



Arizona Peace Officer Standards and Training Board

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MINUTES OF MEETING OCTOBER 9, 2015

A public meeting of the Arizona Peace Officer Standards and Training Board was convened on October 9, 2015, at AZ POST, located at 2643 E. University Drive, Phoenix, AZ.

Members Present:

Mr. H. Jeffrey Coker, Chairman
Sergeant Chris Andreacola, Tucson Police Department
Mr. David Brown, Public Member
Assistant Attorney General Donald Conrad, representing Attorney General Mark Brnovich
Sheriff Bill Pribil, Coconino County Sheriff's Office
Chief Alan Rodbell, Scottsdale Police Department
Deputy Director Heston Silbert, representing Colonel Frank Milstead, AZ DPS
Professor Cornel Stemley, Grand Canyon University
Sergeant Timothy Williams, Cochise County Sheriff's Office

Members Absent:

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

Staff in Attendance:

Mike Deltenre
Marie Dryer
Cathy Hawse
Steve Jacobs
Lori Ketron
Jack Lane
Lynn Larson
Lyle Mann
Frank Martinez
Sandy Sierra
Don Yennie

Assistant Attorneys General:

Michael Saltz
Seth Hargraves

A. Call to Order

Chairman Coker called the meeting to order at 10:06 a.m.

B. Review, discussion and possible action on proposed rule changes to AZ POST Administrative Rules, A.A.C. R13-4-101 et seq.

Executive Director Lyle Mann provided a brief description of the process required for the promulgation of administrative rules and how this promulgation will bring the Board's rules in line with changes in statutes, format requirements and updates necessary to reflect the policies of the Board. He also introduced Ms. Jeanne Hann; who is the consultant who assisted in preparing the rule packet with the proposed changes.

Some of the changes discussed regarding AZ POST Administrative Rules Article 1 - General Provisions are:

- Removes outdated references and changes to public meeting laws.
- Clarifies the rules for individuals who want to become police officers and meet the standards and are willing to pay for attending a basic police academy; thus saving money for cities and towns.
- Allows the acceptance of qualified charter and home school diplomas as meeting minimum standards, if they meet the Department of Education standards.
- Updates the medical requirements to reflect changes in federal and state employment law and simplifies the process thus reducing hiring time for applicants and agencies.
- Modifies Record Retention Rules to reflect changes in state law.
- Due to changes in laws in other states, clarifies that serving officers should not use or possess marijuana illegally.
- Due to changes in state law, the Board has clear authority to investigate officers and this requires additional rules to insure truthfulness, and participation in the investigations.
- Allows the Board to withdraw approval of a training course that does not meet Board standards.
- Removes archaic language concerning reimbursement of salary for officers attending training.
- Provides the authority to immediately sanction an officer without an appeal process in cases of public peace, health, and safety.

The Board went into a lengthy discussion regarding the change that would require a peace officer, whether active or inactive, to provide written notice to the Board within 10 days after being convicted of or pleading no contest to any misdemeanor or felony in any jurisdiction. Some Board members felt this should be an agency discretion matter and the Board should not be involved in this issue. Other Board members felt that all officers should be required report that information to the Board.

Assistant A.G. Conrad made a motion to move forward with the recommended change to Rule R13-4-111.D; that the rule be implemented as written and the motion does not include a requirement that the officer report to the agency, he believes that agencies should take care of that portion themselves, seconded by Chief Rodbell, motion passed with two nay votes.

The Board took a short break at 12:00 pm and resumed the meeting at 12:07 pm. Professor Stemley and Deputy Director Silbert left the meeting at this time.

The meeting resumed with discussion of the changes to AZ POST Administrative Rules Article 2 – Correctional Officers. Some of those changes are:

- Removes the language and references to “Limited Correctional Peace Officer” which is an outdated classification and position which the Department of Corrections wants stricken.
- Provides the Department of Corrections a method to petition the Board for a determination that otherwise disqualifying behavior can be waived if it occurred as a juvenile.
- Establishes a Board approved Field Training requirement for the Department of Corrections.

Sheriff Pribil made a motion that the Rule Making Docket be opened with the proposed rules being the recommended rules with the modifications agreed upon during this meeting, seconded by Chief Rodbell, motion carried unanimously.

Ms. Hann then explained the rulemaking process and what steps still need to be taken before the rules can be filed with the Secretary of State’s Office.

C. Adjourn

Chairman Coker adjourned the meeting at 12:30 p.m.