



Arizona Peace Officer Standards and Training Board

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MINUTES OF MEETING OCTOBER 19, 2016 PHOENIX, ARIZONA

A public meeting of the Arizona Peace Officer Standards and Training Board was convened on October 19, 2016, at AZ POST, located at 2643 E. University Drive, Phoenix, AZ.

Members Present:

Sheriff Scott Mascher, Chairman
Mr. Paul Ahler (AAG), representing Attorney General Mark Brnovich
Sergeant Leo Aparicio, Pinal County Sheriff's Office
Mr. David Brown, Public Member
Mr. H. Jeffrey Coker, Public Member
Sheriff Mark Dannels, Cochise County Sheriff's Office
Director Charles Ryan, Arizona Department of Corrections
Professor Cornel Stemley, Grand Canyon University

Board Members Absent:

Sergeant Chris Andreacola, Tucson Police Department
Chief Lawrence Hall, Buckeye Police Department
Colonel Frank Milstead, Arizona Department of Public Safety
Detention Director Mike Olson, Maricopa County Sheriff's Office
Chief Alan Rodbell, Scottsdale Police Department

Staff in Attendance:

Ted Brandon
Billy Caldwell
Marie Dryer
Steve Enteman
Cathy Hawse
Steve Jacobs
Jack Lane
Cathy Masters
Mark Perkovich
Sandy Sierra

Assistant Attorneys General:

Michael Saltz
Seth Hargraves
Jeanne Galvin

A. Call to Order

Chairman Mascher called the meeting to order at 10:00 a.m. He began the meeting by asking everyone to join in reciting the Pledge of Allegiance.

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 on the Chad Killian case. He then introduced two interns who are assisting AZ POST with research and data entry. Ryan Boyd is attending law school at ASU and Alexis Cordova has her degree in Forensic Psychology. Both are doing a great job and we truly appreciate their assistance.

C. Executive Director's Report

Budget – The Criminal Justice Enhancement Fund revenue for the month of September was below budget projections. It was the lowest revenue ever received.

Board Communications – Executive Director Jack Lane, Program Administrator Marie Dryer and Assistant Attorney General Michael Saltz all attended the IACP Conference in San Diego. The Conference was very informative and many useful training sessions were offered.

Personnel and Staffing – Cynthia Sawyer is a retired MCSO lieutenant and will be coming on board at the end of the month as our newest Training Compliance Specialist.

D. Review, Discussion and Possible Action on a petition from the Phoenix Police Department for a temporary restricted full authority peace officer certification for Chief Jeri Williams

The Phoenix Police Department petitioned the Board for a temporary restricted full authority peace officer certification for Chief Jeri Williams. Chief Williams will be temporarily restricted from being assigned to any duty likely to result in the need to apply physical force. The restriction would remain until the Department can attest that Chief Williams has met all requirements necessary for full authority.

Director Ryan moved to grant a temporary full authority restricted peace officer certification to Chief Jeri Williams. This certification would restrict Chief Williams from being assigned 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 until Chief Williams has met all requirements necessary for full authority while employed with the Phoenix Police Department, seconded by Mr. Coker, motion carried unanimously.

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

Mr. Paul Ahler (AAG) recused himself from this case. The Board considered arguments from Assistant Attorney General Seth Hargraves and Neil Landeen, attorney for Chad Killian. The Board also considered comments and received legal advice regarding the motions from Assistant Attorney General Jeanne Galvin. Mr. Coker made a motion to dismiss the State's response to the Administrative Law Judge's Recommended Findings of Fact and Conclusions of Law, seconded by Sheriff Dannels, motion carried with two nay votes recorded for Mr. Brown and Sergeant Aparicio. Mr. Coker made a motion to accept the Administrative Law Judge's Findings of Fact of Conclusions of Law and dismiss this case, seconded by Sheriff Dannels, motion carried with one nay vote recorded for Sergeant Aparicio.

Case #2 – Michael J. Butler – Gilbert Police Department

The Board considered comments from Assistant Attorney General Michael Saltz. Sheriff Dannels made a motion to accept the Consent Agreement, Decision and Order and suspend peace officer certification for six months from November 11, 2015 to May 11, 2016, seconded by Professor Stemley, motion carried unanimously.

Case #3 – James W. Garber – Gilbert Police Department

The Board considered comments from Assistant Attorney General Michael Saltz. Mr. Brown made a motion to accept the Consent Agreement, Decision and Order for voluntary relinquishment of peace officer certification, seconded by Sergeant Aparicio, motion carried unanimously.

Case #4 – Gregory S. Kroeger – Navajo County Sheriff's Office

The Board considered comments from Assistant Attorney General Michael Saltz. Mr. Coker made a motion to accept the Consent Agreement, Decision and Order for voluntary relinquishment of peace officer certification, seconded by Director Ryan, motion carried unanimously.

Case #5 – John V. Miller – Goodyear Police Department

The Board considered comments from Assistant Attorney General Michael Saltz. Professor Stemley made a motion to accept the Consent Agreement, Decision and Order for voluntary relinquishment of peace officer certification, seconded by Director Ryan, motion carried unanimously.

Case #6 – Curtis L. Cooke – Colorado City Marshal's Office

The Board considered comments from Assistant Attorney General Michael Saltz. Mr. Coker made a motion to accept the Consent Agreement, Decision and Order for voluntary relinquishment of peace officer certification, seconded by Director Ryan, motion carried unanimously.

Case #7 – Michael A. Knittle – Chino Valley Police Department

The Board considered comments from Assistant Attorney General Michael Saltz. Mr. Paul Ahler (AAG) made a motion to accept the Consent Agreement, Decision and Order for voluntary relinquishment of peace officer certification, seconded by Sheriff Dannels, motion carried unanimously.

Case #8 – Charles G. Pesterfield – Mesa Police Department

The Board considered comments from Assistant Attorney General Michael Saltz. Sergeant Aparicio made a motion to accept the Consent Agreement, Decision and Order for voluntary relinquishment of peace officer certification, seconded by Director Ryan, motion carried unanimously.

Case #9 – Beau Tribolet – Tucson Police Department

The Board considered comments from Assistant Attorney General Michael Saltz. Sheriff Dannels made a motion to accept the Consent Agreement, Decision and Order for voluntary relinquishment of peace officer certification, seconded by Professor Stemley, motion carried unanimously.

Case #10 – Patrick B. Sullivan – AZ Department of Gaming

The Board considered comments from Assistant Attorney General Michael Saltz. Mr. Paul Ahler (AAG) made a motion to accept the Consent Agreement, Decision and Order for voluntary relinquishment of peace officer certification, seconded by Sergeant Aparicio, motion carried unanimously.

Case #11 – Robert W. Corn – Gila County Sheriff's Office

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 Professor Stemley, motion carried unanimously.

Case #12 – Andrew D. Duncan – Gilbert 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 suspend peace officer certification for 12 months from January 3, 2016 to January 3, 2017, seconded by Sheriff Dannels, motion carried unanimously.

Case #13 – Timothy Morris – Phoenix 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 Director Ryan, motion carried unanimously.

Case #14 – Kyle D. Lovett – Marana Police Department

The Board considered comments from Compliance Manager Mark Perkovich, Chief Terry Rozema of the Marana Police Department and Kyle Lovett. Professor Stemley made a motion to accept the Findings of Fact and Conclusions of Law and delay peace officer certification for three years from July 24, 2016 to July 24, 2019, seconded by Mr. Coker; motion failed 3-4 with four nay votes recorded for Sheriff Dannels, Director Ryan, Mr. Paul Ahler (AAG) and Sergeant Aparicio. Sheriff Dannels made a motion to accept the Findings of Fact and Conclusions of Law and deny peace officer certification, seconded by Sergeant Aparicio, motion carried with three nay votes recorded for Mr. Coker, Mr. Brown and Professor Stemley.

Case #15 – Alexander J. Roy – Sierra Vista Police Department

Sheriff Dannels recused himself from this case. The Board considered arguments from Assistant Attorney General Michael Saltz and Michelle Mozden, attorney for Alexander Roy. The Board also considered comments from Chief Adam Thrasher of the Sierra Vista Police Department. Sergeant Aparicio made a motion to accept the Findings of Fact and Conclusions of Law and revoke peace officer certification, motion failed due to lack of a second. Professor Stemley made a motion to accept the Findings of Fact and Conclusions of Law and suspend peace officer certification for six months effective the date of the final order, seconded by Mr. Brown, motion failed 2-4 with four nay votes recorded for Mr. Coker, Director Ryan, Mr. Paul Ahler (AAG) and Sergeant Aparicio. Mr. Coker made a motion to accept the Findings of Fact and Conclusions of Law and revoke peace officer certification, seconded by Mr. Paul Ahler (AAG), motion carried with two nay votes recorded for Mr. Brown and Professor Stemley.

Case #16 – William E. Welch – Gila River Police Department

The Board considered comments from Compliance Manager Mark Perkovich. Mr. Paul Ahler (AAG) made a motion to accept the Findings of Fact and Conclusions of Law and revoke peace officer certification, seconded by Director Ryan, motion carried unanimously.

G. New Charging Cases:Case #1 – Christopher J. Holgate – Navajo Division of Public Safety

The Board considered comments from Compliance Specialist Ted Brandon. Sheriff Dannels made a motion to ***Initiate Proceedings***, seconded by Director Ryan, motion carried unanimously.

Case #2 – Aaron D. Johnson – Navajo Division of Public Safety

The Board considered comments from Compliance Specialist Ted Brandon. Director Ryan made a motion to ***Initiate Proceedings***, seconded by Sergeant Aparicio, motion carried unanimously.

Case #3 – Travis J. Silversmith – Gila River Police Department

The Board considered comments from Compliance Specialist Ted Brandon. Director Ryan made a motion to **Initiate Proceedings**, seconded by Sheriff Dannels, motion carried unanimously.

Case #4 – Daniel E. Atkinson – Tucson Police Department

The Board considered comments from Compliance Specialist Cathy Hawse. Sheriff Dannels made a motion to **Initiate Proceedings**, seconded by Director Ryan; motion was then withdrawn. Mr. Coker made a motion to close this case with **No Action with Agency Discretion**, seconded by Sergeant Aparicio, motion carried unanimously.

Case #5 – Jaime F. Gutierrez – Tucson Police Department

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 #6 – Ricardo F. Ugarte – Santa Cruz County Sheriff's Office

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

Case #7 – Eric E. Fenner – Phoenix Police Department

The Board considered comments from Compliance Specialist Steve Jacobs. Sergeant Aparicio made a motion to **Resolve in Future**, seconded by Sheriff Dannels, motion carried unanimously.

H. Future Agenda Items

No new items to add.

I. Adjourn

Chairman Mascher adjourned the meeting at 12:04 p.m.