



Arizona Peace Officer Standards and Training Board

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MINUTES OF MEETING NOVEMBER 20, 2013 PHOENIX, ARIZONA

A public meeting of the Arizona Peace Officer Standards and Training Board was convened on November 20, 2013, at AZ POST, located at 2643 E. University Drive, Phoenix, AZ.

Members Present:

Mr. H. Jeffrey Coker, Chairman
Sergeant Chris Andreacola
Mr. David Brown
Chief Steven Campbell
Sheriff Scott Mascher
Sergeant Anthony Nelson
Detention Director Mike Olson
Mr. Andrew Pacheco, representing Attorney General Tom Horne
Sheriff Bill Pribil
Chief Alan Rodbell
Director Charles Ryan
Professor Cornel Stemley
Deputy Director Dennis Young, representing Director Bobby Halliday

Staff in Attendance:

Carlo Behnam
Ted Brandon
Jim DeLung
Mike Deltenre
Ivan Gelo
Sandy Hansberger
Jon Heiden
Steve Jacobs
Jeff Kirkham
Jack Lane
Cathy Masters
Lyle Mann
Gary Maschner
Mike Rosenberger
Sandy Sierra
Chester Szoltysik
Rick Watling

Assistant Attorney General
Diana Stabler
Nancy Beck

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 introduced former AZ POST staff member Jerry Huett and welcomed the Indonesian National Police and Ministry of Forestry members who came with him to research peace officer standards and training in Arizona. Mr. Huett addressed the Board and explained their mission. The Commissioner General for the Indonesian National Police presented a plaque to Executive Director Lyle Mann and Board Chairman Jeff Coker; in appreciation for the instruction and training provided to them during their visit. Also in attendance at today's meeting is a Police Supervision class.

C. Consent Agenda

The Consent Agenda was approved unanimously, motion made by Sheriff Mascher, seconded by Sergeant Nelson.

1. Minutes of the Board meeting, held on September 18, 2013, were approved as written. Minutes of the Board meeting, held on October 16, 2013, were approved with one minor revision.
2. Ministerial Actions:
 - a. Certification Waivers:

Douglas R. Barrett	AZ Corporation Commission
Michael A. Acuna	Florence Police Department
David Salvador	Maricopa County Attorney's Office
Christopher M. Wolf	Wickenburg Police Department
Danielle L. Stein	Chandler Police Department
 - b. Instructor Certification Renewals (list attached to agenda material)
 - c. Training Program Confirmations (list attached to agenda material)
 - d. Academy Graduation Dates (list attached to agenda material)

3. Income and Expense Statement – September 2013

Funds as of September 1, 2013	\$1,850,495.94
CJEF Revenue	506,651.48
Expenditures/Encumbrances/Sweeps	(438,961.45)
Balance for September 30, 2013	\$2,028,185.97

D.1 2014 POST Board Meeting Schedule

Executive Director Mann addressed the Board to discuss the upcoming calendar for 2014. The Board reviewed the calendar for next year and made no changes.

D.2 Maricopa County Sheriff's Office Basic Training Academy Audit

Detention Director Olson recused himself from this agenda item.

To insure compliance with R13-4-114 and R13-4-116, an on-site inspection of the Maricopa County Sheriff's Office Basic Training Academy was conducted in order to determine if the academy met the prescribed standards. It was determined that standards were met.

Mr. Pacheco moved to determine that the Maricopa County Sheriff's Office Basic Training Academy meets all the requirements of R13-4-114 and R13-4-116; and the academy may provide the basic training required to receive certified peace officer status. The effective date of this determination is November 20, 2013, seconded by Deputy Director Young, motion carried unanimously.

D.3 Phoenix Police Department Reserve Basic Training Academy Audit

To insure compliance with R13-4-114 and R13-4-116, an on-site inspection of the Phoenix Police Department Reserve Basic Training Academy was conducted in order to determine if the academy met the prescribed standards. It was determined that standards were met.

Mr. Pacheco moved to determine that the Phoenix Police Department Reserve Basic Training Academy meets all the requirements of R13-4-114 and R13-4-116; and the academy may provide the basic training required to receive certified peace officer status. The effective date of this determination is November 1, 2013, seconded by Deputy Director Young, motion carried unanimously.

D.4 Discussion and Direction Regarding POST's Lobbying Policy and Proposed Amendment to its Enabling Statue

The AZ POST enabling statue allows for the Board to provide information on law enforcement matters to the Legislature. AZ POST provides analysis and discussion of new criminal laws as to their application and implementation from the peace officer's perspective. The AZ POST statute is outdated as it relates to the population limits for Board membership. The proposed amendment would raise the city limit for large cities to 200,000. The amendment would also include that tribal entities adhere to AZ POST standards.

After a lengthy discussion, Sergeant Andreacola moved to support the proposed legislative change in population numbers and inclusion of tribal entities in the POST statute, seconded by Sergeant Nelson, motion carried unanimously.

D.5 Establishment of the Classification of AZ POST Digital Media Production Specialist

Due to the increased demand for digital media support, it was determined that an additional person, who is trained in the production of digital media, is needed. Staff worked with human resources to create a job description that would fit these needs.

Detention Director Olson moved to direct staff to work with AZ DPS Human Resources to ask the Merit System Council to establish the position of AZ POST Digital Medial Production Specialist at the listed adjusted salary, seconded by Deputy Director Young, motion carried unanimously.

D.6 Establishment of the Classification of AZ POST Systems Administrator and Modification of the Classification of AZ POST Video Production Supervisor

AZ DPS Human Resources conducted position audits for the positions of AZ POST LAN/WAN Specialist and AZ POST Video Production Supervisor. The duties of both positions have expanded over the years and necessitated a job task analysis and rewrite of the job descriptions. As a result of the job task analysis, the LAN/WAN Specialist position was reclassified to AZ POST Systems Administrator and modifications were made to the classification of AZ POST Video Production Supervisor.

Sergeant Andreacola moved to direct staff to work with AZ DPS Human Resources to ask the Merit System Council to approve the updated position classifications for both AZ POST Systems Administrator and AZ POST Video Production Supervisor with the listed adjusted salaries; and to direct staff to ask the Merit System Council to adjust the listed salaries for the AZ POST positions effective July 1, 2013, seconded by Sergeant Nelson, motion carried unanimously.

D.7 Salary Adjustments for AZ POST Positions

Assistant A.G. Diana Stabler addressed the Board regarding salary adjustments for those employees who are classified as direct AZ POST employees. AZ POST employees are compensated in parity (minus 5 percent) with DPS employees with ranks of sergeant and above; recently DPS sworn employees received an increase in pay; AZ POST employees did not. It is requested that AZ POST salaries be adjusted to correspond with the DPS salary increase.

Mr. Pacheco moved to direct staff to ask the Merit System Council to adjust the listed salaries for the AZ POST positions; effective July 1, 2013, seconded by Chief Rodbell, motion carried unanimously.

E. Legislative Update

Executive Director Mann stated the legislature is not in session and there is nothing new to report at this time.

F. Summary of Current Events

Executive Director Mann stated he and the Board chairman will be attending the IADLEST meeting in Reno, Nevada next month.

G. Committee Update

Executive Director Mann stated there is nothing new to report at this time.

H. Reports

1. Basic Training Academies

ALEA – Sergeant Richard Fink reported Class #469 began on August 12, 2013, and will graduate December 20, 2013; the class currently has 35 recruits. Class #470 will began November 4, 2013, and currently has 48 recruits representing 12 agencies. The Blue Courage Pilot Program will be implemented with this class.

AZ Western College – No report provided.

Chandler-Gilbert Community College – Director Jon Terpay reported Class #11 will graduate on November 20, 2013; with 10 recruits. Class #12 began July 2, 2013; the class currently has 17 recruits. Class #13 will begin January 7, 2014; they currently have 28 applicants in the background process for this class.

Glendale Community College – No report provided.

Mesa Police Department – No report provided.

NARTA – Commander Rhodes reported Class #35 began August 6, 2013, and will graduate on December 6, 2013; they currently have 38 recruits. This will be his last academy class and he introduced the new academy commander. Class #36 will begin January 6, 2014; they currently have 41 reservations from 13 agencies.

Pima Community College – Kevin Lane reported Class #13-01 began September 11, 2013, and will graduate on May 21, 2014; the class currently has 27 recruits.

Pima County Sheriff's Department – No report provided.

SALETC – Provided a written report, presented by Training Supervisor Rick Watling, that states Class #13-3 graduated on November 7, 2013, with 37 recruits representing 8 agencies. Class #13-4 began October 7, 2013, with 41 recruits representing 16 agencies. The next class will start January 6, 2014; they currently have 44 reservations from 13 agencies for this class.

WALETA – Chief Robert DeVries reported they have a class with 17 recruits that will graduate on December 20, 2013. The next class will begin January 27, 2014, and they have 10 reservations so far for this class. They will be starting a class on June 19, 2014, for military police veterans; this will be an 8 week academy. They will start a dispatcher academy on January 6, 2014; they have had great success with dispatcher academies.

2. Department of Corrections – Director Ryan reported that since the last regular meeting, 62 cadets have graduated from COTA. They currently have four classes in session with 128 cadets. They have 364 vacancies statewide. Three cadets have graduated through the waiver process; which amounts to savings of just under \$12,000 for the Department.
3. In-Service Training – Cathy Masters reported ALP #7 graduated 37 participants on November 7, 2013. ALP #8 will graduate 38 participants on December 12, 2013. ALP #9, #10 and #11 are full and they anticipate ALP #12 will soon be filled up. There are 34 participants from the Police Supervision class in attendance at today's meeting. The next scheduled Police Supervision class will be held in March 2014. The on-line Reporting Course at Rio Salado College has been streamlined and the name of the course has been changed to Enhanced Criminal Justice Communication.
4. Special Projects/Digital Media Training – Rick Watling reported that since the last meeting, the driver simulator was utilized by seven agencies with 187 officers receiving this training. Seven Below 100 Training classes are scheduled between now and the end of January, which includes two Train-the-Trainer classes. The unit coordinated eleven classes during this period; with a total of 410 students in attendance. The Digital Media Unit distributed DVDs containing Legal Update

2013, Metal Theft Investigations, Restricted Use 3-Day Permits and Motorcycle Profiling. Two more DVDs are in the works for future distribution.

I. Final Action Cases:

Case #1 – Delfred D. Begay – Navajo Police Department

This case was continued. Chief Campbell made a motion to continue this case, seconded by Sheriff Mascher, motion carried unanimously.

Case #2 – Loren M. Chavez – Prescott Valley Police Department

Mr. Pacheco and Sheriff Mascher recused themselves from this case. The Board considered comments from Assistant A.G. Nancy Beck. Sergeant Nelson made a motion to adopt the Administrative Law Judge's Findings of Fact and to modify Conclusions of Law #6 by striking mitigation #2 in the Conclusions, seconded by Chief Rodbell, motion carried with one nay vote.

Sergeant Andreacola made a motion to suspend peace officer certification for two years, effective November 20, 2013, seconded by Sergeant Nelson. Sergeant Andreacola amended the motion to suspend peace officer certification until lapse, seconded by Sergeant Nelson, motion carried unanimously.

Case #3 – Eric A. Clevinger – Bullhead City Police Department

The Board considered comments from Assistant A.G. Diana Stabler. Mr. Brown made a motion to adopt the Consent Agreement, Decision and Order for voluntary relinquishment of peace officer certification, seconded by Sheriff Mascher, motion carried unanimously.

Case #4 – Joseph E. Denman – Apache Junction Police Department

The Board considered comments from Assistant A.G. Diana Stabler, Compliance Specialist Jeff Kirkham and Neil Landeen, attorney for Joseph Denman. After some discussion, it was agreed to strike the word "probably" from Findings of Fact #4. Deputy Director Young made a motion to suspend peace officer certification for two years beginning on June 12, 2013, and ending on June 12, 2015, seconded by Sheriff Mascher, motion carried unanimously. Deputy Director Young made a motion to adopt the Consent Agreement, Decision and Order, seconded by Director Ryan, motion carried unanimously.

Case #5 – Jose L. Morales – Phoenix Police Department

The Board considered comments from Compliance Manager Jack Lane. Sergeant Nelson made a motion to adopt the Findings of Fact and Conclusions of Law and revoke peace officer certification, seconded by Deputy Director Young, motion carried unanimously.

Case #6 – Kevin P. Moran – formerly of the Chino Valley Police Department

Sheriff Mascher recused himself from this case. The Board considered comments from Compliance Manager Jack Lane. Chief Campbell made a motion to adopt the Findings

of Fact and Conclusions of Law and revoke peace officer certification, seconded by Sergeant Nelson, motion carried unanimously.

J. New Charging Cases:

Case #1 – Chris E. Melendez – AZ Department of Public Safety

Deputy Director Young recused himself from this case. The Board considered comments from Compliance Specialist Ted Brandon. Sergeant Andreacola made a motion to close this case with **No Action with Agency Discretion**, seconded by Sheriff Pribil, motion carried unanimously.

Case #2 – Daniel O. Verdugo – AZ Department of Public Safety

Deputy Director Young and Chief Campbell recused themselves from this case. The Board considered comments from Compliance Specialist Ted Brandon. Professor Stemley made a motion to **Initiate Proceedings**, seconded by Mr. Brown, motion carried unanimously.

Case #3 – Anthony J. Doran – Pima County Sheriff's Department

The Board considered comments from Compliance Specialist Mike Deltenre. Chief Campbell made a motion to **Initiate Proceedings**, seconded by Deputy Director Young, motion carried unanimously.

Case #4 – Curtis E. Goodin – Douglas Police Department

The Board considered comments from Compliance Specialist Mike Deltenre. Deputy Director Young made a motion to **Initiate Proceedings**, seconded by Director Ryan, motion carried unanimously.

Case #5 – Marcos M. Mendez – Cochise County Sheriff's Department

The Board considered comments from Compliance Specialist Mike Deltenre. Professor Stemley made a motion to **Research Further**, seconded by Sergeant Nelson, motion carried unanimously.

Case #6 – William G. Jump – Phoenix Police Department

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

Case #7 – Thomas J. Bleichroth – El Mirage Police Department

Chief Campbell recused himself from this case. The Board considered comments from Compliance Specialist Jeff Kirkham. Detention Director Olson made a motion to close this case with **No Action with Agency Discretion**, seconded by Mr. Pacheco, motion carried unanimously.

Case #8 – Nathaniel M. Grant – San Carlos Tribal Police Department

The Board considered comments from Compliance Specialist Jeff Kirkham. Mr. Pacheco made a motion to close this case with ***No Action with Agency Discretion***, seconded by Chief Campbell, motion carried unanimously.

Case #9 – Stephen R. Reeder – Apache Junction Police Department

The Board considered comments from Compliance Specialist Jeff Kirkham. Sheriff Mascher made a motion to close this case with ***No Action with Agency Discretion***, seconded by Sergeant Nelson, motion carried unanimously.

Case #10 – Raymond L. Davis – Prescott Valley Police Department

Sheriff Mascher recused himself from this case. The Board considered comments from Compliance Specialist Gary Maschner. Chief Campbell made a motion to close this case with ***No Action***, seconded by Professor Stemley; further discussion ensued. Chief Campbell made a motion to close this case with ***No Action with Agency Discretion***, seconded by Mr. Pacheco, motion carried unanimously.

Case #11 – Elijah Johnston – Flagstaff Police Department

The Board considered comments from Compliance Specialist Gary Maschner. Mr. Pacheco made a motion to close this case with ***No Action with Agency Discretion***, seconded by Professor Stemley, motion carried unanimously.

Case #12 – Soren C. Johnson – Glendale Police Department

The Board considered comments from Compliance Specialist Mike Rosenberger. Sergeant Nelson made a motion to ***Initiate Proceedings***, seconded by Chief Rodbell, motion carried unanimously.

Case #13 – Marciano R. Murillo – Buckeye Police Department

Detention Director Olson recused himself from this case. The Board considered comments from Compliance Specialist Mike Rosenberger. Mr. Brown made a motion to ***Initiate Proceedings***, seconded by Sergeant Nelson, motion carried unanimously.

K. Call to the Public

No one wished to address the Board during the Call to the Public.

L. Adjourn

Chairman Coker adjourned the meeting at 12:26 p.m.