



# *Arizona Peace Officer Standards and Training Board*

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## **MINUTES OF MEETING SEPTEMBER 16, 2015**

A public meeting of the Arizona Peace Officer Standards and Training Board was convened on September 16, 2015, at AZ POST, located at 2643 E. University Drive, Phoenix, AZ.

### **Members Present:**

Mr. H. Jeffrey Coker, Chairman  
Mr. David Brown, Public Member  
Chief Steven Campbell, El Mirage Police Department  
Assistant Attorney General Donald Conrad, representing Attorney General Mark Brnovich  
Sheriff Bill Pribil, Coconino County Sheriff's Office  
Professor Cornel Stemley, Grand Canyon University  
Sergeant Timothy Williams, Cochise County Sheriff's Office

### **Members Absent:**

Sergeant Chris Andreacola, Tucson Police Department  
Colonel Frank Milstead, AZ Department of Public Safety  
Detention Director Mike Olson, Maricopa County Sheriff's Office  
Sheriff Scott Mascher, Yavapai County Sheriff's Office  
Chief Alan Rodbell, Scottsdale Police Department  
Director Charles Ryan, AZ Department of Corrections

### **Staff in Attendance:**

Ted Brandon  
Dan Ciernia  
Annie Deer  
Mike Deltenre  
Marie Dryer  
Sandy Hansberger  
Cathy Hawse  
Lynn Howe  
Steve Jacobs  
Lori Ketron  
Cathy Masters  
Lyle Mann  
Frank Martinez  
Sandy Sierra  
Chester Szoltysik  
Dale Wyman  
Don Yennie

Assistant Attorneys General:

Michael Saltz  
Seth Hargraves

**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 presented a plaque to Chief Steven Campbell from the El Mirage Police Department for his years of service on the AZ POST Board. Chief Campbell was a Board member from 2012 to 2015. He is retiring from the El Mirage Police Department after 38 years of service in law enforcement.

**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 July 15, 2015, were approved as written.  
Minutes of the Board meeting held on August 19, 2015, were approved as written.

2. Ministerial Actions:

- a. Certification Waivers:
 

Michael J. Blute	AZ Department of Public Safety
Brian K. Larison	Chandler Police Department
Robert L. Yawn II	Goodyear Police Department
Jason P. Bitterman	Yavapai-Apache Nation Police Department
Keynan Q. Weltha	Quartzsite Police Department
Irwin S. Wierzbicki	Chandler Police Department

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

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

- d. Academy Information (attached to agenda material)

3. Income and Expense Statement – August 2015

Funds as of July 1, 2015	<b>\$1,151,412.20</b>
CJEF Revenue (June 2015)	<b>574,689.16</b>
Expenditures/Encumbrances/Sweeps	<b>(889,059.70)</b>
Balance for August 24, 2015	<b>\$837,041.66</b>

**D. Executive Director’s Report**

Executive Director Mann reported on the following:

- a. Blue Courage Initiative – A DVD will be distributed in mid-October outlining the Nobility of Policing Book; in addition we are working with our partners in order to incorporate Blue Courage video clips into the academies as well as the FTO Program.
- b. President’s Task Force on 21<sup>st</sup> Century Policing – A meeting was held with the East Valley chiefs this week and as a result of that meeting an idea was formulated to create a blog that will allow agencies who have taken steps to meet the action items from the task force report to post what they have done; as well as comment on what other agencies have done and share ideas with each other.
- c. AZ POST Administrative Rules – There will be a meeting on October 9, 2015, for the Board to review all the proposed rule changes. He discussed a few of the proposed rule changes that will be presented to the Board on that day.
- d. Agency Communications – The AZ Association of Chiefs of Police (AACOP) is meeting in Laughlin this week. He attended a forum titled The Bridge: Connecting Community Engagement with Police Professionalism hosted by the Black Chamber of Commerce. The purpose of the forum was to seek solutions and best practices in community policing and police professionalism featuring a panel of top police chiefs from across the nation.
- e. Personnel and Staffing – A copy of the new Statement of Personal History and Application for Certification Form was provided to the Board. The form was amended to include a section that requires the hiring agency review an applicant’s personnel and internal affairs background file at the prior agency. A copy of a memo from Chief Daniel Brown, St. Johns Police Department, was also provided to the Board. The memo thanked Don Yennie and Cathy Masters for the outstanding AZ Leadership Program they presented to the agency.

**E. Legislative Update**

Executive Director Mann attended a meeting of the Ad Hoc Committee on Constables. They discussed what relationship the constables should have in the system with process servers and with AZ POST. There will probably be legislation giving the Constables Association Training Committee more power to deal with constables that do not do their jobs or violate ethical requirements. The committee established by the legislature to monitor body cameras has been completed and all appointments have been made. The committee will have its first meeting in early October. AZ POST will participate and attend those meetings to provide whatever information is needed concerning standards and training.

**F. Summary of Current Events**

Executive Director Mann stated there is nothing new to report.

**G. Review, Discussion and Possible Action on petition from the Arizona Department of Transportation Enforcement and Compliance Division for a waiver of the peace officer physical aptitude test for Adam Kurgan**

The Arizona Department of Transportation petitioned the Board for a waiver of the peace officer physical aptitude test for Adam Kurgan and for the granting of a restricted certification.

Professor Stemley made a motion to grant a full authority “restricted” certification to Adam Kurgan. This certification would restrict Mr. Kurgan from being assigned to any duty likely to result in the need to apply physical force, and further, that the potential for such need is so remote as to be highly unlikely, and is authorized only for the duration of employment at the Arizona Department of Transportation, seconded by Assistant A.G. Conrad, motion carried unanimously.

**H. Review, Discussion and Possible Action on petition from the Navajo County Sheriff’s Office for a determination that applicant Shawna Renee Manygoats’ drug usage was experimental**

The Navajo County Sheriff’s Office petitioned the Board to determine that the drug usage by applicant Shawna Renee Manygoats was experimental. Chief Deputy James Molesa addressed the Board to ask that the petition be granted.

Assistant A.G. Conrad made a motion to grant the petition for a determination that the pre-employment marijuana use by applicant Shawna Renee Manygoats was experimental, seconded by Sheriff Pribil, motion carried unanimously.

**I. Review, Discussion and Possible Action on petition from the Marana Police Department for a determination that applicant Jerry Ysaguirre’s drug usage was experimental**

The Marana Police Department petitioned the Board to determine that the drug usage by applicant Jerry Ysaguirre was experimental. Chief Terry Rozema addressed the Board to ask that the petition be granted.

Professor Stemley made a motion to grant the petition for a determination that the pre-employment steroid use by applicant Jerry Ysaguirre was experimental, seconded by Mr. Brown, motion carried unanimously.

**J. Presentations, Review, Discussion and Possible Action on Board Policy concerning the handling of “Brady List Information” in Case Overviews, Case Initiation Discussions and Final Action Case considerations**

As a result of the U.S. Supreme Court decision in Brady v. Maryland, one of the mandates of this ruling requires that prosecutors disclose material exculpatory evidence in a case. This mandate is what is known as a Brady List, which consists of names of officers whose past conduct may need to be disclosed to defense attorneys.

At issue is whether the Board should take into consideration an officer's inclusion on a Brady List or if a Board action may result in an officer being placed on a Brady List.

Assistant A.G. Michael Saltz addressed the Board and gave a brief history of Brady v. Maryland and previous Board discussions regarding Brady List placement.

Levi Bolton, Executive Director of the Phoenix Law Enforcement Association, addressed the Board and stated that the ultimate decision of Brady material resides in the court system and should not be considered in the decision making of the Board.

After a lengthy discussion, Professor Stemley moved to direct staff not to include a determination of a peace officer's inclusion on a Brady List, seconded by Assistant A.G. Conrad, motion passed by a 4-2 vote.

## **K. Reports**

1. Department of Corrections – No report given.
2. In-Service Training – Don Yennie reported on the In-Service Training classes which have been held since the last regular meeting; to include the new Swatting Training. He also reported on the Interdiction for the Prevention of Children training held at AZ POST in coordination with the Texas Rangers, Texas Department of Safety, Department of Justice, and the AZ Department of Public Safety. He also reported on the AZ Leadership Program (ALP). ALP Class #15 graduated September 3; this brings the total of ALP graduates to 1,256.
3. Special Projects/Digital Media – Marie Dryer reported that since the last regular meeting, there have been 25 training classes conducted with 945 students receiving training. The driver simulator has been at 6 different agencies with 211 students trained. The Naxolone Training Committee has been busy working on the training program and a final Department of Health Services review of this program is scheduled for today. We anticipate moving forward with the train-the-trainer portion of the program. There were two short videos presented to the Board. The first involved the Blue Courage Nobility in Policing Stop and Listen video and the second was a two minute promotional video of the Hualapai Indian Nation regarding Law Enforcement in Indian Country.
4. AZ Women's Initiative – Lt. Cathy Masters reported on the activities of the AZ Women's Initiative (WIN). The September meeting was extremely well attended; with several agency heads also in attendance. Tomorrow they will be hosting mock oral boards at AZ POST for preparation of promotional positions across the state for sergeant, lieutenant and commander positions. October 7 at Rio Salado College they will have a Gender Differences in the Workplace presentation open to everyone. The Women Leaders in Law Enforcement Conference will be held in California November 1-3, 2015. The next WIN Meeting will be held November 4, 2015, at AZ POST.

**L. Final Action Cases:**

Case #1 – Daniel W. Beal – Chino Valley Police Department

The Board considered comments from Assistant A.G. Michael Saltz. Professor Stemley made a motion to adopt the amended Consent Agreement, Decision and Order for an 18-month suspension of peace officer certification from April 21, 2015, through October 21, 2016, seconded by Chief Rodbell, motion carried unanimously.

Case #2 – Braxton J. Bittner – Globe Police Department

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 Sergeant Williams, motion carried unanimously.

Case #3 – Martin L. Bowling III – AZ Department of Public Safety

The Board considered comments from Assistant A.G. Michael Saltz. Sergeant Williams 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 – Ryan P. Jones – Flagstaff Police Department

The Board considered comments from Assistant A.G. Michael Saltz. Professor Stemley made a motion to adopt the Consent Agreement, Decision and Order for a two year suspension of peace officer certification from January 17, 2014, through January 17, 2016, seconded by Sheriff Pribil, motion carried unanimously.

Case #5 – Joseph P. Mackenzie – AZ Department of Transportation

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 Sergeant Williams, motion carried unanimously.

Case #6 – Michael W. McKarson – La Paz County Sheriff's Office

The Board considered comments from Assistant A.G. Michael Saltz. Assistant A.G. Conrad made a motion to adopt the amended Consent Agreement, Decision and Order for a six month suspension of peace officer certification from June 15, 2015, through December 15, 2015, seconded by Chief Campbell, motion carried unanimously.

Case #7 – Robert W. Steele – Pinal County Sheriff's Office

The Board considered comments from Assistant A.G. Michael Saltz. Sergeant Williams 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 #8 – Leonard R. Tartaglia – Tolleson Police Department

The Board considered comments from Assistant A.G. Michael Saltz. Sergeant Williams would like the record to reflect that he supervises Mr. Tartaglia's brother, but this will not impact any decision he makes. Professor Stemley made a motion to revoke peace officer certification, seconded by Mr. Brown, motion carried unanimously.

**M. New Charging Cases:**Case #1 – Andrew M. Goode – Pinal County Sheriff's Office

The Board considered comments from Compliance Specialist Cathy Hawse. Professor Stemley made a motion to close this case with **No Action**, seconded by Chief Campbell, motion carried unanimously.

Case #2 – Michael D. Myers – Pinal County Sheriff's Office

The Board considered comments from Compliance Specialist Cathy Hawse. Sergeant Williams made a motion to **Initiate Proceedings**, seconded by Mr. Brown, motion carried unanimously.

Case #3 – Joseph M. Petrocco – Scottsdale Police Department

The Board considered comments from Compliance Specialist Lori Ketron. Mr. Brown made a motion to **Initiate Proceedings**, seconded by Professor Stemley, motion carried unanimously.

Case #4 – Dustin R. Dionne – Phoenix Police Department

The Board considered comments from Compliance Specialist Steve Jacobs. Assistant A.G. Conrad made a motion to **Initiate Proceedings**, seconded by Mr. Brown, motion carried unanimously.

Case #5 – Clark D. Impastato – Phoenix Police Department

The Board considered comments from Compliance Specialist Steve Jacobs. Assistant A.G. Conrad made a motion to **Initiate Proceedings**, seconded by Sheriff Pribil, motion carried with one nay vote.

Case #6 – Nicholas I. French – Phoenix Police Department

The Board considered comments from Compliance Specialist Steve Jacobs. Mr. Brown made a motion to close this case with **Initiate Proceedings**, seconded by Professor Stemley, motion carried unanimously.

Case #7 – Ricardo I. Perez – Phoenix Police Department

The Board considered comments from Compliance Specialist Steve Jacobs. Professor Stemley made a motion to close this case with **No Action with Agency Discretion**, seconded by Assistant A.G. Conrad, motion carried with one nay vote.

**N. Call to the Public**

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

**O. Future Agenda Items**

No future agenda items were discussed.

**P. Adjourn**

Chairman Coker adjourned the meeting at 12:19 p.m.