



Arizona Peace Officer Standards and Training Board

2643 East University Drive Phoenix, Arizona 85034-6914 Phone (602) 223-2514 Fax (602) 244-0477

**Amended
MINUTES OF MEETING
JULY 15, 2015
FLAGSTAFF, ARIZONA**

A public meeting of the Arizona Peace Officer Standards and Training Board was convened on July 15, 2015, at the Little America Hotel in Flagstaff, AZ.

Members Present:

Sergeant Chris Andreacola, Tucson Police Department
Mr. David Brown, Public Member
Chief Steven Campbell, El Mirage Police Department
Assistant Attorney General Donald Conrad, representing Attorney General Mark Brnovich
Sheriff Scott Mascher, Yavapai County Sheriff's Office
Colonel Frank Milstead, AZ Department of Public Safety
Detention Director Mike Olson, Maricopa County Sheriff's Office
Sheriff Bill Pribil, Coconino County Sheriff's Office
Chief Alan Rodbell, Scottsdale Police Department
Director Charles Ryan, AZ Department of Corrections
Professor Cornel Stemley, Grand Canyon University
Sergeant Timothy Williams, Cochise County Sheriff's Office

Members Absent:

Mr. H. Jeffrey Coker, Chairman

Staff in Attendance:

Ted Brandon
Dan Ciernia
Annie Deer
Mike Deltenre
Marie Dryer
Ivan Gelo
Cathy Hawse
Lynn Howe
Steve Jacobs
Lori Ketron
Jack Lane
Lyle Mann
Cathy Masters
Sandy Sierra
Chester Szoltysik
Rick Watling
Dale Wyman

Assistant Attorney General
 Michael Saltz
 Nancy Beck

A. Call to Order

Acting Chairman Campbell called the meeting to order at 2:00 p.m.

B. Introductions, Recognitions and Awards

Executive Director Mann presented a plaque to Assistant Attorney General Nancy Beck for her 26 plus years of service to law enforcement; 12 of those as assistant attorney general for AZ POST. Nancy will be retiring at the end of the month and she will be tremendously missed. He also presented a plaque to Tom Gussie formerly with the Mesa Police Department for his 37 years of service to law enforcement and to Lt. Troy Stirling of the Lake Havasu City Police Department for his expertise and assistance to the Digital Media Unit at AZ POST in regards to body camera footage.

C. Consent Agenda

The Consent Agenda was approved unanimously, motion made by Mr. Brown, seconded by Sergeant Andreacola.

1. Minutes of the Board meeting, held on May 20, 2015, were approved as written.
 Minutes of Board meeting, held on June 17, 2015, were approved as written.

2. Ministerial Actions:

- a. Certification Waivers:

John R. Houston	Tombstone Marshal’s Office
Lee W. Trawick	Tucson Airport Authority Police Department
Allen D. Cain	Maricopa Police Department
Gary A. Gatzke	Maricopa Police Department
Eagleton, Joel A.	Globe 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 – May 2015

Funds as of May 1, 2015	\$1,560,786.22
CJEF Revenue	618,353.23
Expenditures/Encumbrances/Sweeps	(429,625.31)
Balance for May 31, 2015	\$1,749,514.14

D. Executive Director’s Report

1. Special Initiatives

Blue Courage is an initiative started two years ago; it was introduced into the basic academy. Our model will be presented in seven other states to show how it is that Blue Courage as a philosophy and training can be brought into the basic course. Through partnerships with Tempe PD and Washington POST, it is now time to take the second step; which is the development of an FTO Program that will support Blue Courage. Once that is done, work will start on the supervision portion as well as the recruitment portion; so that agencies who want to implement and use the Blue Courage philosophy and model will have resources available to them to do so. Executive Director Mann will be attending a meeting the first week of August in Seattle with Chief Ryff and his staff from Tempe PD to further this partnership. The changes in the FTO Program will result in a better product for officers that graduate from the program.

The President’s 21st Century Taskforce is part of that same initiative; some of the ideas that have developed are wrapped up in our efforts with Blue Courage, as well as with the Below 100 campaign. The Below 100 Initiative is to reduce line-of-duty police deaths to less than 100 per year. Below 100 training is still being offered through in-service training. Unfortunately we did not meet the Below 100 goal last year, but came pretty close.

2. AZ POST Administrative Rules

Currently there is a governor’s moratorium on agency rules. We requested a waiver to this moratorium and it is currently under consideration by the governor’s office.

3. Compliance and Audit Programs

There is nothing new to report.

4. Board Communications

The National Police Commission of the Republic of Indonesia is holding an oversight conference in Indonesia in November and invited AZ POST to participate in that conference; Executive Director Mann politely declined the invitation. The United Arab Emirates is seeking a foreign exchange program to allow their officers from Abu Dhabi to come to Arizona to observe our policing and training. Executive Director Mann referred this matter to AACOP as a potential for them to work with the embassy. He will update the Board on the status of this request.

5. Board Personnel and Staffing

Seth Hargraves will be the new assistant attorney general that will be replacing Nancy Beck upon her retirement.

E. Legislative Update

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

F. Summary of Current Events that Affect the Arizona Peace Officer Standards and Training Board

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

G. Discussion and Possible Action on the Board's Practices Regarding DUI's

Executive Director Mann stated this agenda item is at the request of agency heads who would like to address the Board to discuss off-duty DUI arrests; specifically how the Board taking action against an officer is impacting the agency head's flexibility within its own agency. Previously the Board took no action on off-duty DUI in a personally owned vehicle, but that changed in 2012. Since 2012, the Board has consistently imposed a 6-month suspension for off-duty DUI.

Phoenix Police Department Chief Joseph Yahner addressed the Board and asked for clarification on whether it will be a standard 6-month suspension that will be imposed by the Board? With new legislation, the court now requires an individual to install an ignition interlock device for at least 12 months. Will the Board make suspensions retroactive to the date the agency took action? He is looking at clarification since agencies handle this differently throughout the state. He thinks it is a good idea for the Board to establish consistency throughout the state.

Pinal County Sheriff Paul Babeu addressed the Board and stated the larger question is who determines discipline? Is it the police chief, the sheriff or is it the Board? An agency head takes action but somehow the case still comes to the Board. In effect, the Board is terminating that employee because there is no way an agency can employ this individual if their certification is suspended for 6 months. In effect, the Board is deciding, not the police chief or the sheriff, what the discipline is for certain areas. It's a newer precedent than over the past several years.

Colonel Milstead commented that there needs to be consistency across the board so that there is equitable treatment for everybody in the same circumstance. He also feels that the Board should not become the heavy for the agency that chooses to do nothing and then the Board finds out about it and has to take action; what happens is the agency head or agency leaves the dirty work to the Board.

Executive Director Mann stated that prior to 2012 the Board took no action, regardless of whether you were terminated or not. In 2012 the Board took the position that if you are terminated or we find out about it, we are going to take action. This change occurred because some agencies were terminating employees for DUI while some were giving an 8-hour suspension of "soft" time. That created inequity. It is up to the Board to decide where to draw the line. It is a question of agency discretion vs. Board discretion.

The Board asked for clarification on mandatory reporting. Assistant A.G. Michael Saltz stated mandatory reporting is any type of separation; whether it is through discipline, retirement, resignation, or when the agency feels there has been any type of violation of POST rules related to or not related to the actual reason for the separation. He also explained that the Board does not issue or determine discipline; it merely takes action against an individual's certification.

Numerous Board members commented that when a case comes before them, they do not review the case to determine if appropriate discipline was issued, they review the case to determine what action is needed regarding the individual's peace officer certification.

Some Board members felt that this is an issue for the agency head to determine; while others felt that the Board has an obligation to maintain the integrity and trust of the public by looking at cases where conduct by police officers jeopardizes the trust of the public.

Director Ryan stated he's been on the Board since 2009; he has seen the Board wrestle with this issue over the years. He specifically remembers the case of an officer who had three DUI arrests before action was finally taken by the agency and the case came before the Board. He believes that's the case that started it all; where the Board decided it needed to take action.

After a lengthy discussion and numerous statements back and forth, it was decided that this is a convoluted issue that can't and won't be resolved at today's meeting. The final determination is that Board staff will continue to bring to the Board cases of DUI; as has been the policy since 2012.

H. Reports

1. Basic Training Academies

ALEA – Commander Louie Tovar reported they currently have four classes in session with 160 recruits representing 24 agencies. Class #478 will graduate July 17; the class currently has 37 recruits representing 13 agencies. Class #479 will graduate September 4; the class currently has 38 recruits representing 11 agencies. Class #480 will graduate October 16; the class currently has 35 recruits representing 10 agencies. Class #481 will graduate around Thanksgiving; the class currently has 48 recruits representing 9 agencies. They currently have 56 reservations for Class #482.

AZ Western College – Provided a written report, presented by Program Administrator Marie Dryer, which states they are in preparation for their next class which will begin in August. They recently had a class graduate on May 8 with 11 recruits.

Chandler-Gilbert – Director Jon Terpay reported Class #14 graduated on June 10, 2015; with 11 recruits that have been hired by various agencies. Class #15 began January 6, 2015, and will graduate in November; the class currently has 6 recruits. Class #16 began July 7, 2015; the class currently has 24 recruits. Class #17 will begin January 5, 2016.

Maricopa County Sheriff's Office – Deputy Chief Paul Chagolla reported Class #136 recently graduated with 16 graduates. Class #137 began June 29 with 23 recruits. This fiscal year they are planning two additional academy classes with up to 24 deputy cadets from MCSO. They continue to open their academy to other agencies. In conjunction with Blue Courage, MCSO, the Washington State

Corrections Department and the Los Angeles County Sheriff's Department have been working on a Blue Courage for detention and corrections officers. They have been doing this over the last several weeks and anticipate a finished product in the next several weeks.

Mesa Police Department – Provided a written report, presented by Program Administrator Marie Dryer, which states Class #37 graduated June 18, 2015, with 37 graduates from 16 agencies. They will not have an academy in July due to budget constraints but will have another class in January 2016.

NARTA – Sergeant Corey Kasun reported Class #38 graduated on May 14 with 21 graduates. Class #39 will begin August 3, 2015, and will graduate on December 3, 2015; they currently have 48 reservations from 17 agencies for this class. He stated in 2016 they are looking at extending their curriculum to 20 weeks to incorporate Blue Courage training.

Pima Community College – Lt. Kevin Lane reported they just graduated a class in May with 16 recruits, all open enrollments. Their next class will begin September 9; they currently have 20 candidates in the background process.

Pima County Sheriff's Department – Lt. Bruce Westburg reported Class #15-1 graduated on May 29 with 37 recruits. Class #15-2 will begin September 21, 2015, and will graduate on February 5, 2016.

SALETC – Provided a written report, presented by Program Administrator Marie Dryer, which states Class #15-2 began April 20 and will graduate August 13. They currently have 33 recruits in this class representing 12 agencies.

WALETA – Lt. Troy Stirling reported Class #16 recently graduated with 17 graduates. This is the first class that incorporated Blue Courage into the curriculum. They also have two dispatcher academies each year; they are currently in the middle of their second academy. They are currently in their second military academy; they have five recruits in that class. Class #17 will begin August 10 and graduate December 18, 2015. They currently have 27 reservations for that class.

2. Department of Corrections – Director Ryan reported that since the last regular meeting, 78 cadets have graduated from COTA. They currently have 553 vacancies statewide. 23 cadets have graduated in FY 15 through county and tribal detention IGAs. He thanked the Department of Public Safety, Mohave County Sheriff's Office, Kingman PD and Bullhead City PD for their response to the major disturbance/riot at the Kingman private prison which occurred July 1-5, 2015. Everything is now under control.
3. In-Service Training/AZ Women's Initiative – Lt. Cathy Masters reported that over the last year the AZ Women's Initiative has accomplished a tremendous amount. The Initiative was founded in order to recruit, train, mentor, support, retain and promote qualified women in the law enforcement profession in order to bolster numbers. Currently women represent 10.6% of the law enforcement population in Arizona. She discussed the Initiative's four committees and the numerous training

classes and conferences held throughout the year. They meet every other month on the first Wednesday. She stated support is vital and asked all agency heads and Board members to support and be involved in their cause. Arizona Leadership Program (ALP) #15 is geared towards small agencies and 26 agencies are represented in this class. ALP #16 will start August 20, 2015. The calendar for 2016 will be posted in the very near future that covers classes 17-20. The rewrite of the FTO Program has proven fruitful; the new program highlights Blue Courage as well as critical thinking exercises. The Police Supervision rewrite is back on schedule.

4. Special Projects – Marie Dryer reported that since the last regular meeting they have conducted 19 different classes to include Firearms Instructor, Defensive Tactics, Rifle Instructor and Lessons from the Holocaust; 178 students participated in these classes. The driver simulator has been utilized by two agencies with 140 officers being trained. Below 100 was taught at the Policia Internacional Sonora Arizona (PISA) Conference in Tucson and it was the first time that it was presented in Spanish. The Naxolene (Narcon) Training Committee has developed the training program on how to administer the drug Naxolene to suspected opiate overdoses and will have the first review of this program on July 16; the final review is scheduled for September of this year. The Lessons from the Holocaust Training continues and several classes will be held throughout the state in the upcoming months. The location production on the Blue Courage/Nobility of Policing project has been completed. The Law Enforcement in Indian Country has wrapped location production on the Hualapai Indian Nation. This is the first nation of 21 to be in production and special thanks to Hualapai Chief Francis Bradley and the Tribal Chair for their assistance and active participation in the location production. Mexico's New Consular ID Card Training Program is complete; this training will be included in Legal Update 2015. She also updated the Board on several training DVDs that are currently in the works and close to release. The Hualapai Nation Police Department will provide AZ POST with body camera footage to be used for training purposes; similar to what Lake Havasu City Police Department currently provides.

I. Final Action Cases:

Case #1 – Kenneth R. Warden – San Carlos Tribal Police Department

The Board considered comments from Assistant A.G. Michael Saltz. Sheriff Pribil made a motion to adopt the Consent Agreement, Decision and Order for delay of peace officer certification eligibility for one year beginning April 7, 2015, through April 7, 2016, seconded by Chief Rodbell motion carried unanimously.

Case #2 – Armando D. Marquez – Phoenix 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 Sergeant Andreacola, motion carried unanimously.

Case #3 – Timothy R. Merrill – AZ Department of Public Safety

Colonel Milstead recused himself from this case. The Board considered comments from Compliance Manager Jack Lane. Sheriff Mascher made a motion to adopt the Findings of Fact and Conclusions of Law and impose a one-year suspension of peace officer certification from July 15, 2015, through July 15, 2016, seconded by Professor Stemley, motion carried unanimously.

Case #4 – Eric Coutts - Tucson Police Department

Sergeant Andreacola recused himself from this case. The Board considered comments from Compliance Manager Jack Lane. Sheriff Pribil 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 #5 – Miriam B. Cohane – Phoenix Police Department

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

J. New Charging Cases:Case #1 – Freddie W. Nehrmeyer – Pinal County Sheriff's Office

The Board considered comments from Compliance Specialist Cathy Hawse. Professor Stemley made a motion to ***Initiate Proceedings***, seconded by Director Ryan, motion carried unanimously.

Case #2 – Rusty Weathersby – Pinal County Sheriff's Office

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

Case #3 – Jeremy J. Duvall – Bullhead City Police Department

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

Case #4 – Nicholas I. French – Phoenix Police Department

This case was tabled.

Case #5 – Ricardo I. Perez – Phoenix Police Department

This case was tabled.

Case #6 – Brian D. Godbehere – Phoenix Police Department

Colonel Milstead and Chief Campbell recused themselves from this case. Sheriff Mascher was acting chair. The Board considered comments from Compliance Specialist Steve Jacobs. Professor Stemley made a motion to ***Initiate Proceedings***, seconded by Sergeant Andreacola, motion carried unanimously.

K. Call to the Public

Attorney Steve Serbalik, who represents officers during disciplinary proceedings, addressed the Board. He would like to suggest that in relatively rare instances where the Board is considering taking action on an individual who is not yet terminated, if the Board would wait to make the decision until after the discipline is finalized and any appeal at the agency level has been resolved. This might allow the staff and the Board to have more accurate information and it would potentially eliminate duplication of effort for both the officer and the Board.

L. Future Agenda Items

No future agenda items were discussed.

M. Adjourn

Acting Chairman Campbell adjourned the meeting at 3:56 p.m.

Dated: July 21, 2015

Sandra L. Sierra, Recording Secretary

Minutes approved as written.
Dated: September 16, 2015

H. Jeffrey Coker, Chairman