



Arizona Peace Officer Standards and Training Board

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MINUTES OF MEETING AUGUST 19, 2015 PHOENIX, ARIZONA

A public meeting of the Arizona Peace Officer Standards and Training Board was convened on August 19, 2015, at its administrative building, located at 2643 E. University Drive, Phoenix, AZ.

Board Members Present:

Mr. H. Jeffrey Coker, Chairman
Sergeant Chris Andreadola, Tucson Police Department
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
Deputy Director Heston Silbert, representing Colonel Frank Milstead, AZ Department of Public Safety
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
Sergeant Timothy Williams, Cochise County Sheriff's Office

Board Members Absent:

Mr. David Brown, Public Member
Sheriff Bill Pribil, Coconino County Sheriff's Office

Staff in Attendance:

Ted Brandon
Hop Bui
Annie Deer
Mike Deltenre
Marie Dryer
Donna Gieber
Sandy Hansberger
Cathy Hawse
Steve Jacobs
Lori Ketron
Jack Lane
Lyle Mann
Cathy Masters
Sandy Sierra
Chester Szoltysik
Don Yennie

Assistant Attorney General

Michael Saltz

Seth Hargraves

Christopher Munns, Solicitor General's Office

A. Call to Order

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

B. Introductions, Presentations and Announcements

Executive Director Mann stated AZ Department of Public Safety Deputy Director Heston Silbert will be sitting in today for Colonel Frank Milstead; this is his first meeting. He informed the Board that Commander Mark Perkovich, who has been on contract to us from the Tempe Police Department, will be retiring this week. He thanked Mark for his service at AZ POST. He also presented a plaque to Training Specialist Rosalee Fitch, who will be retiring at the end of the month. Rosalee has been with the Department of Public Safety for over 27 years; 21 of those years she was assigned to AZ POST. He thanked Rosalee for her many years of service and stressed that she will be greatly missed.

C. Executive Director's Report

1. Legislative Update

Last legislative session the legislature approved HB 2489 which allows EMT's and peace officers to administer the drug Naloxone to a person who they believe is suffering from an opiate related drug overdose. Part of the bill mandates that training is to be developed by the Department of Health Services in coordination with AZPOST. The first part of this training for train-the-trainers will be ready to go in the very near future. This training is not mandatory, but any agency wishing to receive this training should contact Rick Watling at AZ POST.

2. Basic Training Update

What You Do Matters: Lessons from the Holocaust Training is being held in Scottsdale during August and September.

3. In-Service Training Programs and Digital Media Update

Legal Update will be released after Labor Day.

4. Blue Courage and Nobility of Policing

Working with the Tempe Police Department on a combination of Blue Courage and the 21st Century Policing Program. There is an effort through DOJ (Department of Justice) to build a blueprint on the pillars of the 21st Century Policing Report. The program received funds through a private foundation in order to pilot the application and development of this program. They will be piloting with a community in New Jersey, Aurora IL, Seattle Police Department and the Tempe Police Department to show how we can change culture in an organization. There will be a meeting with East Valley agencies to see if there is interest among them. First thing they are doing that is tangible with this is redrafting our FTO Program to be reflective of Blue Courage and taught to academy recruits. Our FTO Program is being updated to include this.

5. AZ POST Administrative Rules
Our request for a waiver to the moratorium on rulemaking was approved. A two hour meeting will be scheduled with the Board to discuss the full rewrite of the rules.
6. Compliance and Audit Programs
There is nothing new to report at this time.
7. Budget
Revenues are still low.
8. Board Communications
The next AACOP meeting will be held in Laughlin on September 17-18. POST staff will be attending this meeting.
9. Personnel and Staffing
Assistant A.G. Seth Hargraves, who replaced Nancy Beck, is now on board and attending today's meeting.

D. Review, Discussion and Possible Action on Petition from the Maricopa County Sheriff's Office for a Determination that Applicant Chad Marr's Drug Usage was Experimental

The Maricopa County Sheriff's Office petitioned the Board to determine that the drug usage by applicant Chad Marr, when he was 21 years old, was experimental. Deputy Chief Jerry Sheridan addressed the Board to ask that the petition be granted.

Sheriff Mascher made a motion to grant the petition for a determination that the pre-employment steroid use by applicant Chad Marr was experimental, seconded by Deputy Director Silbert, motion carried unanimously.

E. Final Action Cases:

Case #1 – Russell J. Grover – Camp Verde Marshal's Office

The Board considered comments from Assistant A.G. Michael Saltz. 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 #2 – Eric D. Iverson – Coconino County Sheriff's Office

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 Director Ryan, motion carried unanimously.

Case #3 – Peter J. Janik – AZ Attorney General's Office

Sheriff Mascher and Assistant A.G. Conrad recused themselves from this case. The Board considered comments from Assistant A.G. Michael Saltz. Sergeant Andreacola 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 – Joe S. Valles – Tucson Police Department

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

Case #5 – John D. Morris – Kingman 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 for a six month suspension of peace officer certification beginning on March 26, 2014, and ending on September 26, 2014, seconded by Sergeant Williams, motion carried unanimously.

Case #6 – Pedro A. Flores – Tolleson Police Department

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 Chief Rodbell, motion carried unanimously.

Case #7 – Michael P. Gurry – Phoenix Police Department

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 Professor Stemley, motion carried unanimously.

Case #8 – Tulley S. Jim Sr. – Navajo Division of Public Safety

Assistant A.G. Conrad recused himself from this case. Mr. Jim was notified of the board meeting, but did not appear. The Board considered comments from Assistant A.G. Seth Hargraves. Detention Director Olson made a motion to deny the Motion for Rehearing, seconded by Professor Stemley, motion carried unanimously.

Case #9 – Kimberly L. Celaya – Goodyear Police Department

Assistant A.G. Conrad recused himself from this case. Chairman Coker would like the record to reflect that he was not part of the previous decision on this case. The Board considered comments from Assistant A.G. Seth Hargraves, Assistant A.G. Christopher Munns, and Kathryn Baillie, attorney for Kimberly Celaya regarding whether the Board should reconsider the previous decision and the procedure that would be necessary to do so. Chief Rodbell made a motion to grant the Motion for Reconsideration for the purpose of removing Conclusion of Law 17 and reaffirm the remainder of the Board's decision to revoke peace officer certification, seconded by Professor Stemley, motion carried unanimously.

F. New Charging Cases:Case #1 – Amy L. Brandt – Tonto Apache Tribal Police Department

The Board considered comments from Compliance Specialist Ted Brandon. Sergeant Andreacola made a motion to **Resolve in Future**, seconded by Deputy Director Silbert, motion carried unanimously.

Case #2 – Fred D. Andes – Phoenix Fire Department (this case was taken out of order)

The Board considered comments from Compliance Specialist Mike Deltenre. Chief Rodbell made a motion to close this case with **No Action with Agency Discretion**, seconded by Sergeant Williams, motion failed. Sergeant Andreacola made a motion to **Resolve in Future**, seconded by Professor Stemley, motion carried by a 9-1 vote.

Case #3 – Sam D. Richardson – Phoenix Fire Department (this case was taken out of order)

The Board considered comments from Compliance Specialist Mike Deltenre. Assistant A.G. Conrad made a motion to **Initiate Proceedings** and to include rule violations R13-4-109(A)(8), seconded by Chief Campbell, motion failed. Professor Stemley made a motion to **Resolve in Future**, seconded by Detention Direction Olson, motion carried by a 7-3 vote.

Case #4 – Stewart E. Ferrin – AZ State University Police Department

The Board considered comments from Compliance Specialist Mike Deltenre. Chief Rodbell 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 – Alexander J. Goodwin – AZ State University Police Department

The Board considered comments from Compliance Specialist Mike Deltenre. Chief Campbell made a motion to **Initiate Proceedings** and to include rule violations R13-4-109(A)(8 and 9), seconded by Chief Rodbell, motion carried unanimously.

Case #6 – Joshua W. Adams – Phoenix Police Department

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

Case #7 – Bryan L. Brooks – Phoenix 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 Sheriff Mascher, motion carried unanimously.

Case #8 – William F. Camou – Phoenix 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 Campbell, motion carried unanimously.

Case #9 – Kevin N. McGowan – Phoenix Police Department

The Board considered comments from Compliance Specialist Steve Jacobs. Sheriff Mascher made a motion to **Initiate Proceedings**, seconded by Chief Campbell, motion carried unanimously.

Case #10 – Mitchell A. Reinken – Lake Havasu City Police Department

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

Case #11 – Danny P. Olmos – Phoenix Police Department

The Board considered comments from Compliance Manager Jack Lane. Assistant A.G. Conrad made a motion to let stand the previous decision of the Board and proceed to a hearing, seconded by Chief Rodbell, motion carried unanimously.

Case #12 – Joseph Vizzini – Phoenix Police Department

The Board considered comments from Compliance Manager Jack Lane. Assistant A.G. Conrad made a motion to let stand the previous decision of the Board and proceed to a hearing, seconded by Chief Rodbell, motion carried unanimously.

G. Future Agenda Items

No items to discuss or add to future agendas.

H. Adjourn

Chairman Coker adjourned the meeting at 12:33 p.m.