



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 DECEMBER 16, 2015 PHOENIX, ARIZONA

A public meeting of the Arizona Peace Officer Standards and Training Board was convened on December 16, 2015, at its administrative building, located at 2643 E. University Drive, Phoenix, AZ.

Board Members Present:

Sergeant Chris Andreacola, Tucson Police Department
Sergeant Leo Aparicio, Pinal County Sheriff's Office (recused from entire meeting)
Mr. David Brown, Public Member
Chief Lawrence Hall, Buckeye Police Department
Sheriff Scott Mascher, Yavapai County Sheriff's Office
Colonel Frank Milstead, AZ Department of Public Safety
Detention Director Mike Olson, Maricopa County Sheriff's Office
Chief Alan Rodbell, Scottsdale Police Department
Director Charles Ryan, AZ Department of Corrections
Professor Cornel Stemley, Grand Canyon University

Board Members Absent:

Mr. H. Jeffrey Coker, Chairman
Assistant Attorney General Donald Conrad, representing Attorney General Mark Brnovich
Sheriff Mark Dannels, Cochise County Sheriff's Office

Staff in Attendance:

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

Assistant Attorneys General

Michael Saltz

Seth Hargraves

Christopher Munns, Solicitor General's Office

A. Call to Order

Acting Chairman Rodbell called the meeting to order at 10:00 a.m.

B. Introductions, Presentations and Announcements

Executive Director Mann introduced two new board members, Chief Lawrence Hall of the Buckeye Police Department; he replaces Chief Steve Campbell and Sergeant Leo Aparicio of the Pinal County Sheriff's Office; he replaces Sergeant Tim Williams. Sergeant Aparicio will be an observer at today's meeting and will not be voting on or participating in any discussion. He also introduced Michael Nila from the Blue Courage Organization. He then presented a plaque to Training Supervisor Rick Watling, who will be retiring at the end of this week. Rick retired from the Department of Public Safety after 36 years of service; he then came to AZ POST and we were lucky to have him for over 12 years. He thanked Rick for his many years of exemplary service and stressed that he will be greatly missed by everyone.

C. Executive Director's Report

A train-the-trainer class for Blue Courage is being held this week at AZ POST; there are 50 students in this class with 20 of those being from Arizona. The next step is to establish a master train-the-trainer program within the State of Arizona to continue to build and establish trainers for any agency who wishes to incorporate this program into their training. We are working on the development of an FTO Program that will support Blue Courage in the academy. The Maryvale Police Precinct has been selected as a community partner as part of the FTO Program in order to train officers to engage and learn about the community in a structured way. That FTO can then be used as part of the community action officer group within the precinct to foster relationships and encourage community involvement. This program will be modeled after the New York City program.

A meeting was held on December 15, 2015, at 12 pm at AZ POST to allow for public comment to the proposed rule changes. There were no public comments made so we will move forward with the rule package and submit it to the Governor's Regulatory Review Council (GRRC) for approval. GRRC will hold a meeting in February to determine whether or not to approve the rule package.

The budget continues to be a problem with revenues continuing to fall.

We have one compliance specialist position that is vacant and we are hoping to fill in the near future. Also, we are hoping to fill the Training Supervisor position which was vacated by Rick Watling's retirement. We are currently in the process of hiring a Facilities Maintenance Worker to handle the maintenance needs of our building.

A plan is being developed to submit a proposal to the legislature for 15 million dollars in additional funding. The money would be used to: 1) \$2 million to remodel and refurbish the two main academies; 2) \$2 million to create a statewide Crisis Intervention Training Program; 3) \$5 million to purchase 15 video based scenario simulators; 4) \$2 million to provide active shooter de-escalation training; and 5) \$2 million to resurface and maintain the driver tracks around the state. The Board felt that more detailed information was necessary before moving forward with this request. Executive Director Mann will ask Chairman Coker to appoint a subcommittee to review this matter if it goes forward.

D. Accept, Reject or Modify the petition for establishment of a new classification of AZ POST Training Compliance Specialist

Due to recent and future retirements in the Certification and Waiver Testing Section, it was determined that there was a need to fill the vacant positions by creating a new classification with duties more specific to the needs of the unit. A review of the job duties determined that the classification of AZ POST Training Compliance Specialist best fits those needs. Once the new classification has been approved by the Law Enforcement Merit System Council (LEMSC), two individuals will be hired to fill these positions.

Mr. Brown made a motion that staff work with DPS Human Resources staff and the LEMSC to establish the position of AZ POST Training Compliance Specialist, seconded by Sheriff Mascher, motion carried unanimously.

E. Review, Discussion and Possible Action on petition from the Pima County Sheriff's Department for a determination that applicant Jared Ernest's drug usage was experimental

The Pima County Sheriff's Department petitioned the Board to determine that the drug usage by applicant Jared Ernest was experimental. Chief Deputy Christopher Radtke addressed the Board to ask that the petition be granted.

Colonel Milstead made a motion to grant the petition for a determination that the pre-employment use of dangerous drugs by applicant Jared Ernest was experimental, seconded by Professor Stemley, motion carried unanimously.

F. Final Action Cases:

Case #1 – Justin L. Shelton – AZ Department of Public Safety

Colonel Milstead recused himself from this case. The Board considered comments from Assistant A.G. Seth Hargraves, Assistant A.G. Christopher Munns, and Dale Norris, attorney for Justin Shelton. Professor Stemley made a motion to adopt the Administrative Law Judge's Findings of Fact and Conclusions of Law and suspend peace officer certification until lapse, motion failed due to lack of a second. Detention Director Olson made a motion to adopt the Administrative Law Judge's Findings of Fact and Conclusions of Law and revoke peace officer certification, motion failed due to lack of a second. Sergeant Andreacola made a motion to adopt the Administrative Law Judge's Findings of Fact and Conclusions of Law and suspend peace officer certification for a

period of two years from January 31, 2014, to January 31, 2016, seconded by Professor Stemley, motion carried with one nay vote.

Case #2 – Rosalino M. Flores Jr. – Salt River Pima-Maricopa Indian Community

The Board considered comments from Assistant A.G. Seth Hargraves. Sergeant Andreacola 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 #3 – David A. Gross – 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 Director Ryan, motion carried unanimously.

Case #4 – Stuart S. Babcock – Phoenix Police Department

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 Sheriff Mascher, motion carried unanimously.

Case #5 – Dallin G. McClellan – Casa Grande 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 voluntary relinquishment of peace officer certification, seconded by Director Ryan, motion carried unanimously.

Case #6 – Orlando S. Jimenez – Casa Grande Police Department

The Board considered comments from Assistant A.G. Seth Hargraves. Professor Stemley made a motion to adopt the Findings of Fact and Conclusions of Law and revoke peace officer certification, seconded by Sergeant Andreacola, motion carried unanimously.

G. New Charging Cases:

Case #1 – Marcor E. Greenwood – Navajo County Sheriff's Office

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 Mr. Brown, motion carried unanimously.

Case #2 – Roberto M. Sheets – Winslow Police Department

The Board considered comments from Compliance Specialist Ted Brandon. Mr. Brown made a motion to **Initiate Proceedings**, seconded by Professor Stemley. Sheriff Mascher made a motion to reconsider the first motion in order to discuss this case further, seconded by Colonel Milstead. Mr. Brown then made a motion to **Resolve in the Future**, seconded by Sheriff Mascher, motion carried unanimously.

Case #3 – Kee A. Thinn – Navajo Division of Public Safety

The Board considered comments from Compliance Specialist Ted Brandon. Colonel Milstead made a motion to close this case with **No Action**, seconded by Mr. Brown, motion carried unanimously.

Case #4 – Zachery M. Fecteau – Glendale Police Department

The Board considered comments from Compliance Specialist Mike Deltenre. Colonel Milstead made a motion to close this case with **No Action**, seconded by Mr. Brown, motion carried unanimously.

Case #5 – Victor M. Guzman-Heredia – Maricopa County Sheriff's Office

Detention Director Olson recused himself from this case. The Board considered comments from Compliance Specialist Mike Deltenre. Sheriff Mascher made a motion to close this case with **No Action with Agency Discretion**, seconded by Professor Stemley, motion carried unanimously.

Case #6 – Daniel C. Hahl – Maricopa County Sheriff's Office

Detention Director Olson 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 Professor Stemley, motion carried unanimously.

Case #7 – Zachariah J. Ohs – Flagstaff Police Department

The Board considered comments from Compliance Specialist Mike Deltenre. Colonel Milstead made a motion to close this case with **No Action with Agency Discretion**, seconded by Sheriff Mascher, motion carried unanimously.

Case #8 – Daniel M. Santa Cruz – Tucson Police Department

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

Case #9 – Steven J. Armstrong – Mohave County Sheriff's Office

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

Case #10 – Michael J. Derfus – AZ Department of Transportation - ECD

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

Case #11 – Jesus A. Meza – Cocopah Tribal Police Department

The Board considered comments from Compliance Specialist Steve Jacobs. Sergeant Andreacola made a motion to **Initiate Proceedings**, seconded by Professor Stemley, motion carried with one nay vote.

Case #12 – Paul J. Riccio – Goodyear Police Department

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

H. Future Agenda Items

No future agenda items were discussed.

I. Adjourn

Acting Chairman Rodbell adjourned the meeting at 11:58 a.m.