



Arizona Peace Officer Standards and Training Board

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MINUTES OF MEETING JULY 13, 2016 FLAGSTAFF, ARIZONA

A public meeting of the Arizona Peace Officer Standards and Training Board was convened on July 13, 2016, at the Little America Hotel in Flagstaff, AZ.

Members Present:

Sheriff Scott Mascher, Yavapai County Sheriff's Office, Chairman
Assistant Attorney General Paul Ahler, representing Attorney General Mark Brnovich
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
Sheriff Mark Dannels, Cochise County Sheriff's Office
Chief Lawrence Hall, Buckeye Police Department
Colonel Frank Milstead, AZ Department of Public Safety
Chief Alan Rodbell, Scottsdale Police Department
Director Charles Ryan, AZ Department of Corrections
Professor Cornel Stemley, Grand Canyon University

Members Absent:

Detention Director Mike Olson, Maricopa County Sheriff's Office

Staff in Attendance:

Ted Brandon
Dan Ciernia
Annie Deer
Mike Deltenre
Marie Dryer
Steve Jacobs
Jack G. Lane
Cathy Masters
Sandy Sierra
Lori Tallerday
Dale Wyman
Don Yennie

Assistant Attorneys General:

Michael Saltz
Seth Hargraves

A. Call to Order

Chairman Mascher called the meeting to order at 2:01 p.m. He began the meeting by asking everyone to join in reciting the Pledge of Allegiance and thanking everyone for their service. Due to recent tragic events, public trust and confidence is forefront and AZ POST’s role in establishing and maintaining peace officer standards is central. He thanked AZ POST staff for the work they do to ensure this occurs.

B. Introductions, Presentations and Announcements

Executive Director Jack Lane, along with current Board Chairman Scott Masher and former Board Chairman Jeff Coker presented a plaque to former Board member Sheriff Bill Pribil of the Coconino County Sheriff’s Office, in appreciation for his service on the POST Board. Sheriff Pribil was on the Board from February 2013 to October 2015.

C. Consent Agenda

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

1. Minutes of the Board meeting held on May 18, 2016, were approved as written.
Minutes of the Board meeting held on June 15, 2016, were approved as written.

2. Ministerial Actions:

a. Certification Waivers:

Patrick A. McCoy II	Quechan Tribal Police Department
Mark D. McCrory	Casa Grande Police Department
Jason M. Beard	Quartzsite Police Department
Emily J. Clark	Mesa Police Department
Jeffrey D. Covington	Mesa Police Department
Jay C. McNeil	Mesa Police Department
Travis A. Steelman	Mesa Police Department
Steven J. Sellers	Chino Valley Police Department
Clinton L. Shafer	Chino Valley Police Department
Trevor A. Thonhoff	Prescott Valley Police Department
Douglas R. Jensen	AZ Department of Gaming-Investigation

3. Income and Expense Statement – May 2016

Funds as of May 1, 2016	\$1,503,165.52
CJEF Revenue	588,576.66
Expenditures	(631,539.56)
Balance as of May 31, 2016	\$1,460,202.62

D. Executive Director’s Report

Budget – The Criminal Justice Enhancement Fund was slightly higher for the month of June. We had \$750,000 carry over funds from 2016.

Personnel and Staffing – The new Facilities Maintenance Worker began work on July 11th. The new Compliance Specialist will start July 18th. Mark Perkovich was selected to fill the Compliance Manager position; he is currently in the background process. Interviews were held and a hiring list was established for the Compliance Training Specialist position. We are hoping to fill these two positions within the next few weeks.

E. Legislative Update

Executive Director Lane stated HB 2355 passed and has been signed by the governor. This bill allows peace officers to administer Naloxone to an individual the officer believes is suffering from an opioid-related drug overdose.

F. Summary of Current Events

Executive Director Lane stated there is nothing new to report.

G. Review, Discussion and Possible Action on appointment of a Special Subcommittee to review, discuss and make recommendations for possible action to the full Board regarding allegations of POST rule violations by certified members of the Colorado City Marshal’s Office

The Arizona Department of Public Safety (DPS) conducted an investigation into whether members of the Colorado City Marshal’s Office violated Arizona POST rules. The investigation is a result of complaints received from United Effort Plan Trust employees, media reports, and citizens of Arizona and Utah. The allegations include, but are not limited to, members of the Colorado City Marshal’s Office improper application of the law, biased policing, unlawful detentions/arrests, and record keeping.

The DPS investigators are in the process of finalizing their investigation. A Special Subcommittee will need to be appointed to oversee the investigation and make recommendations to the full Board at a later public meeting. After a brief discussion, the following Board members were appointed to this Special Subcommittee: Sheriff Mark Dannels (Chair), Chief Larry Hall, Mr. Dave Brown and Professor Cornel Stemley. The Subcommittee will meet in the next few weeks to review the DPS investigation.

H. Review, Discussion and Possible Action on a petition from the Camp Verde Marshal's Office for a determination that applicant Erik T. Trahin's sale of marijuana was juvenile indiscretion

The Camp Verde Marshal's Office petitioned the Board to determine that the sale of marijuana by applicant Erik T. Trahin, at the age of 15, was juvenile indiscretion. Marshal Nancy Gardner addressed the Board to ask that the petition be granted.

Mr. Coker made a motion to grant the petition for a determination that the sale of marijuana by applicant Erik T. Trahin was juvenile indiscretion, seconded by Sergeant Aparicio, motion carried unanimously.

I. Reports

1. Basic Training Academies

ALEA – Commander Louie Tovar reported they currently have five classes in session with 184 recruits representing 22 agencies. Class #489 will graduate July 15 and a new class will begin July 18.

Chandler-Gilbert Community College – Director Jon Terpay reported Class #16 graduated on June 20, 2016, with 12 recruits. Class #17 began March 20, 2016; the class currently has 10 recruits. Class #18 will begin in September and so far 23 recruits have cleared the background process.

Glendale Community College - Provided a written report, presented by Program Administrator Marie Dryer, which states they started a class on July 10 with only 10 students. Their next class is scheduled to start on February 12, 2017. They are working on developing their Detective and Supervisory Certification programs into a hybrid course with online and classroom classes.

Maricopa County Sheriff's Office – Provided a written report, presented by Program Administrator Marie Dryer, which states Class #138 graduated on May 12, 2016, with 14 recruits. Class #139 began on June 20, 2016; they currently have 37 in this class.

Mesa Police Department – Assistant Chief Mike Soelberg reported they had a class graduate on June 16, 2016, with 12 recruits. They will start a new class on July 18 with 43 recruits. They will also have a new class in January 2017.

NALETA - Provided a written report, presented by Program Administrator Marie Dryer, which states they are hoping to start their next class on August 1, if they get enough recruits.

NARTA – Commander Jeff Newnum reported a new class will begin August 1, 2016; they currently have 14 reservations for this class. Their academy classes have been extended to 20 weeks in order to incorporate Blue Courage into the training curriculum. They are utilizing a \$20,000 grant received from AZ POST to improve their driver's track.

Pima Community College – Lt. Kevin Lane reported Class 15-1 graduated with 10 recruits. Their next class will begin in September; they currently have 20 candidates in the background process.

Pima County Sheriff's Department – Provided a written report, presented by Program Administrator Marie Dryer, which states they had a class graduate on February 5, 2016, with 14 recruits. They had a class begin on July 5 with 40 recruits.

WALETA – Chief Robert DeVries reported Class #18 recently graduated with 11 graduates. Class #19 will begin August 8, 2016. They also have two dispatcher academies each year. They will no longer have a military academy; the VA will not allow an academy that has only military personnel in it.

2. Department of Corrections – Director Ryan reported that since the last regular meeting, 72 cadets have graduated from COTA. They currently have four classes in progress with 152 cadets in attendance. They have 604 vacancies statewide. Twenty cadets have graduated through county and tribal detention IGAs. COTA continues to offer its facility to other agencies.
3. 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. There have been quite a few classes held since the last meeting. ALP Class #18 graduated on June 9, 2016, this brings the total ALP class graduates to 1,415. The lesson plan for Naloxone training has finally been completed. It has been approved by the First Aid SME Committee. He thanked Deputy Chief Rusty Cooper who actually wrote and completed the lesson plan himself. He also thanked Dan Ciernia and Dale Wyman from the AZ POST Digital Media Unit for the great service they provide. They released the Law Enforcement in Indian Country DVD this week. The Active Shooter DVD will be released at the end of August and Governor Ducey will be doing the introduction for this video. AZ POST understands that there is a need for continuing education training hours. As such, we are happy to provide regional training in your area at no cost to the agencies. AZ POST staff will come out to your area to provide the training. They are currently looking at all the lesson plans that are being taught in the academies to ensure consistency and current information is being taught.

J. Final Action Cases:Case #1 – Mathew S. Reader – Page Police Department

The Board considered comments from Assistant Attorney General 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 #2 – Richard D. Denny – Phoenix Police Department

The Board considered comments from Assistant Attorney General Michael Saltz. Chief Rodbell 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.

K. New Charging Cases:Case #1 – Robert W. Corn – Gila County Sheriff's Office

The Board considered comments from Compliance Specialist Ted Brandon. Assistant Attorney General Ahler made a motion to **Initiate Proceedings**, seconded by Sergeant Aparicio, motion carried unanimously.

Case #2 – Andrew D. Duncan – Gilbert Police Department

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

Case #3 – James W. Garber – Gilbert Police Department

Chief Hall 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 Dannels, motion carried unanimously.

Case #4 – Jarvis D. Qumyintewa – Ft. McDowell Tribal Police Department

The Board considered comments from Compliance Specialist Ted Brandon. Sheriff Dannels made a motion to **Initiate Proceedings**, seconded by Sergeant Aparicio, motion carried unanimously. After further consideration, it was determined the motion should be amended to include either a rule violation or changed to no action. Colonel Milstead made a motion to close this case with **No Action with Agency Discretion**, seconded by Mr. Brown, motion carried unanimously.

Case #5 – Coy R. Bradstreet – Colorado River Indian Tribe 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 Chief Hall, motion carried unanimously.

Case #6 – Joseph M. Lanzo – Phoenix Police Department

The Board considered comments from Compliance Specialist Steve Jacobs. Assistant Attorney General Paul Ahler made a motion to **Initiate Proceedings**, seconded by Sergeant Andreacola, motion carried with four nay votes recorded for Colonel Milstead, Sheriff Dannels, Chief Rodbell and Chief Hall.

Case #7 – Timothy Morris – Phoenix Police Department

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

Case #8 – Stephen K. Wiley – Phoenix Police Department

This case was tabled.

Case #9 – Michael W. Beck – Cochise County Sheriff's Office

Sheriff Dannels recused himself from this case. The Board considered comments from Compliance Specialist Lori Tallerday. Sergeant Aparicio made a motion to **Initiate Proceedings**, motion failed due to lack of a second. Mr. Coker made a motion to close this case with **No Action with Agency Discretion**, seconded by Professor Stemley, motion carried with one nay vote recorded for Sergeant Aparicio.

Case #10 – Timothy E. Nez – Tohono O'odham Nation Police Department

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

Case #11 – Matthew V. Parker – AZ Attorney General's Office

Assistant Attorney General Ahler recused himself from this case. The Board considered comments from Compliance Specialist Lori Tallerday. Chief Hall made a motion to **Initiate Proceedings**, seconded by Chief Rodbell, motion carried unanimously.

Case #12 – William E. Welch – Gila River Police Department

The Board considered comments from Compliance Specialist Lori Tallerday. Chief Hall made a motion to **Initiate Proceedings**, seconded by Sergeant Aparicio, motion carried unanimously. After further consideration, it was determined the motion should be amended to include either a rule violation or changed to no action. Chief Hall made a motion to **Initiate Proceedings** and to include rule violations R13-4-109(A)(8 and 9), seconded by Colonel Milstead, motion carried unanimously.

L. Call to the Public

Navajo County Sheriff Kelly Clark addressed the Board to commend them on approving the waiver for the applicant for the Camp Verde Marshal's Office.

Jeff Matura, attorney representing the Colorado City Marshal's Office, addressed the Board to offer his assistance to the newly created Special Subcommittee that will be addressing the investigation against the Colorado City Marshal's Office.

M. Future Agenda Items

No new items to add.

N. Adjourn

Chairman Mascher adjourned the meeting at 3:20 p.m.