



Arizona Peace Officer Standards and Training Board

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MINUTES OF MEETING APRIL 20, 2016 PHOENIX, ARIZONA

A public meeting of the Arizona Peace Officer Standards and Training Board was convened on April 20, 2016, at AZ POST, located at 2643 E. University Drive, Phoenix, AZ.

Members Present:

Sheriff Scott Mascher, Chairman
Assistant Attorney General Paul Ahler, representing Attorney General Mark Brnovich
Sergeant Chris Andreacola, Tucson Police Department
Mr. David Brown, Public Member
Mr. H. Jeffrey Coker, Public Member
Sheriff Mark Dannels, Cochise County Sheriff's Office
Chief Lawrence Hall, Buckeye Police Department
Detention Director Mike Olson, Maricopa County Sheriff's Office
Colonel Frank Milstead, Arizona Department of Public Safety
Chief Alan Rodbell, Scottsdale Police Department
Deputy Director Jeff Hood, representing Director Charles Ryan, AZ DOC
Professor Cornel Stemley, Grand Canyon University

Board Members Absent:

Sergeant Leo Aparicio, Pinal County Sheriff's Office

Staff in Attendance:

Ted Brandon
Annie Deer
Mike Deltenre
Marie Dryer
Ivan Gelo
Cathy Hawse
Steve Jacobs
Jack Lane
Cathy Masters
Lynn Pirkle
Sandy Sierra
Chester Szoltysik
Lori Tallerday

Assistant Attorneys General:

Michael Saltz
Seth Hargraves
John R. Tellier

A. Call to Order

Chairman Mascher called the meeting to order at 10:00 a.m.

B. Introductions, Presentations and Announcements

Executive Director Jack Lane stated that Assistant Attorney John Tellier is at today's meeting to represent the Board on three cases; one of these cases will need to be taken out of order to accommodate Mr. Tellier's schedule.

C. Executive Director's Report

Budget – The proposed 2016/17 budget will be presented to the Board for approval at the May meeting. Costs saving measures for fiscal year 2016/17 were discussed. One area in which we will see a big cost reduction is ALEA recruit housing. Currently the recruits are housed at a local hotel. Executive Director Lane has been working with DPS and ALEA staff to find a more cost effective way to provide housing. It was determined that by renting apartments rather than hotel rooms, it will save us approximately \$400,000 a year. Vacancy savings will also allow us to save more money next fiscal year.

Board Communications – The Law Enforcement Pow Wow will be held July 12-15, 2016 in Flagstaff. The conference brochure was provided to the Board.

Personnel and Staffing – Ted Brandon is the interim Compliance Manager. We are currently working with Human Resources to fill the two Training Compliance Specialist positions and the Compliance Manager position. The final interviews for the Compliance Specialist position will be held April 29th; we anticipate a hiring list to be established soon thereafter.

D. Final Action Cases:

Case #1 – Shawn E. Osborn – Gila County Sheriff's Office

Assistant A.G. Ahler recused himself from this case. The Board considered comments from Assistant A.G. Seth Hargraves and Neil Landeen, attorney for Shawn Osborn. Professor Stemley made a motion to deny the Motion for Rehearing or Reconsideration of this case, seconded by Detention Director Olson, motion carried unanimously.

Case #2 – Stewart E. Ferrin – AZ State University Police Department

Detention Director Olson and Assistant A.G. Ahler recused themselves from this case. The Board considered comments from Assistant A.G. Seth Hargraves. Sheriff Dannels made a motion to adopt the Consent Agreement, Decision and Order and suspend peace

officer certification for a period of four (4) months from March 1, 2015 through July 1, 2015, seconded by Chief Hall, motion carried unanimously.

Case #3 – Tashina N. Forsen – Mesa Police Department

The Board considered comments from Assistant A.G. Michael Saltz. Colonel Milstead 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 – Aaron E. Crawford – Scottsdale Police Department

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

Case #5 – Kelly A. Wohlwend– Yavapai County Sheriff’s Office

Chairman Mascher recused himself from this case. Mr. Coker was acting chair. The Board considered comments from Assistant A.G. Michael Saltz. Colonel Milstead made a motion to adopt the Consent Agreement, Decision and Order and suspend peace officer certification from October 12, 2015 through December 17, 2016, seconded by Chief Hall, motion carried unanimously. This Agreement is contingent upon the successful completion of the court ordered probation; if probation is not successfully completed the suspension shall continue until lapse (October 12, 2018).

Case #6 – Jesus R. Maldonado – Tucson Police Department

Sergeant Andreacola recused himself from this case. The Board considered comments from Assistant A.G. Michael Saltz. Sheriff Dannels 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 – Rusty Weathersby – Pinal County Sheriff’s Office

The Board considered comments from Assistant A.G. Michael Saltz. Mr. Coker made a motion to adopt the Consent Agreement, Decision and Order and suspend peace officer certification for a period of three (3) years from December 12, 2014 through December 12, 2017, at which time his peace officer certification will lapse, seconded by Sheriff Dannels, motion carried unanimously.

Case #8 – Douglas L. Rose – Chandler Police Department

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

Case #9 – Dennia B. Grijalva – Tohono O’odham Police Department

The Board considered comments from Assistant A.G. Michael Saltz. Sheriff Dannels made a motion to adopt the Consent Agreement, Decision and Order and suspend peace officer certification for a period of two (2) years from December 3, 2013 through December 3, 2015, seconded by Chief Rodbell, motion carried unanimously.

Case #10 – Arthur G. Siqueiros – Mesa Police Department

Colonel Milstead 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 for voluntary relinquishment of peace officer certification, seconded by Professor Stemley, motion carried unanimously.

Case #11 was taken out of order

Case #11 – Alexander J. Luca – Mesa Police Department

Assistant A.G. Ahler recused himself from this case. The Board considered comments from Assistant A.G. Seth Hargraves. Mr. Coker made a motion to adopt the Findings of Fact and Conclusions of Law and deny peace officer certification, seconded by Chief Rodbell, motion carried unanimously.

Case #12 – Ryan D. Thibault – Gilbert Police Department

The Board considered comments from Acting Compliance Manager Ted Brandon and Ryan Thibault. The Board was conflicted on this case because most felt that Mr. Thibault came forward on his own to correct his error; but they also felt that some sort of sanction should be imposed. After several motions were discussed, Professor Stemley made a motion to adopt the Findings of Fact and Conclusions of Law and impose a six month delay of peace officer certification effective July 6, 2015, seconded by Mr. Coker, motion carried with two nay votes.

Case #13 – Ron A. Ciancimino – Yuma Police Department

The Board considered comments from Acting Compliance Manager Ted Brandon. 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.

Case #14 – Gregory E. David – Mohave County Sheriff’s Office

The Board considered comments from Acting Compliance Manager Ted Brandon. Sheriff Dannels made a motion to adopt the Findings of Fact and Conclusions of Law and revoke peace officer certification, seconded by Colonel Milstead, motion carried unanimously.

Case #15 – Cain Flores – San Luis Police Department

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

Case #16 – James M. McKnight – Buckeye Police Department

Chief Hall recused himself from this case. The Board considered comments from Acting Compliance Manager Ted Brandon. Mr. Coker made a motion to adopt the Findings of Fact and Conclusions of Law and revoke peace officer certification, seconded by Colonel Milstead, motion carried unanimously.

Case #17 – Myke C. Steighler – Mohave County Sheriff's Office

The Board considered comments from Acting Compliance Manager Ted Brandon. Sheriff Dannels 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.

Case #18 – John L. McClendon Jr. – Pima County Sheriff's Department

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

Case #19 – Roxana L. Meicke – Mesa Police Department

Colonel Milstead recused himself from this case. The Board considered comments from Acting Compliance Manager Ted Brandon. Chief Hall 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.

Case #20 – John D. Powell – Mesa Police Department

Colonel Milstead recused himself from this case. The Board considered comments from Acting Compliance Manager Ted Brandon. Professor Stemley made a motion to adopt the Findings of Fact and Conclusions of Law and deny peace officer certification, seconded by Chief Rodbell, motion carried unanimously.

Case #21 – Evan M. Walker – Cochise County Sheriff's Office

Sheriff Dannels recused himself from this case. The Board considered comments from Acting Compliance Manager Ted Brandon. Mr. Coker made a motion to adopt the Findings of Fact and Conclusions of Law and close this case with no action with agency discretion. He then withdrew his motion. Mr. Brown made a motion to suspend peace officer certification for a period of two (2) years from March 20, 2015 through March 20, 2017, seconded by Professor Stemley, motion carried unanimously.

Case #22 – Lamont L. Brown – Navajo Division of Public Safety

The Board considered comments from Acting Compliance Manager Ted Brandon. Mr. Coker made a motion to adopt the Findings of Fact and Conclusions of Law and revoke peace officer certification, seconded by Chief Hall, motion carried unanimously.

Case #23 – Jesse S. Hoag – Bullhead City Police Department

The Board considered comments from Acting Compliance Manager Ted Brandon. Professor Stemley made a motion to adopt the Findings of Fact and Conclusions of Law and revoke peace officer certification, seconded by Mr. Coker, motion carried unanimously.

E. New Charging Cases:Case #1 – Benjamin Parry – Pinal County Sheriff's Office

The Board considered comments from Compliance Specialist Cathy Hawse. Sheriff Dannels made a motion to **Initiate Proceedings**, seconded by Chief Rodbell, motion carried unanimously.

Case #2 – Daniel W. Livingston – Tucson Police Department

Sergeant Andreacola recused himself from this case. The Board considered comments from Compliance Specialist Cathy Hawse. Mr. Coker made a motion to **Resolve in the Future**, seconded by Colonel Milstead, motion carried unanimously.

Case #3 – Brandyn A. Martinez – 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 **Resolve in the Future**, seconded by Chief Hall, motion carried unanimously.

Case #4 – Susan C. Freeman – Chandler Police Department

The Board considered comments from Compliance Specialist Steve Jacobs. Colonel Milstead made a motion to **Initiate Proceedings** and to include rule violations R13-4-109(A)(8 and 9), seconded by Professor Stemley, motion carried unanimously.

Case #5 – Gabriel A. Lorona – Yuma Police Department

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

Case #6 – Sami F. Abbas – Pima County Sheriff's Department

The Board considered comments from Compliance Specialist Lori Tallerday. Colonel Milstead made a motion to **Resolve in the Future**, seconded by Professor Stemley. He then withdrew his motion and made a motion to close this case with **No Action with Agency Discretion**, seconded by Professor Stemley, motion carried unanimously.

Case #7 – Loren C. Chesley – AZ Department of Liquor Licenses and Control

The Board considered comments from Compliance Specialist Lori Tallerday. Mr. Coker made a motion to **Resolve in the Future**, seconded by Chief Hall, motion carried unanimously.

Case #8 – Warren L. Croft – Pima County Sheriff’s Department

The Board considered comments from Compliance Specialist Lori Tallerday. Sheriff Dannels made a motion to ***Initiate Proceedings***, seconded by Mr. Brown, motion carried unanimously.

Case #9 – Alexander J. Roy – Sierra Vista Police Department

Sheriff Dannels recused himself from this case. The Board considered comments from Compliance Specialist Lori Tallerday. Chief Rodbell made a motion to ***Initiate Proceedings*** and to include rule violations R13-4-109(A)(8 and 9), seconded by Chief Hall, motion carried unanimously.

F. Future Agenda Items

Chief Rodbell requested that a discussion be held regarding what our (AZ POST) responsibility is as far as obtaining case evidence for disciplinary hearings. He would like to place this discussion on a future agenda.

G. Adjourn

Chairman Mascher adjourned the meeting at 11:55 a.m.