themselves from this case. Chief Campbell was acting chair. The Board considered comments from Assistant A.G. Nancy Beck and Michael Storie, attorney for Jennifer Robinson. Professor Stemley made a motion to adopt the Administrative Law Judge’s Findings of Fact and Conclusions of Law and suspend peace officer certification until lapse, motion failed due to lack of a second. Chief Rodbell made a motion to adopt the Administrative Law Judge’s Findings of Fact and Conclusions of Law and revoke peace officer certification, seconded by Sergeant Williams, motion carried with one nay vote.

Case #2 – James Harvie IV – Mesa Police Department

The Board considered comments from Assistant A.G. Nancy Beck. Sheriff Mascher 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 #3 – Marcus A. Matthews – Phoenix Police Department

The Board considered comments from Assistant A.G. Nancy Beck. Chief Campbell made a motion to adopt the Consent Agreement, Decision and Order for voluntary

relinquishment of peace officer certification, seconded by Mr. Pacheco, motion carried unanimously.

Case #4 – John M. McGrath – University of Arizona Police Department

The Board considered comments from Assistant A.G. Michael Saltz. Mr. Pacheco made a motion to adopt the Consent Agreement, Decision and Order for voluntary relinquishment of peace officer certification, seconded by Director Ryan, motion carried unanimously.

Case #5 – Thomas G. Shockley – Peoria Police Department

The Board considered comments from Assistant A.G. Michael Saltz. Sheriff Mascher made a motion to adopt the Consent Agreement, Decision and Order for voluntary relinquishment of peace officer certification, seconded by Deputy Director Young, motion carried unanimously.

Case #6 – Glenn E. Mucci – Phoenix Police Department

Chief Campbell recused himself from this case. The Board considered comments from Assistant A.G. Michael Saltz. Chief Rodbell made a motion to adopt the Consent Agreement, Decision and Order and impose a six month suspension of peace officer certification from November 28, 2013, through May 28, 2014, seconded by Professor Stemley, motion carried unanimously.

Case #7 – Bryan T. Whitney – Goodyear Police Department

The Board considered comments from Assistant A.G. Michael Saltz. Chief Campbell 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 – Joel L. Bealert – Pima County Sheriff's Department

The Board considered comments from Compliance Manager Jack Lane and Joel Bealert. Deputy Director Young 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.

J. New Charging Cases:

Case #1 – Acey Charley Jr. – Navajo Division of Public Safety

The Board considered comments from Compliance Specialist Ted Brandon. Sheriff Mascher made a motion to ***Initiate Proceedings***, seconded by Director Ryan, motion carried unanimously.

Case #2 – Louis P. Ortiz – 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 – Shawn E. Osborn – Gila County Sheriff’s Office

Mr. Pacheco recused himself from this case. The Board considered comments from Compliance Specialist Ted Brandon. Chief Rodbell made a motion to **Initiate Proceedings**, seconded by Sheriff Mascher, motion carried unanimously.

Case #4 – Matthew V. McKenzie – Pinal County Sheriff’s Office

The Board considered comments from Compliance Specialist Cathy Hawse. Deputy Director Young made a motion to close this case with **No Action**, seconded by Professor Stemley, motion carried unanimously.

Case #5 – Mario E. Bertuccelli – Phoenix Police Department

Chief Rodbell recused himself from this case. The Board considered comments from Compliance Specialist Steve Jacobs. Chief Campbell made a motion to **Initiate Proceedings**, seconded by Director Ryan, motion carried unanimously.

Case #6 – Joshua D. Johnson – Yuma Police Department

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

Case #7 – Mark A. Mullins – Bullhead City Police Department

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

Case #8 – Danny P. Olmos – Phoenix Police Department

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

Case #9 – Juan J. Rodriguez – Quechan Tribal Police Department

The Board considered comments from Compliance Specialist Steve Jacobs. Chief Rodbell made a motion to close this case with **No Action with Agency Discretion**, seconded by Professor Stemley, motion carried unanimously.

Case #10 – Richard B. Segerstrom – Phoenix Police Department

Chief Campbell recused himself from this case. The Board considered comments from Compliance Specialist Steve Jacobs. Professor Stemley made a motion to close this case with **No Action**, seconded by Sheriff Mascher, motion carried unanimously.

Case #11 – Joseph Vizzini – Phoenix Police Department

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

Case #12 – Pamela D. Brume – Marana Police Department

The Board considered comments from Compliance Specialist Lori Ketron. Sheriff Mascher made a motion to ***Initiate Proceedings***, seconded by Director Ryan, motion carried unanimously.

Case #13 – Orlando S. Jimenez – Casa Grande Police Department

The Board considered comments from Compliance Manager Jack Lane. Chief Campbell made a motion to ***Initiate Proceedings***, seconded by Sheriff Mascher, motion carried unanimously.

K. Call to the Public

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

L. Adjourn

Chairman Coker adjourned the meeting at 1:10 p.m.