



# *Arizona Peace Officer Standards and Training Board*

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## **ARIZONA PEACE OFFICER STANDARDS AND TRAINING BOARD MINUTES OF MEETING MAY 18, 2011 PHOENIX, ARIZONA**

A public meeting of the Arizona Peace Officer Standards and Training Board was convened on May 18, 2011, at AZ POST, located at 2643 E. University Drive, Phoenix, AZ.

### Members Present:

Dr. Scott Decker  
Detective Lee Ann Dobbertin  
Director Bobby Halliday  
Chief Patricia Huntsman  
Chief Kevin Kotsur  
Ms. Wendy Larsen  
Mr. Gerald Richard, representing Attorney General Tom Horne  
Director Charles Ryan  
Sheriff Tom Sheahan  
Sergeant Robert Thompson

### Members Absent:

Mr. Joseph Duarte, Chairman  
Sheriff John Armer

### Staff in Attendance:

Ted Brandon  
Jim DeLung  
Marie Dryer  
Faith Fennell  
Rosalee Fitch  
Jon Heiden  
Bob Irish  
Steve Jacobs  
Lyle Mann  
Gary Maschner  
Curt Milam  
Paul Orfe  
Sandy Sierra  
Chester Szoltysik  
Rick Watling  
Maria Wheaton  
Don Yennie

Assistant Attorney General  
Diana Stabler

**A. CALL TO ORDER**

Acting Chair Huntsman called the meeting to order at 10:01 a.m.

**B. INTRODUCTIONS, PRESENTATIONS AND ANNOUNCEMENTS**

Executive Director Lyle Mann informed the Board that a Police Supervision class was in attendance at today's meeting.

Executive Director Mann also introduced Attorney General Tom Horne. Mr. Horne is a member of the POST Board; when he is unable to attend a meeting, Mr. Gerald Richard is authorized to be his representative on the Board. He thanked the Board for the work they do and offered the assistance of the Attorney General's Office in any way needed.

Executive Director Mann presented a plaque to Chief Deputy Jerry Sheridan of the Maricopa County Sheriff's Office for his years of service on the POST Board. Chief Deputy Sheridan was a POST Board member from 1999 to 2011.

**C. CONSENT AGENDA**

The Consent Agenda was approved unanimously, motion made by Mr. Richard, seconded by Detective Dobbertin.

1. Minutes of the Board meeting, held on March 16, 2011, were approved as written. Minutes of the Board meeting, held on April 20, 2011, were approved as written.
2. Ministerial Actions:
  - a. Certification Waivers:
 

Lauren J. Buhrow	Arizona Attorney General's Office
Joseph A. Patterson	Patagonia Marshal's Office
Roger J. Phillips	Yuma Police Department
Donald D. Randles	Pinal County Sheriff's Office
  - b. Instructor Certification Renewals: LIST ATTACHED TO AGENDA PACKET.
  - c. Training Program Confirmations: LIST ATTACHED TO AGENDA PACKET.
3. Decertification Status Report - As of March 31, 2011, the Compliance and Standards Unit had a caseload of 107 active cases. Five cases are ready for initial presentation; forty-three cases need further investigation; nine cases are pending service of or response to a Notice of Complaint or Decision; nine cases are pending a hearing; nine cases are ready for final action, and thirty-two cases are waiting for outside action, i.e., a criminal trial or civil service hearing.

4.	Income and Expense Statement – March 2011	
	Funds as of January 1, 2011	\$1,876,935.94
	CJEF Revenue	729,786.88
	Expenditures/Encumbrances	(416,638.26)
	Balance for January 31, 2011	\$2,190,084.56

#### **D. LEGISLATIVE UPDATE**

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

#### **E. SUMMARY OF CURRENT EVENTS**

Executive Director Mann updated the Board on the status of the 5-Year Rule Review. A review of the Board's rules is done on a 5-year schedule; the 5-year review is due this June. POST staff will be working on reviewing and updating the rules in order to develop a new set of rules that will reflect statutory changes and improved processes. Executive Director Mann also provided updates on the budget and the upcoming Pow Wow in July. He also informed the Board that AZ POST will once again provide ammunition reimbursement to those agencies that request it.

#### **F. COMMITTEE UPDATE**

The latest draft of the Semi-Automatic Qualification Course was discussed. AZ POST staff has been working with the Firearms Qualification Review Committee on this proposed course and it is anticipated that the final proposal will be presented to the Board for approval at the July meeting.

#### **G. REPORTS**

##### 1. Basic Training

ALEA – Major Jack Lane reported Class #458 with 30 recruits representing 11 agencies graduated on April 8, 2011. Class #459 started on February 14<sup>th</sup> and will graduate on June 24, 2011, with 24 recruits representing 12 agencies. Class #460 started on May 9<sup>th</sup> and will graduate on September 16, 2011, with 48 recruits representing 18 agencies. Class #461 will start on August 8<sup>th</sup> and graduate on December 16, 2011 and has 12 agencies reserving 47 spots. Class #462 will start on November 28<sup>th</sup> and graduate on April 6, 2012.

Chandler-Gilbert – Director Terpay reported Class #5 with 10 recruits graduated on April 28<sup>th</sup>. Class #6 started on October 9<sup>th</sup> and will graduate on August 24, 2011, and is currently down to 14 recruits. Class #7 started on May 7<sup>th</sup> and currently has 19 recruits. Class #8 will start on September 10<sup>th</sup> and they currently have 40 applications for that class.

Glendale Community College – provided a written report that states they currently have 3 classes in session. Class #68 will graduate on May 18<sup>th</sup>; Class #69 will graduate on June 18<sup>th</sup> with 14 recruits and Class #70 will graduate on December 7<sup>th</sup> and currently has 16 recruits.

SALETC – provided a written report that states Class #11-01 with 9 recruits graduated on May 5, 2011. Class #11-02 was scheduled to start on April 4<sup>th</sup> but has been rescheduled to start on July 11th.

2. Department of Corrections – Director Ryan reported that since the last meeting, 69 cadets graduated from COTA. They have 119 vacancies statewide. 14 cadets have graduated through the waiver process, which amounts to savings of over \$47,000 for the Department. They currently have 4 classes in session with 131 cadets attending. They also have a canine academy that graduated on May 4<sup>th</sup>.
3. Center for Leadership Excellence – Don Yennie reported that on April 7, 2011, LPO #20 graduated 28 students representing 16 agencies. LPO #21 recently started with 28 students representing 16 agencies. The Police Supervision Class that is attending this meeting has 37 students from 31 agencies. To date, 632 students representing 93 agencies have graduated from the LPO Program.
4. POST Training Section – Marie Dryer reported that the final draft of the Firearms Qualification Course has been distributed to agency heads and training coordinators. 28 calendar classes have been conducted since January of this year and 933 officers have been trained. They are currently finalizing the Fall Training Calendar with 33 classes and this will be posted on our website. The driver simulator has been used by five agencies since the last meeting and is currently at the Tactical Driver Instructor Training in Prescott Valley.

#### **H. FINAL ACTION CASES:**

##### Case #1 – Weston D. Ress – Cochise County Sheriff’s Office

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

##### Case #2 – Miguel J. Danielson Jr. – AZ Department of Transportation - MVD

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

##### Case #3 – Wayne P. Crum – Safford Police Department

*Chief Kotsur recused himself from this case.* The Board considered comments from Compliance Manager Bob Irish. Mr. Richard made a motion to adopt the Findings of Fact, Conclusions of Law and revoke peace officer certification, seconded by Dr. Decker, motion carried unanimously.

##### Case #4 – David J. French – Tempe Police Department

The Board considered comments from Compliance Manager Bob Irish. Director Halliday made a motion to adopt the Findings of Fact and Conclusions of Law and revoke peace officer certification, seconded by Detective Dobbertin, motion carried unanimously.

Case #5 – Joshua E. Samuelson – Flagstaff Police Department

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

Case #6 – William E. Gatewood – Maricopa County Sheriff's Office

The Board considered comments from Compliance Manager Bob Irish. Director Halliday made a motion to adopt the Findings of Fact and Conclusions of Law and revoke peace officer certification, seconded by Dr. Decker, motion carried unanimously.

**I. NEW CHARGING CASES:**Case #1 – Robert T. Blackmer – AZ Department of Corrections

*Director Ryan recused himself from this case.* The Board considered comments from Compliance Specialist Curt Milam. Mr. Richard made a motion to close this case with **No Action with Agency Discretion**, seconded by Director Halliday, motion carried with two nay votes.

Case #2 – Miguel Martinez – Douglas Police Department

The Board considered comments from Compliance Specialist Curt Milam. Chief Kotsur made a motion to **Initiate Proceedings**, seconded by Ms. Larsen. Chief Kotsur amended his motion to **Research Further**, seconded by Ms. Larsen, motion carried unanimously.

Case #3 – Angel M. Montalvo – Tucson Police Department

*Mr. Richard recused himself from this case.* The Board considered comments from Compliance Specialist Curt Milam. Director Halliday made a motion to **Initiate Proceedings**, seconded by Detective Dobbertin, motion carried unanimously.

Case #4 – Arthur L. Ocampo – Coolidge Police Department

The Board considered comments from Compliance Specialist Paul Orfe. Mr. Richard made a motion to **Initiate Proceedings**, seconded by Director Halliday, motion carried unanimously.

Case #5 – Veronica B. Olivares – South Tucson Police Department

The Board considered comments from Compliance Specialist Curt Milam. Mr. Richard made a motion to **Research Further**, seconded by Ms. Larsen, motion carried unanimously.

**J. CALL TO THE PUBLIC**

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

**K. ADJOURN**

Acting Chair Huntsman adjourned the meeting at 11:00 a.m.