



# *Arizona Peace Officer Standards and Training Board*

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

## **MINUTES OF MEETING SEPTEMBER 21, 2016 PHOENIX, ARIZONA**

A public meeting of the Arizona Peace Officer Standards and Training Board was convened on September 21, 2016, at AZ POST, located at 2643 E. University Drive, Phoenix, AZ.

### Members Present:

Assistant Attorney General Paul Ahler, representing Attorney General Mark Brnovich  
Sergeant Chris Andreacola, Tucson Police Department  
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  
Deputy Director Heston Silbert, representing Colonel Frank Milstead, AZ DPS  
Chief Alan Rodbell, Scottsdale Police Department  
Professor Cornel Stemley, Grand Canyon University

### Board Members Absent:

Sergeant Leo Aparicio, Pinal County Sheriff's Office  
Sheriff Scott Mascher, Yavapai County Sheriff's Office, Chairman  
Detention Director Mike Olson, Maricopa County Sheriff's Office  
Director Charles Ryan, AZ Department of Corrections

### Staff in Attendance:

Billy Caldwell  
Annie Deer  
Mike Deltenre  
Marie Dryer  
Steve Enteman  
Cathy Hawse  
Steve Jacobs  
Jack G. Lane  
Cathy Masters  
Mark Perkovich  
Sandy Sierra  
Lori Tallerday  
Don Yennie

Assistant Attorneys General:

Michael Saltz  
Seth Hargraves  
Jeanne Galvin

**A. Call to Order**

Acting Chairman Coker called the meeting to order at 10:00 a.m. and stated he will be sitting in today for Sheriff Mascher.

**B. Introductions, Presentations and Announcements**

Executive Director Jack Lane stated that Assistant Attorney General Jeanne Galvin is at today's meeting to represent the Board and provide legal advice on two final action cases; Chad Killian and Reza Vafaie. There are also three cases on the agenda that will need to be tabled. He informed the Board that a minor correction needs to be made to the CJEF Income Comparison sheet that is included in the Consent Agenda; the projected revenue average figure should be amended to \$500,000 and the current average figure should be amended to \$511,754.

**C. Consent Agenda**

Chief Rodbell made a motion to accept the Consent Agenda as amended, seconded by Chief Hall, motion carried unanimously.

1. Minutes of the Board meeting held on July 13, 2016, were approved as written.  
Minutes of the Board meeting held on August 17, 2016, were approved as written.

2. Ministerial Actions:

a. Certification Waivers:

Edward J. Ireton IV	Phoenix Police Department
Nathan E. Gilbert	Pinal County Sheriff's Office
Julie A. Love	AZ Department of Revenue
Joey W. Burnett	Colorado River Indian Tribe PD
Loren Parks	Gila River Police Department
Eric A. Phillips	Phoenix Police Department
Joseph F. Jenkins	Cocopah Tribal Police Department
Elizabeth Rice	Phoenix Police Department
Donald E. Samelson	Phoenix Police Department
Justin D. Shepherd	Phoenix Police Department
Salvador Panuco	Tonto Apache Tribal Police Department

b. Training Unit Report (included with agenda material)

3. Income and Expense Statement – July 2016

<b>Funds as of July 1, 2016</b>	<b>\$1,191,233.89</b>
<b>CJEF Revenue</b>	<b>511,754.22</b>
<b>Misc. Revenue</b>	<b>289.08</b>
<b>Expenditures</b>	<b>(428,666.66)</b>
<b>Balance as of July 31, 2016</b>	<b>\$1,274,610.53</b>

**D. Executive Director’s Report**

Budget – A decision package was submitted to the Governor’s Office of Strategic Planning and Budgeting requesting 2.1 million dollars to apply towards staff salary and ERE for the currently staffed positions. We hope to see this request included in the general fund when the governor’s budget is presented to the legislature in January.

Board Communications – Executive Director Lane met with the Sheriff’s Association several weeks ago. He also attended the AACOP Conference in Laughlin last week. He shared the budget information with both groups and is receiving a lot of support from both associations. He was asked by the AZ Criminal Justice Commission to be part of a working group involving CJEF funding. The group will be looking at providing alternatives to the legislative leadership on those agencies who have been significantly impacted over the loss of CJEF revenues. The group’s first meeting will be in early November.

Personnel and Staffing – Executive Director Lane introduced the newest AZ POST staff member to the Board. Steve Enteman was recently hired as a Training Compliance Specialist. Steve recently retired from the AZ Department of Public Safety where he was a captain assigned as the business manager for the Law Enforcement Merit System Council.

**E. Legislative Update**

Executive Director Lane stated the legislature is not currently in session but with the recent elections there will be new leadership at the legislature this upcoming session. Paperwork has been submitted to reflect that Executive Director Lane will be the public lobbyist to represent the Board on AZ POST issues.

**F. Summary of Current Events**

Executive Director Lane stated there is nothing new to report.

**G. Presentation, Review and Discussion on Basic Training Curriculum**

Program Administrator Marie Dryer provided a power point presentation to the Board which outlined the proposed plan for the Basic Training Curriculum Validation Project. It is anticipated this Project will begin in January 2017. The first step in the Project will be a Job Task Analysis (JTA); which when completed, will be compared to the current basic training performance objectives. The JTA will take approximately 4-6 months to complete. It is anticipated the Project will change subject areas and curriculum at the academies; as well as result in additional questions for the Comprehensive Final Exam. As such, our rules will need to be amended to include these changes.

Mr. Coker inquired if there is any type of training component that prepares an officer for the scrutiny they now face due to the fact that they are under constant observation with everyone now having easy access to a camera right on their cell phone? Do we have any training component that equips them to deal with this? He is hoping that this Project will assist in determining if this training is something that needs to be included in the basic training curriculum or maybe is already included in some manner.

**H. Reports**

Department of Corrections – No report given as Director Ryan was unavailable for this meeting.

**I. Final Action Cases:****Case #1 – Chad E. Killian – Yuma Police Department**

*Mr. Ahler recused himself from this case.*

Sheriff Dannels made a motion to go into executive session, seconded by Chief Rodbell.

*The Board voted to go into Executive Session at 10:23 a.m. for discussion, consultation and legal advice from its attorney. The Open Meeting reconvened at 10:43 a.m.*

Chief Hall made a motion to table this case until the October meeting, seconded by Chief Rodbell, motion carried unanimously. The Board stated the reason for tabling this case was due to the late submission of Mr. Killian's reply to POST's response to the Administrative Law Judge Decision. The Board also requested that the State's reply to Mr. Killian's response be provided to them no later than two weeks prior to the October meeting. The Board received legal advice regarding the motion from Assistant Attorney General Jeanne Galvin.

**Case #2 – Freddie W. Nehrmeyer – Pinal County Sheriff's Office**

The Board considered arguments from Assistant Attorney General Michael Saltz and Freddie Nehrmeyer. Sergeant Andreacola made a motion to accept the Consent Agreement, Decision and Order and suspend peace officer certification for two years

from July 8, 2014 to July 8, 2016, seconded by Professor Stemley, motion carried unanimously.

Case #3 – Andrew I. Austin – Glendale Police Department

*Chief Rodbell recused himself from this case.* The Board considered comments from Assistant Attorney General Michael Saltz. Mr. Brown made a motion to accept the Consent Agreement, Decision and Order and suspend peace officer certification for six months from June 30, 2016 to December 30, 2016, seconded by Sergeant Andreacola, motion carried unanimously.

Case #4 – Curtis L. Cooke – Colorado City Marshal's Office

*This case was tabled due to the signed Consent Agreement not having been returned by today's date.*

Case #5 – Nathaniel Luttrell – Tucson Police Department

*Sergeant Andreacola recused himself from this case.* The Board considered comments from Assistant Attorney General Michael Saltz. Sheriff Dannels made a motion to reject the Consent Agreement, Decision and Order which called for a one year suspension of peace officer certification, seconded by Chief Rodbell. After further discussion, Chief Rodbell made a motion to place this case on next month's agenda to reconsider the Board's initial action taken on March 16, 2016, seconded by Sheriff Dannels, motion carried unanimously.

Case #6 – Daniel M. Santa Cruz – Tucson Police Department

*Sergeant Andreacola recused himself from this case.* The Board considered comments from Assistant Attorney General Michael Saltz. Sheriff Dannels made a motion to reject the Consent Agreement, Decision and Order which called for a two year suspension of peace officer certification, seconded by Professor Stemley, motion carried unanimously.

Case #7 – Logan J. Egnor – Phoenix Police Department

The Board considered comments from Assistant Attorney General Michael Saltz. Chief Rodbell made a motion to accept the Consent Agreement, Decision and Order and suspend peace officer certification for 240 hours, seconded by Sheriff Dannels, motion carried with one nay vote recorded for Deputy Director Silbert. The suspension dates will be staggered during 2016 due to manpower requirements for the agency.

Case #8 – Chris F. Tiona – Phoenix Police Department

The Board considered comments from Assistant Attorney General Michael Saltz. Chief Rodbell made a motion to accept the Consent Agreement, Decision and Order and suspend peace officer certification for 240 hours, seconded by Mr. Ahler, motion carried with one nay vote recorded for Deputy Director Silbert. The suspension dates will be staggered during 2016 due to manpower requirements for the agency.

Case #9 – Susan C. Freeman – Chandler Police Department

The Board considered comments from Assistant Attorney General Michael Saltz. Chief Rodbell made a motion to accept the Consent Agreement, Decision and Order and suspend peace officer certification for twelve months from October 26, 2015 to October 26, 2016, seconded by Sheriff Dannels, motion carried unanimously.

Case #10 – Reza Vafaie – Tucson Police Department

*This case was taken out of order.*

The Board considered comments from Assistant Attorney General Seth Hargraves. Sheriff Dannels made a motion to accept the Findings of Fact and Conclusions of Law and deny peace officer certification, seconded by Chief Hall, motion carried unanimously.

Case #11 – Alexander J. Roy – Sierra Vista Police Department

*This case was tabled at the request of Alexander Roy's attorney. This is the last postponement that will be granted on this case.*

Case #12 – Princeton T. Calabaza – Tohono O'odham Nation Police Department

The Board considered comments from Compliance Manager Mark Perkovich. Professor Stemley made a motion to accept the Findings of Fact and Conclusions of Law and revoke peace officer certification, seconded by Chief Hall, motion carried unanimously.

Case #13 – Tyon L. Downing – AZ Department of Public Safety

*Deputy Director Silbert recused himself from this case.* The Board considered comments from Compliance Manager Mark Perkovich. Sheriff Dannels made a motion to accept the Findings of Fact and Conclusions of Law and revoke peace officer certification, seconded by Chief Rodbell, motion carried unanimously.

Case #14 – Chris S. Harper – Colorado River Indian Tribe Police Department

The Board considered comments from Compliance Manager Mark Perkovich. Mr. Brown made a motion to accept the Findings of Fact and Conclusions of Law and suspend peace officer certification for two years from November 1, 2015 to November 1, 2017, seconded by Chief Hall, motion carried unanimously.

Case #15 – Joseph H. Arnason – Sierra Vista Police Department

*Sheriff Dannels and Professor Stemley recused themselves from this case.* The Board considered comments from Compliance Manager Mark Perkovich. Mr. Brown made a motion to accept the Findings of Fact and Conclusions of Law and revoke peace officer certification, seconded by Chief Rodbell, motion carried unanimously.

Case #16 – Warren L. Croft – Pima County Sheriff's Department

The Board considered comments from Compliance Manager Mark Perkovich. Professor Stemley made a motion to accept the Findings of Fact and Conclusions of Law and revoke peace officer certification, seconded by Chief Rodbell, motion carried unanimously.

Case #17 – Cody R. Pablo – Gila River Police Department

The Board considered comments from Compliance Manager Mark Perkovich. Mr. Brown made a motion to accept the Findings of Fact and Conclusions of Law and revoke peace officer certification, seconded by Sergeant Andreacola, motion carried with one nay vote recorded for Chief Hall.

**J. New Charging Cases:**Case #1 – Ian B. Burns – Mesa Police Department

The Board considered comments from Compliance Specialist Mike Deltenre. Chief Rodbell made a motion to ***Resolve in Future***, seconded by Sergeant Andreacola, motion carried unanimously.

Case #2 – Virgilio N. Marshall – Tucson Police Department

*Sergeant Andreacola recused himself from this case.* The Board considered comments from Compliance Specialist Cathy Hawse. Sheriff Dannels made a motion to ***Initiate Proceedings***, seconded by Chief Rodbell, motion carried unanimously.

Case #3 – Gabriel A. Rivera – Tucson Police Department

*Sergeant Andreacola recused himself from this case.* The Board considered comments from Compliance Specialist Cathy Hawse. Mr. Brown made a motion to ***Initiate Proceedings***, seconded by Professor Stemley, motion carried unanimously.

Case #4 – Scott M. Strobel – Pinal County Sheriff’s Office

*This case was tabled.*

Case #5 – Jazz E. Knighton – Colorado River Indian Tribe 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 #6 – Stephen K. Wiley – Phoenix Police Department

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

Case #7 – Kyle D. Lovett – Marana Police Department

The Board considered comments from Compliance Specialist Lori Tallerday. Sheriff Dannels made a motion to ***Initiate Proceedings***, seconded by Chief Rodbell, motion carried unanimously.

Case #8 – Matthew D. Moon – Pima County Sheriff’s Department

The Board considered comments from Compliance Specialist Lori Tallerday. Chief Rodbell made a motion to ***Initiate Proceedings***, seconded by Sheriff Dannels, motion carried unanimously.

**K. Call to the Public**

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

**L. Future Agenda Items**

Chief Rodbell stated the Board is starting to see a pattern of individuals getting through the hiring process that should not have gotten through and this being discovered during the new hire audits. He wonders if there is a different way to handle these cases for individuals who are not yet certified.

Executive Director Lane stated that an individual must be given due process. This can be done when the Board initiates proceedings. After the Board initiates the individual can request a hearing. The rules require that a hearing before an Administrative Law Judge be held within 60 days after a hearing request is made. He does not believe there is any other process available at this time that can be utilized.

**M. Adjourn**

Chairman Coker adjourned the meeting at 12:27 p.m.