



Arizona Peace Officer Standards and Training Board

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MINUTES OF MEETING NOVEMBER 18, 2015

A public meeting of the Arizona Peace Officer Standards and Training Board was convened on November 18, 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 Mark Dannels, Cochise County Sheriff's Office (recused from entire meeting)
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
Professor Cornel Stemley, Grand Canyon University

Staff in Attendance:

Ted Brandon
Annie Deer
Mike Deltenre
Marie Dryer
Ivan Gelo
Donna Gieber
Sandy Hansberger
Cathy Hawse
Steve Jacobs
Lori Ketron
Jack Lane
Lyle Mann
Frank Martinez
Sandy Sierra
Rick Watling
Don Yennie

Assistant Attorneys General:

Michael Saltz
Seth Hargraves
Christopher Munns, Solicitor General's Office

A. Call to Order

Chairman Coker called the meeting to order at 10:01 a.m.

B. Introductions, Presentations and Announcements

Executive Director Lyle Mann introduced Sheriff Mark Dannels of the Cochise County Sheriff's Office. He replaces Sheriff Bill Pribil on the Board. Sheriff Dannels will be an observer at today's meeting and will not be voting on or participating in any discussion at today's meeting. He also stated that Chief Alan Rodbell and Sergeant Chris Andreacola have both been reappointed to the Board for three more years.

C. Consent Agenda

Mr. Brown made a motion to approve the Consent Agenda, seconded by Professor Stemley, motion carried unanimously.

1. Minutes of the Special Complaint Subcommittee meeting held on September 14, 2015, the Board meeting held on September 16, 2015, the Rules meeting held on October 9, 2015, and the Board meeting held on October 21, 2015, were approved as written.

2. Ministerial Actions:

a. Certification Waivers:

James L. Bonnie	Gila County Sheriff's Office
Joseph E. David	AZ Department of Corrections
Jared M. Richards	Phoenix Police Department
Catherine M. Rybka	Pinal County Sheriff's Office
Michael D. Williams II	Peoria Police Department
Mark G. Pereboom	Wickenburg Police Department
Everett E. Babcock	Quartzsite Police Department
Lonnie W. Bynum	Pima County Attorney's Office
Timothy M. Hughes	Pima County Attorney's Office
*Adam M. Kurgan	AZ Department of Transportation-ECD
Jason D. Armstrong	Avondale Police Department
**Thomas L. Busby	Northern AZ University Police Department

*Adam M. Kurgan was granted "restricted" certification which restricts him from being assigned any duty likely to result in the need to apply physical force.

**Thomas L. Busby received a waiver in 2001, but his name was not presented to the Board for approval at that time. In order to rectify this error, approval is being requested at this time.

b. Instructor Certification Renewals (attached to agenda material)

c. Training Program Confirmations (attached to agenda material)

3. Income and Expense Statement – October 2015

Funds as of July 1, 2015	\$1,151,412.20
CJEF Revenue (June – September)	2,041,198.47
Expenditures as of October 27, 2015	(1,999,531.84)
Balance for October 27, 2015	\$1,193,078.69

4. 2016 Board Schedule

D. Executive Director’s Report

Executive Director Mann reported on the following:

- a. Blue Courage Initiative – Attended a meeting in Seattle on November 6 to discuss funding issues; currently waiting on financial support from sponsors.
- b. President’s Task Force on 21st Century Policing – Nothing new on this matter. There were discussions held during the IACP Conference in Chicago concerning the findings of the task force; those findings are not being embraced by the majority.
- c. AZ POST Administrative Rules – There will be a meeting on December 15, 2015, for public comment on the proposed rule changes. We are on schedule for implementation of the new rules in 2016. Discussion was held at the last sheriff’s meeting regarding the proposed rule change requiring an officer 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. He wanted to ensure the sheriffs that the Board is willing to hear and listen to individual cases that occur as a result of this rule change.
- d. Budget – Revenues continue to fall. Effective January 1, 2016, mileage reimbursement for agencies will be discontinued. We have reduced the number of calendar schools for next year. Meetings have been held with major stakeholders to discuss asking the Legislature for additional funding for training to include: upgrade for FATS machines, maintenance of the six driver tracks, maintenance and upgrade of the two main academies, a new Crisis Intervention Program and for a new De-Escalation Training Program.
- e. Personnel and Staffing – Currently working to fill the compliance specialist and facilities maintenance technician positions. One program administrator is out on extended sick leave; Rick Watling, training supervisor, will be retiring in December; this again leaves us short-handed. Hoping to be able to fill the training supervisor position in the very near future.

E. Legislative Update

Executive Director Mann attended the first meeting of the Law Enforcement Officer Body Camera Committee. The Committee’s third meeting will be held November 19 and he will be attending this meeting as well.

F. Summary of Current Events

Executive Director Mann stated there is nothing new to report.

G. Review, Discussion and Possible Action on the National Certification Program from IADLEST and establishment of on-line learning for continuing training credit for officers

The International Association of Directors of Law Enforcement Standards and Training (IADLEST), the national organization of POSTs, has created a program called the National Certification Program (NCP) for Law Enforcement Training. The concept is for vendors to have one place to go for approval of their training; rather than applying with individual states. IADLEST has also established a program for on-line training content; the NCP approval process will ensure content approval as well as learning experience and participation control. By approving the NCP approval process, this ensures a more in-depth approval for vendor provided training; this is in addition to the current approval process provided by POST staff.

Chief Rodbell made a motion that the criteria used by the IADLEST National Certification Program for approval of On-Line Training Courses be adopted as the standard for Board approved On-line Training Courses submitted for Certification Retention Continuing Training credit, seconded by Sheriff Mascher, motion carried unanimously.

Sheriff Mascher made a motion that any in-person training program or on-line training program which has been granted approval by the IADLEST National Certification Program be approved for credit toward the Certification Retention Continuing Training requirement, seconded by Chief Rodbell, motion carried unanimously.

H. Review, Discussion and Possible Action on training deficiencies for Officer Nolan Thompson – AZ Department of Racing

Under Arizona Administrative Code, *R13-4-109.01 Restriction of Certified Peace Officer Status: Training or Qualification Deficiencies*, "The Board shall restrict certified status if a peace officer fails to satisfy the requirements of R13-4-111." The restriction shall remain in effect until the training or qualification requirement is met and written verification is provided to the Board.

The annual training audit for the AZ Department of Racing showed that Officer Nolan Thompson was deficient in firearms training for calendar year 2014.

Colonel Milstead made a motion to restrict the certification of Officer Nolan Thompson from carrying a firearm while on duty for failure to complete annual training as required under R13-4-111 Certification Retention Requirements. This restriction shall remain in effect until staff receives documentation correcting all remaining deficient training areas, seconded by Chief Rodbell, motion carried unanimously.

I. Review, Discussion and Possible Action on training deficiencies for Officer Miller Mitchell – Tombstone Marshal’s Office

This matter was withdrawn; Officer Miller is no longer with the Tombstone Marshal’s Office.

J. Reports

1. Department of Corrections – Director Ryan reported that since the last regular meeting, 72 cadets have graduated from COTA. They currently have four classes in progress with 139 cadets in attendance. They have 455 vacancies statewide. Seven cadets have graduated in through county and tribal detention IGAs. A canine academy began using the COTA facility for their nine weeks of training.
2. In-Service Training – Don Yennie reported on the In-Service Training classes which have been held since the last regular meeting; ALP Class #16 completed its second week of training, a Police Supervision, Advanced Collision Investigation, three General Instructor classes, CRUSH Class, and Social Media class were also held. CIT Training will be held this month.
3. Special Projects/Digital Media – Marie Dryer reported that since the last regular meeting, there have been 21 training classes conducted with 698 students in attendance. The driver simulator has been at 3 different agencies with 130 students trained. Mike Jaeger taught Below 100 Classes to FLETC/BIA and the US Park Rangers with a total of 49 students. These classes were funded by the Below 100 organization. The Blue Courage Nobility in Policing Stop and Listen video was distributed at the IACP Conference and has been mailed to all agencies. The update to Law Enforcement in Indian Country is currently being filmed. The What You Do Matters – Lessons from the Holocaust class which was held in October was fortunate to have Gerda Weissman-Klein; a holocaust survivor, attend the class and talk about her survival in a Nazi concentration camp. This was an amazing experience for all the attendees.
4. AZ Women’s Initiative – No report given.

K. Final Action Cases:**Case #1 – Acey Charley Jr. – Navajo Division of Public Safety**

Assistant A.G. Conrad recused himself from this case. The Board considered comments from Assistant A.G. Seth Hargraves and Acey Charley Jr. Colonel Milstead made a motion to adopt the Administrative Law Judge’s Findings of Fact and Conclusions of Law, as amended, and revoke peace officer certification, seconded by Chief Rodbell, motion carried unanimously.

Case #2 – Alexander J. Goodwin – ASU Police Department

The Board considered comments from Assistant A.G. Michael Saltz. Sheriff Mascher made a motion to adopt the Consent Agreement, Decision and Order for a nine month

suspension of peace officer certification from December 4, 2014, through September 4, 2015, seconded by Detention Director Olson, motion carried with one nay vote.

Case #3 – Edward E. Gray – Tucson Police Department

Sergeant Andreacola recused himself from this case. The Board considered comments from Assistant A.G. Michael Saltz. Colonel Milstead made a motion to adopt the Consent Agreement, Decision and Order for a four month suspension of peace officer certification from November 12, 2014, through March 12, 2015, seconded by Chief Rodbell, motion carried with one nay vote.

Case #4 – Andrew P. Rodriguez – Tempe 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 voluntary relinquishment of peace officer certification, seconded by Colonel Milstead, motion carried unanimously.

Case #5 – Christopher M. Butts – Maricopa County Sheriff's Office

Detention Director Olson recused himself from this case. The Board considered comments from Assistant A.G. Michael Saltz. Colonel Milstead 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 #6 – Rusty Weathersby – Pinal County Sheriff's Office

The Board considered comments from Assistant A.G. Michael Saltz. Chief Rodbell made a motion to reject the Consent Agreement, Decision and Order for an 18 month suspension of peace officer certification from December 12, 2014, through June 12, 2016, seconded by Mr. Brown, motion carried unanimously. Assistant A.G. Michael Saltz will take this matter back to Mr. Weathersby's attorney and determine how to proceed.

L. New Charging Cases:

Case #1 – Jeffrey L. Gilbert – Quartzsite Police Department

Assistant A.G. Conrad recused himself from this case. The Board considered comments from Compliance Specialist Ted Brandon. Sheriff Mascher made a motion to go into executive session, seconded by Chief Rodbell.

The Board voted to go into Executive Session at 11:49 p.m. for discussion or consultation with its attorney. The Open Meeting reconvened at 12:07 p.m.

Professor Stemley left the meeting at this time.

Chief Rodbell made a motion to go out of executive session, seconded by Sheriff Mascher.

Chief Rodbell made a motion to close this case with **No Action**, seconded by Colonel Milstead, motion carried unanimously.

Case #2 – Frank J. Hoekstra – Paradise Valley Police Department

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

Case #3 – Richard J. McLane – Prescott Valley Police Department

Sheriff Mascher recused himself from this case. The Board considered comments from Compliance Specialist Mike Deltenre. Sergeant Andreacola made a motion to close this case with ***No Action with Agency Discretion***, seconded by Chief Rodbell, motion carried unanimously.

Case #4 – Andrew H. Wikstrom – Pinal County Sheriff's Office

The Board considered comments from Compliance Specialist Cathy Hawse. Chief Rodbell made a motion to close this case with ***No Action with Agency Discretion***, seconded by Sergeant Andreacola, motion carried unanimously.

Case #5 – Mike R. Annoual – Phoenix Police Department

The Board considered comments from Compliance Specialist Steve Jacobs. Colonel Milstead made a motion to close this case with ***No Action with Agency Discretion***, seconded by Chief Rodbell, motion carried unanimously.

Case #6 – Javier Arellano – San Luis Police Department

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

Case #7 – Davida L. Dyer – Yuma Police Department

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

Case #8 – Mario L. Leoni – Phoenix Police Department

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

Case #9 – Darius V. Potts – Phoenix Police Department

Colonel Milstead recused himself from this case. The Board considered comments from Compliance Specialist Steve Jacobs. Assistant A.G. Conrad made a motion to close this case with ***No Action***, seconded by Sheriff Mascher, motion carried unanimously.

Case #10 – David E. Vasquez – Yuma County Sheriff's Office

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

Colonel Milstead left the meeting at this time.

Case #11 – Eric S. Whittington – Goodyear Police Department

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

Case #12 – Randall D. Nice – Pima County Sheriff's Department

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

Case #13 – Troy D. Stuck – Tohono O'odham Police Department

The Board considered comments from Compliance Specialist Lori Ketron. Chief Rodbell made a motion to ***Initiate Proceedings***, seconded by Director Ryan, motion carried unanimously.

M. Call to the Public

The following individuals addressed the Board during the Call to the Public to discuss their disappointment that no action was taken against the Quartzsite Police Department, specifically former Chief Jeffrey Gilbert:

Jennifer Jones
Russell Sias
Stephen Frakes
Mayor Ed Foster

N. Future Agenda Items

No future agenda items were discussed.

O. Adjourn

Chairman Coker adjourned the meeting at 1:07 p.m.