



Arizona Peace Officer Standards and Training Board

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MINUTES OF MEETING MAY 21, 2014 PHOENIX, ARIZONA

A public meeting of the Arizona Peace Officer Standards and Training Board was convened on May 21, 2014, at AZ POST, located at 2643 E. University Drive, Phoenix, AZ.

Members Present:

Mr. H. Jeffrey Coker, Chairman
Sergeant Chris Andreacola
Mr. David Brown
Chief Steven Campbell
Detention Director Mike Olson
Mr. Andrew Pacheco, representing Attorney General Tom Horne
Chief Alan Rodbell
Director Charles Ryan
Professor Cornel Stemley
Deputy Director Dennis Young, representing Director Bobby Halliday

Members Absent:

Sheriff Scott Mascher
Sergeant Anthony Nelson
Sheriff Bill Pribil

Staff in Attendance:

Ted Brandon
Mike Deltenre
Marie Dryer
Rosalee Fitch
Sandy Hansberger
Jon Heiden
Lynn Howe
Steve Jacobs
Mike Jaeger
Jeff Kirkham
Jack Lane
Cathy Masters
Lyle Mann
Sandy Sierra
Chester Szoltysik
Don Yennie

Assistant Attorney General

Diana Stabler
Nancy Beck
Michael Saltz

A. Call to Order

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

B. Introductions, Presentations and Announcements

Executive Director Lyle Mann introduced new staff member Ernestina (Annie) Deer. She will be replacing Sandy Hansberger who will be transferring to DPS. He thanked Ms. Hansberger for her time and service at AZ POST. He also introduced new Assistant Attorney General Mike Saltz. He will be replacing Diana Stabler who is retiring in the very near future. He also informed the Board that a Police Supervision class was in attendance at today's meeting.

C. Consent Agenda

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

1. Minutes of the Board meeting held on March 19, 2014, were approved as written. Minutes of the Board meeting, held on April 16, 2014, were approved as written.
2. Ministerial Actions:
 - a. Certification Waivers:

Timothy J. Gearhart	Apache Junction Police Department
Andrew R. Marks	Peoria Police Department
Wesley A. Thompson	Peoria Police Department
Raymond S. Friend	AZ Department of Gaming – Investigation
Viwath Ith	Buckeye Police Department
David K. Curry	AZ Department of Transportation - ECD
Elijah J. Defassio	Florence Police Department
Keith D. Kirkpatrick	Peoria Police Department
Alan J. Parisian	AZ Department of Transportation – ECD
 - 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)

3. Income and Expense Statement – March 2014

Funds as of March 1, 2014	\$1,800,767.16
CJEF Revenue	661,929.37
Expenditures/Encumbrances/Sweeps	(467,125.78)
Balance for March 31, 2014	\$1,995,570.75

D. AZ Department of Juvenile Corrections Petition on Behalf of Applicant Stephanie A. O’Hannon

The Department of Juvenile Corrections petitioned the Board to determine that the pre-employment drug usage by applicant Stephanie A. O’Hannon was experimental.

Mr. Pacheco made a motion to grant the petition for a determination that the drug usage by Stephanie A. O’Hannon was experimental, seconded by Professor Stemley, motion carried with one nay vote.

E. Legislative Update

Executive Director Mann stated the legislature is out of session.

F. Summary of Current Events

Executive Director Mann stated there is nothing new to report at this time.

G. Committee Update

Executive Director Mann stated the Budget Subcommittee met on May 20, 2014. The 2014-2015 budget will be presented for full Board approval at the June 18, 2014, meeting.

H. Reports

1. Basic Training Academies

ALEA – Commander Mark Perkovich reported a new class began on May 5, 2014, and will graduate on June 13, 2014; the class currently has 38 recruits. A new class will begin June 9 and another on August 4, 2014; both classes will have 52 recruits. Phoenix PD will begin hiring in March or April of 2015; they anticipate having 15/25 recruits from Phoenix per class next year.

AZ Western College – No report provided.

Chandler-Gilbert Community College – Director Jon Terpay reported Class #12-2013 began July 2, 2013, and will graduate on June 4, 2014; the class began with 24 recruits and currently 15 remain. Class #13-2014 began January 7, 2014, and will graduate on November 25, 2014; the class began with 17 recruits and 9 remain. Class #14-2014 will begin July 1, 2014. He also wanted to thank Training Manager Don Yennie for the 55 volunteer hours he taught at the academy.

Glendale Community College – Director Penny Babb reported Class #78 began January 5, 2014; and graduated on May 13, 2014, with 8 recruits. Class #80 began February 23, 2014; the class currently has 16 recruits. Class #81 will begin July 27, 2014. They just added a 4-hour block of Spanish for law enforcement class in the academy.

Maricopa County Sheriff's Office – Sgt. Gene Bacardo reported Class #132 began January 6, 2014; the class began with 28 recruits and currently 25 remain; the class will graduate on May 29, 2014. Class #133 will begin April 21, 2014 and currently has 24 recruits. A new class will begin July 7, 2014.

Mesa Police Department – No report provided.

NALETA – No report provided.

NARTA – Captain Jeff Newnum reported Class #36 began January 6, 2014; and graduated on May 8, 2014, with 26 recruits from 11 agencies. Class #37 will begin August 4, 2014; they currently have 50 reservations from 15 agencies for this class.

Phoenix Police Reserve Academy – No report provided.

Pima Community College – Director Kevin Lane reported Class #13-01 began September 11, 2013, and will graduate on May 21, 2014; the class began with 29 recruits and currently 24 remain. They are currently recruiting for an upcoming class scheduled for September 10, 2014.

Pima County Sheriff's Department – No report provided.

SALETC – Commander Gerald Teague reported Class #14-01 began January 6, 2014, and graduated on May 4, 2014, with 22 recruits. Class #14-02 began April 14, 2014, with 31 recruits. Class #14-03 will begin July 21, 2014; they currently have 53 reservations from 13 agencies for this class.

WALETA – No report provided.

2. Department of Corrections – Director Ryan reported that since the last regular meeting, 92 cadets have graduated from COTA. They currently have four classes in session with 146 cadets. By the end of June they will graduate academy Class #1000. They have 490 vacancies statewide. Six cadets have graduated through the waiver process; which amounts to savings of just over \$22,500 for the Department.
3. In-Service Training – Don Yennie reported on the In-Service Training classes which have been held since the last regular meeting. He also stated they provide localized training on various topics to agencies throughout the state. ALP Class #9 graduated on April 10, 2014. Currently there is an FTO Regional class and a Police Supervision class in session.
4. Special Projects/Digital Media Training – Marie Dryer reported that since the last meeting, the driver simulator was utilized by four agencies, with 220 officers receiving this training. She reported on the ten classes held since the last regular board meeting; with a total of 831 students attending these classes. The Gordon Graham Leadership Seminar was held with 226 attendees. Two driver instructor updates were held in Tucson during April. The focus was on the ESC (Electronic Control Stability) that is in all newer vehicles. What You Do Matters, Lessons from the Holocaust continues with the train-the-trainer sessions.

I. Final Action Cases:

Case #1 – Nate D. Knight – Pinal County Sheriff’s Office

Chairman Coker and Mr. Pacheco recused themselves from this case. Chief Campbell was acting chair. The Board considered comments from Assistant A.G. Nancy Beck and Kathryn Baillie, attorney for Nate Knight. Detention Director Olson made a motion to deny the Motion for Review of Decision and Reconsideration and the reply and amended Motion for Review of the Board’s Decision and Reconsideration, seconded by Deputy Director Young, motion carried by a 4-3 vote; the chair did not vote.

Case #2 – Stacey L. Hickey – Tucson Police Department

Sergeant Andreacola recused himself from this case. The Board considered comments from Assistant A.G. Diana Stabler. 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 #3 – Rodney J. Mendoza – Parker Police Department

Deputy Director Young recused himself from this case. The Board considered comments from Assistant A.G. Diana Stabler. Mr. Pacheco made a motion to adopt the Consent Agreement, Decision and Order for voluntary relinquishment of peace officer certification, seconded by Chief Campbell, motion carried unanimously.

Case #4 – John E. Rittenbach – Globe Police Department

The Board considered comments from Assistant A.G. Diana Stabler. Mr. Pacheco 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 #5 – Marciano R. Murillo Jr. – Buckeye Police Department

Detention Director Olson recused himself from this case. The Board considered comments from Assistant A.G. Diana Stabler and Kathryn Baillie, attorney for Marciano Murillo. Mr. Pacheco made a motion to adopt the Consent Agreement, Decision and Order and impose a two-year suspension of peace officer certification from July 9, 2013 until July 9, 2015, seconded by Mr. Brown, motion fails. Chief Campbell made a motion to modify the Consent Agreement, Decision and Order and impose a suspension of peace officer certification until lapse, seconded by Chief Rodbell, motion carried by a 6-2 vote; the chair did not vote.

Case #6 – William J. Suttle – Yavapai County Sheriff's Office

Deputy Director Young recused himself from this case. The Board considered comments from Assistant A.G. Diana Stabler. Deputy Director Olson 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 – Daniel E. Moncrief – Phoenix Police Department

The Board considered comments from Compliance Manager Jack Lane. Chief Campbell made a motion to close this case with No Action with Agency Discretion, seconded by Professor Stemley, motion carried unanimously.

Case #8 – Victoria V. Stevens – San Carlos Police Department

The Board considered comments from Compliance Manager Jack Lane. Detention Director Olson made a motion to adopt the Findings of Fact and Conclusions of Law and revoke peace officer certification, seconded by Mr. Pacheco, motion carried unanimously. Detention Director Olson then amended the motion to deny peace officer certification, seconded by Mr. Pacheco, motion carried unanimously.

Case #9 – Michael D. Gray – AZ Department of Gaming

Chairman Coker recused himself from this case. Chief Campbell was acting chair. The Board considered comments from Compliance Manager Jack Lane. Professor Stemley made a motion to adopt the Findings of Fact and Conclusions of Law and revoke peace officer certification, seconded by Mr. Pacheco, motion carried unanimously.

J. New Charging Cases:Case #1 – Richard J. Corso – Kearny Police Department

The Board considered comments from Compliance Specialist Ted Brandon. Chief Rodbell made a motion to close this case with *No Action*, seconded by Director Ryan, motion carried unanimously.

Case #2 – Martin S. Sosa– Phoenix Police Department

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

Case #3 – William L. Foraker Jr. – Wickenburg Police Department

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

Case #4 – Jon-Te D. Gibson – Tucson Airport Authority Police Department

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

Case #5 – Michael J. LaGuardia – Apache Junction Police Department

The Board considered comments from Compliance Specialist Jeff Kirkham. Mr. Brown made a motion to ***Initiate Proceedings***, seconded by Chief Campbell, motion carried unanimously.

Case #6 – Jennifer N. Robinson – Flagstaff Police Department

Chairman Coker and Sergeant Andreacola recused themselves from this case. Chief Campbell was acting chair. The Board considered comments from Compliance Specialist Jeff Kirkham. Professor Stemley made a motion to ***Initiate Proceedings***, seconded by Mr. Pacheco, motion carried unanimously.

K. Call to the Public

The following individuals addressed the Board during the Call to the Public:

Lorrie Thompson – to thank the Board for its decision on the Rodney Mendoza case.

Christina Wohlenhaus – to discuss a complaint she and her husband filed against the Department of Public Safety.

Mark Spencer of Judicial Watch – to discuss his complaint against the Phoenix Police Department.

Charity Clark – to discuss her complaint against the Maricopa Police Department.

L. Adjourn

Chairman Coker adjourned the meeting at 11:59 a.m.