

**ARIZONA PEACE OFFICER STANDARDS AND TRAINING BOARD
MINUTES OF MEETING
MARCH 16, 2011
PHOENIX, ARIZONA**

A public meeting of the Arizona Peace Officer Standards and Training Board was convened on March 16, 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
Director Bobby Halliday
Chief Kevin Kotsur
Ms. Wendy Larsen
Director Charles Ryan
Sheriff Tom Sheahan
Chief Deputy Jerry Sheridan

Members Absent:

Chief Patricia Huntsman
Mr. Gerald Richard, representing Attorney General Tom Horne
Sergeant Robert Thompson

Staff in Attendance:

Ted Brandon
Dan Ciernia
Jim DeLung
Marie Dryer
Rosalee Fitch
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 10:01 a.m.

B. INTRODUCTIONS, PRESENTATIONS AND ANNOUNCEMENTS

Executive Director Lyle Mann informed the Board that a Police Supervision class was in attendance at today’s meeting.

C. CONSENT AGENDA

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

- 1. Minutes of the Board meeting, held on January 19, 2011, were approved as written.

Minutes of the Board meeting, held on February 16, 2011, were approved as written.

- 2. Ministerial Actions:
 - a. Certification Waivers:

Eric M. Durkee	Scottsdale Police Department
Kristopher J. Johnson	Scottsdale Police Department
Ariel F. Perez	Apache Junction Police Department
Matthew J. Pittman	Gilbert Police Department
Karen M. Vega	Arizona Game & Fish Department
 - b. Instructor Certification Renewals: LIST ATTACHED TO AGENDA PACKET.
 - c. Training Program Confirmations: LIST ATTACHED TO AGENDA PACKET.

- 3. Decertification Status Report - As of January 31, 2011, the Compliance and Standards Unit had a caseload of 104 active cases. Nine cases are ready for initial presentation; forty-seven cases need further investigation; eight cases are pending service of or response to a Notice of Complaint or Decision; seven cases are pending a hearing; three 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 – January 2011

Funds as of January 1, 2011	\$1,574,813.17
CJEF Revenue	394,582.45
Expenditures/Encumbrances	(365,581.97)

Balance for January 31, 2011 \$1,603,813.65

D. REGULAR AGENDA

1. Litigation Update

Assistant Attorney General Nancy Beck updated the Board on the status of two cases involving the Board. In the first case, the Board revoked the peace officer certification of Deirryck Begaye and he appealed it to the Superior Court. The Court affirmed the revocation, finding that the Board acted properly and within its authority. In the second case, Preston Barlow, who did not appeal his revocation, filed suit alleging that the Board violated his First Amendment Freedom of Religion when it revoked his certification. In this case, the Attorney General's Office argued that the Board is not a jural entity, thus not amenable to suit, and that Barlow did not exhaust his administrative remedies, among other defenses. Barlow voluntarily dismissed his lawsuit before the Motion to Dismiss was heard by the Court.

2. Demonstration and Discussion of Agency Self-Service Center Website

Chester Szoltysik, AZ POST Technology Manager, addressed the Board with an update on the Agency Self-Service Center Website. AZ POST will be offering a self-service center website to allow agencies direct access to forms they generally use. Agencies will now be able to self-generate forms such as: A-1 (appointment report form), TM (termination report form), and SC (status change report form). It will also provide agencies with a training tracking database system and will allow agencies direct access to the CLEARs system in order to generate a CLEARs report. The self-service website will be beneficial to both AZ POST and the agencies.

E. LEGISLATIVE UPDATE

Executive Director Mann discussed the bills currently being addressed at the legislature. He discussed the budget as it impacts AZ POST and stated several bills have ancillary issues that will impact the Board. He also discussed the recommended changes to House Bill 2613 and asked for input from the Board members who volunteered to review this bill; he will work with staff and gather input for next week's hearing.

F. SUMMARY OF CURRENT EVENTS

Executive Director Mann updated the Board on the status of the proposal regarding firearms qualifications for semiautomatic weapons. AZ POST staff met with firearms instructors and asked for input on this proposal before it is presented to the Board. Good input was provided and the proposal is now close to completion.

G. COMMITTEE UPDATE

There was nothing new to report at this time.

H. REPORTS

1. Basic Training

ALEA – Major Jack Lane reported Class #457 with 21 recruits representing 7 agencies graduated on December 10, 2010. Class #458 is currently in their 16th week of training and will graduate on April 8th with 31 recruits representing 11 agencies. Class #459 started on February 14th and will graduate on June 24, 2011, with 24 recruits representing 12 agencies. Class #460 will start May 9th and graduate on September 16, 2011, and Class #461 will start on August 8th and graduate on December 16, 2011.

Chandler-Gilbert – Director Terpay reported they currently have two classes in session. Class #5 started June 12th and will graduate on April 28, 2011, with 10 recruits. Class #6 started on October 9th and will graduate on August 24, 2011, with 16 recruits. Class #7 will start on May 11th and they currently have 44 recruits in the application background process. Class #8 will start on September 10th and they are taking applications for that class.

CARLOTA – Captain Jeff Karnes, recently appointed academy director, reported they currently have one class in session with 13 recruits representing 5 agencies and will graduate on June 9, 2011. Class #115 will start on July 10, 2011.

Glendale Community College – provided a written report that states they currently have 3 classes in session with 40 recruits. 90% of open enrollees are in the process of or have obtained positions with agencies.

SALETC - Lt. Green reported the last class of 2010 graduated on February 10th with 6 recruits. They currently have 4 classes scheduled for 2011. The first class started on January 10th and will graduate on May 10, 2011, with 11 recruits representing 6 agencies. They have classes starting on April 4th and July 11th.

2. Department of Corrections – Deputy Director Flanagan reported that since the last meeting, 127 cadets graduated from COTA. They have 165 vacancies statewide. 13 cadets have graduated through the waiver process, which amounts to savings of over \$43,000 for the Department. They currently have 4 classes in session with 158 cadets attending. They also have a canine academy which recently began.
3. Center for Leadership Excellence – Don Yennie reported that on February 10, 2011, LPO #19 graduated 20 students representing 11 agencies. LPO #20 will graduate within the next two weeks with 30 students representing 15 agencies. With the graduation of Class #19, 591 students have graduated from LPO thus far.
4. POST Training Section – Marie Dryer reported that since January of this year they have conducted 3 calendar classes and have 27 additional classes planned until the end of this fiscal year. Update to the 585 basic curriculum model lesson plans as well as working on the certified final exam questions. The driver simulator is working well and since January 1st a total of 244 officers/civilians have used the simulator. The Digital Media Center has just distributed two new

training programs titled: Best Practice – Eyewitness Identification/False Confessions and Domestic Violence Call Response Update. This is being developed into the E-Learning System as well. They are also reviewing and evaluating other E-Learning products and companies for future consideration. The script for the Medical Marijuana Law Best Practices Preproduction has been completed and they are in the process of securing DRE's for this program.

I. FINAL ACTION CASES:

Case #1 – Gary D. Cunningham – Yavapai County Sheriff's Office

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

Case #2 – Carlos A. Diaz – AZ Department of Public Safety

Director Halliday recused himself from this case. The Board considered comments from Assistant A.G. Diana Stabler and Dale Norris, attorney for Mr. Diaz. Sheriff Armer made a motion to adopt the Consent Agreement, Decision and Order and suspend peace officer certification for six months beginning on October 13, 2010 and ending on April 13, 2011, seconded by Sheriff Sheahan, motion carried unanimously.

Case #3 – Andrew Loza – Pima County Sheriff's Department

Detective Dobbertin recused herself from this case. The Board considered comments from Assistant A.G. Nancy Beck and Mike Storie, attorney for Mr. Loza. Chief Kotsur made a motion to adopt the Consent Agreement, Decision and Order, Stipulated Findings of Fact, Conclusions of Law and Order of Suspension and suspend peace officer certification for two years beginning on February 9, 2010 and ending on February 8, 2012, seconded by Ms. Larsen, motion carried with 3 nay votes.

Case #4 – Shomaray E. Stingley – Navajo County Sheriff's Office

The Board considered comments from Assistant A.G. Nancy Beck. Sheriff Sheahan made a motion to adopt the Consent Agreement and Order of Voluntary Relinquishment of peace officer certification, seconded by Chief Deputy Sheridan, motion carried unanimously.

Case #5 – Scott D. Blake – Glendale Police Department

The Board considered comments from Compliance Manager Bob Irish. Chief Deputy Sheridan made a motion to adopt the Findings of Fact and Conclusions of Law and suspend peace officer certification for one year beginning March 16, 2011 and ending on March 16, 2012, seconded by Dr. Decker, motion carried unanimously.

Case #6 – Angel C. Gonzalez – Phoenix Police Department

The Board considered comments from Compliance Manager Bob Irish. Director Halliday made a motion to adopt the Findings of Fact and Conclusions of Law and revoke peace officer certification, seconded by Deputy Director Flanagan, motion carried unanimously.

Case #7 – Justin L. McLemore – Maricopa County Sheriff’s Office

Director Halliday and Chief Deputy Sheridan recused themselves from this case. The Board considered comments from Compliance Manager Bob Irish. Ms. Larsen made a motion to adopt the Findings of Fact and Conclusions of Law and revoke peace officer certification, seconded by Chief Kotsur, motion carried unanimously.

Case #8 – Christopher G. Shreeve – Phoenix Police Department

The Board considered comments from Compliance Manager Bob Irish. Director Halliday made a motion to adopt the Findings of Fact and Conclusions of Law and revoke peace officer certification, seconded by Ms. Larsen, motion carried with one nay vote.

Case #9 – Timothy A. Sparr – Kingman Police Department

Sheriff Sheahan 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 Chief Deputy Sheridan, motion carried unanimously.

J. NEW CHARGING CASES:Case #1 – Jesse L. Barlow – Colorado City Marshal’s Office

The Board considered comments from Compliance Specialist Gary Maschner. Chief Deputy Sheridan made a motion to ***Initiate Proceedings*** to deny peace officer certification, seconded by Deputy Director Flanagan, motion carried unanimously.

Case #2 – Timothy D. Bowman – AZ Department of Public Safety

Director Halliday recused himself from this case. The Board considered comments from Compliance Specialist Ted Brandon. Sheriff Armer made a motion to ***Initiate Proceedings***, seconded by Detective Dobbertin, motion carried unanimously.

Case #3 – Miguel J. Danielson Jr. – AZ Department of Transportation – MVD

The Board considered comments from Compliance Specialist Curt Milam. Assistant A.G. Diana Stabler provided the Board with an amendment to the alleged misconduct and requested the language “for approximately 10 years prior to 2010” be included. Chief Deputy Sheridan made a motion to include the language and ***Initiate Proceedings***, seconded by Ms. Larsen, motion carried unanimously.

Case #4 – Kevin Galek – Mesa Police Department

The Board considered comments from Compliance Specialist Marie Dryer. Chief Deputy Sheridan made a motion to ***Initiate Proceedings***, seconded by Chief Kotsur, motion carried unanimously.

Case #5 – Thomas M. Barker – Payson Police Department

The Board considered comments from Compliance Specialist Ted Brandon. Director Halliday made a motion to ***Research Further***, seconded by Ms. Larsen, motion carried unanimously.

K. CALL TO THE PUBLIC

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

L. ADJOURN

Chairman Duarte adjourned the meeting at 11:38 a.m.