



# *Arizona Peace Officer Standards and Training Board*

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## **MINUTES OF MEETING MAY 18, 2016 PHOENIX, ARIZONA**

A public meeting of the Arizona Peace Officer Standards and Training Board was convened on March 16, 2016, at AZ POST, located at 2643 E. University Drive, Phoenix, AZ.

### Members Present:

Sheriff Scott Mascher, Yavapai County Sheriff's Office, Chairman  
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  
Deputy Director Heston Silbert, representing Colonel Frank Milstead, AZ DPS  
Detention Director Mike Olson, Maricopa County Sheriff's Office  
Chief Alan Rodbell, Scottsdale Police Department  
Director Charles Ryan, AZ Department of Corrections  
Professor Cornel Stemley, Grand Canyon University

### Board Members Absent:

Assistant Attorney General Paul Ahler, representing Attorney General Mark Brnovich  
Sheriff Mark Dannels, Cochise County Sheriff's Office

### Staff in Attendance:

Ted Brandon  
Annie Deer  
Marie Dryer  
Donna Gieber  
Cathy Hawse  
Steve Jacobs  
Jack G. Lane  
Cathy Masters  
Sandy Sierra  
Lori Tallerday  
Don Yennie

### Assistant Attorneys General:

Michael Saltz  
Seth Hargraves

**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 there is a Police Supervision Class in attendance at today's meeting. He also stated today's agenda was amended; one case was pulled because it was on a previous agenda and another case was modified to a consent agreement at the request of the officer.

**C. Consent Agenda**

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

1. Minutes of the Board meeting held on March 16, 2016, were approved as written.  
Minutes of the Executive Director Selection Subcommittee meeting held on March 16, 2016, were approved as written.  
Minutes of the Board meeting held on April 20, 2016, were approved as written.

2. Ministerial Actions:

a. Certification Waivers:

Jeremy W. Cochran	Coconino County Sheriff's Office
Jeremy A. Johnson	La Paz County Sheriff's Office
Gerald E. Kaphing Jr.	Maricopa Police Department
David E. Mitterbauer	Goodyear Police Department
Bruce W. Pankow	Hualapai Nation Police Department
Janice Helen Power	Quartzsite Police Department
Christopher J. Magnus	Tucson Police Department
Sylvia M. Moir	Tempe Police Department
Stephen L. Gesell	Cottonwood Police Department
Roland N. Gutierrez	Bullhead City Police Department
Aaron M. Musgrave	Mohave County Sheriff's Office
Patrick R. Larivee	Phoenix Police Department
Toni L. Richardson	Phoenix Police Department

b. Instructor Certification Renewals (list attached to agenda material)

c. Training Program Confirmations (list attached to agenda material)

## 3. Income and Expense Statement – March 2016

<b>Funds as of March 1, 2016</b>	<b>\$1,136,490.56</b>
<b>CJEF Revenue (March 2016)</b>	<b>575,108.72</b>
<b>Misc. Revenue (March 2016)</b>	<b>0.00</b>
<b>Expenditures for March 2016</b>	<b>(599,740.87)</b>
<b>Balance as of March 31, 2016</b>	<b>\$1,111,858.41</b>

**D. Executive Director’s Report**

Board Communications – Executive Director Lane and Assistant A.G. Saltz attended the County Attorney and Sheriff’s Association meeting on May 2. He also attended the three day FBINAA Retrainer in Prescott on May 11-13.

Personnel and Staffing – Interviews were held and a selection was made for the compliance specialist position, the candidate is currently in the background process. Oral boards will be held on June 8-9 for the compliance program administrator. A selection was also made for the facilities maintenance technician; he too will start the background process. The training compliance specialist position was advertised and the closing date for applications is May 27. It is anticipated that all vacant positions will be filled in the very near future.

**E. Legislative Update**

Executive Director Lane stated the legislature adjourned on May 7, 2016. SB 1240 which deals with peace officers who are appointed by a private postsecondary institution passed. Grand Canyon University (GCU) will be hiring ten peace officers for their campus. Since GCU is a private institution, AZ POST will recover any costs associated with audits and any hearings that should arise. Also, HB 2288 passed which places the AZ POST executive director on the Constables Ethics, Standards and Training Board. He will ask the attorney general’s office to research this to be sure that it is not a conflict of interest.

**F. Summary of Current Events**

Executive Director Lane stated there is nothing new to report.

**G. Review, Discussion and Possible Action on Proposed 2016/17 Fiscal Year Budget**

Executive Director Lane presented the 2016/17 fiscal year budget to the Board for approval. With revenues continuing to decline from our sole source of funding, it was determined that immediate action must be taken and various cost saving measures were implemented. Due to the cost saving measures taken, this fiscal year (2015/16) expenditures will be reduced by over one million dollars. Academy funding was discussed; as well as the possibility of pursuing Rico Funds to cover academy maintenance costs. Each academy was asked to provide a comprehensive needs assessment report in order to determine budget options. Also discussed was the possibility of a trigger mechanism built into our budget to allow for general fund monies to cover any budget shortfalls. Executive Director Lane will discuss this option with the Office of Strategic Planning and Budget and the Department of Public Safety.

Chief Rodbell made a motion to approve the 2016-2017 budget as presented, seconded by Mr. Brown, motion carried unanimously.

**H. Review, Discussion and Possible Action on a petition from the Eagar Police Department for a determination that applicant Kimri Hurtado's drug usage was experimental**

The Eagar Police Department petitioned the Board to determine that the drug usage by applicant Kimri Hurtado was experimental. Chief Mike Sweetser addressed the Board to ask that the petition be granted.

Mr. Coker made a motion to grant the petition for a determination that the pre-employment marijuana use by applicant Kimri Hurtado was experimental, seconded by Professor Stemley, motion failed.

Sergeant Aparicio made a motion to deny the petition for a determination that the pre-employment marijuana use by applicant Kimri Hurtado was experimental, seconded by Chief Hall, motion carried with two nay votes.

**I. Review, Discussion and Possible Action on a petition from the Tucson Police Department for a determination that applicant Zachary D. Moore's drug usage was experimental**

The Tucson Police Department petitioned the Board to determine that the drug usage by applicant Zachary D. Moore was experimental. Assistant Chief Carla Johnson addressed the Board to ask that the petition be granted. The Board discussed this matter in depth regarding consistency and fairness across the board for all individuals. Also discussed was the Substantive Policy Statement dealing with Adderall.

Mr. Coker made a motion to grant the petition for a determination that the pre-employment Adderall use by applicant Zachary D. Moore was experimental, seconded by Deputy Director Silbert, motion carried unanimously.

**J. Reports**

1. Department of Corrections – Director Ryan reported that since the last regular meeting, 106 cadets have graduated from COTA. They currently have three classes in progress with 114 cadets in attendance. They have 527 vacancies statewide. Sixteen cadets have graduated through county and tribal detention IGAs. COTA continues to offer its facility to other agencies.
2. Training – Don Yennie reported on the In-Service Training classes which have been held since the last regular meeting. He discussed the AZ POST sponsored training classes that they either instructed or facilitated with the classes. There have been quite a few classes held since the last meeting. ALP Class #17 graduated on March 10, 2016, with 30 students. In the last two months alone AZ POST training credit has been given to 1,117 officers throughout the state. The AZ POST Digital Media Unit will be releasing the Law Enforcement in Indian Country DVD and the Legal Update DVD is in production. The Active Shooter DVD will be released in June and Governor Ducey will be doing the introduction for this video. Narcan (an overdose reversing drug) lesson plans are being formulated to present to the subject matter experts for their evaluation. AZ POST has changed the way outside vendors can request and receive AZ POST credit for their classes. AZPOST will still offer credits for all POST sponsored trainings, however we will no longer accept outside vendor requests for AZPOST continuing education credits. Additional information is available on our website.

**K. Final Action Cases:**Case #1 – Sean D. Considine – 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. Chief Rodbell made a motion to adopt the Consent Agreement, Decision and Order and suspend peace officer certification from July 12, 2015 to January 12, 2016, seconded by Deputy Director Silbert, motion carried unanimously.

Case #2 – Jesus A. Meza – Cocopah Tribal Police Department

The Board considered comments from Assistant A.G. Michael Saltz. Chief Rodbell made a motion to adopt the Consent Agreement, Decision and Order and suspend peace officer certification from December 12, 2014 to June 12, 2016, seconded by Sergeant Aparicio, motion carried unanimously.

Case #3 – Ramon De La Torre – Pima County Sheriff's Department

The Board considered comments from Assistant A.G. Michael Saltz. Professor Stemley made a motion to adopt the Consent Agreement, Decision and Order, as amended, and suspend peace officer certification from December 20, 2013 to December 20, 2016, at which time his peace officer certification will lapse, seconded by Mr. Coker, motion carried unanimously. The Consent Agreement will be amended to reflect these dates on page two of the agreement.

Case #4 – Kimberly K. Penunuri – AZ Department of Public Safety

*Deputy Director Silbert recused himself from this case.* The Board considered comments from Assistant A.G. Michael Saltz. Mr. Coker 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 #5 - Danfred Hunter – San Carlos Tribal 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 Hall, motion carried unanimously.

**L. New Charging Cases:**Case #1 – Tyon L. Downing – AZ Department of Public Safety

*Deputy Director Silbert recused himself from this case.* The Board considered comments from Compliance Specialist Ted Brandon. Detention Director Olson made a motion to **Initiate Proceedings**, seconded by Director Ryan, motion carried unanimously.

Case #2 – Tyler G. Forsberg – Payson Police Department

The Board considered comments from Compliance Specialist Ted Brandon. Mr. Brown made a motion to **Initiate Proceedings**, motion failed due to lack of a second. Chief Hall made a motion to close this case with **No Action with Agency Discretion**, seconded by Deputy Director Silbert, motion carried with one nay vote.

Case #3 – Ann M. Richey – Page Police Department

The Board considered comments from Compliance Specialist Ted Brandon. Mr. Coker made a motion to **Initiate Proceedings**, seconded by Chief Rodbell, motion carried unanimously.

Case #4 – Cody A. Maiocco – Phoenix Police Department

The Board considered comments from Compliance Specialist Steve Jacobs. Mr. Coker made a motion to **Initiate Proceedings**, motion failed due to lack of a second. Deputy Director Silbert made a motion to close this case with **No Action with Agency Discretion**, seconded by Sergeant Aparicio, motion carried unanimously.

Case #5 – Robert M. Perez – Phoenix Police Department

The Board considered comments from Compliance Specialist Steve Jacobs. Deputy Director Silbert made a motion to close this case with **No Action with Agency Discretion**, seconded by Sergeant Aparicio, motion carried unanimously.

Case #6 – Jerry L. Brei – Marana Police Department

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

**M. Call to the Public**

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

**N. Future Agenda Items**

No new items to add.

**O. Adjourn**

Chairman Mascher adjourned the meeting at 11:58 a.m.