



# *Arizona Peace Officer Standards and Training Board*

2643 East University Drive Phoenix, Arizona 85034-6914 Phone (602) 223-2514 Fax (602- 244-0477

## **ARIZONA PEACE OFFICER STANDARDS AND TRAINING BOARD MINUTES OF MEETING JULY 20, 2011**

A public meeting of the Arizona Peace Officer Standards and Training Board was convened on July 20, 2011, at the Little America Hotel in Flagstaff, AZ.

### Members Present:

Mr. Joseph Duarte, Chairman  
Sheriff John Armer  
Detective Lee Ann Dobbertin  
Colonel 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:

Dr. Scott Decker

### Staff in Attendance:

Harry Atkins  
Ted Brandon  
Dan Ciernia  
Marie Dryer  
Jon Heiden  
Bob Irish  
Steve Jacobs  
Lynn Larson  
Lyle Mann  
Gary Maschner  
Curt Milam  
Paul Orfe  
Sandy Sierra  
Chester Szoltysik  
Rick Watling  
Don Yennie

Assistant Attorney General  
Diana Stabler  
Nancy Beck

**A. CALL TO ORDER**

Chairman Duarte called the meeting to order at 2:02 p.m. and asked that a Moment of Silence be observed in memory of Bob Kaecker; who passed away on June 23, 2011. Mr. Kaecker was the husband of Chief Pat Huntsman of Chino Valley P.D.

**B. INTRODUCTIONS, RECOGNITIONS AND AWARDS**

Executive Director Mann stated there will be introductions made later in the meeting.

**C. CONSENT AGENDA**

The Consent Agenda was approved unanimously, motion made by Mr. Richard, seconded by Sheriff Armer.

1. Minutes of the Board meeting, held on May 18, 2011, were approved as written.  
Minutes of the Board meeting, held on June 15, 2011, were approved as written.
2. Ministerial Actions:
  - a. Certification Waivers:

Matthew S. Adair	Mesa Police Department
Donald E. Hancock Jr.	Cocopah Tribal Police Department
John C. Kleinhenz	Maricopa County Sheriff's Office
Shawn M. McFarland	Gilbert Police Department
Damas G. Salas	ASU Department of Public Safety
James K. Spurgeon	Cocopah Tribal Police Department
Norman D. Stauffer	Mohave 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 May 31, 2011, the Compliance Section had a caseload of 104 active cases. Five cases are ready for initial presentation; forty-two cases need further investigation; five cases are pending service of or response to a Notice of Complaint or Decision; ten cases are pending a hearing; six cases are ready for final action, and thirty-six cases are waiting for outside action, i.e., a criminal trial or civil service hearing.

4.	Income and Expense Statement	<u>May 2011</u>
	Funds as of May 1, 2011	\$2,581,719.56
	CJEF Revenue	708,776.18
	Expenditures/Encumbrances	(444,988.58)
	Balance for May 31, 2011	\$2,845,507.16

#### **D. REGULAR AGENDA**

##### Partnership with Lake Havasu City Police Department for Use of Video Recordings

The Lake Havasu City Police Department has established a video recording program that allows officers to audio and video record all contacts with the public. The head-mounted digital recording device can document whatever an officer sees or hears during the course of their shift. AZ POST would like to enter into a partnership with the Lake Havasu City Police Department in order to use its data bank of videos for training purposes.

AZ POST staff member Dan Ciernia provided a presentation which showcased the value of these video recordings. Chief Dan Doyle of the Lake Havasu City Police Department addressed the Board and answered questions regarding the video recordings and the recording equipment.

Sheriff Sheahan moved that staff enter into a grant agreement with the Lake Havasu City Police Department to increase their capacity to record police activities in return for the use of those recordings for Board purposes, seconded by Chief Huntsman, motion carried unanimously.

#### **E. LEGISLATIVE UPDATE**

Executive Director Mann informed the Board that House Bill 2613 becomes effective July 21, 2011. AZ POST has received a request from AZCOPS for an investigation into the Quartzsite Police Department. This is the first request received since the passing of House Bill 2613.

#### **F. SUMMARY OF CURRENT EVENTS**

Executive Director Mann discussed with the Board the medical marijuana law as it relates to the Board's position on current officers who are either caregivers or card holders for medical marijuana purposes. It was determined that the Board is precluded from taking action solely for these reasons and must wait until an employer has taken action and then review the matter once it comes before the Board. He also updated the Board on the status of the new firearms qualification project. After feedback from those agencies that have tested the new qualification, it was determined that further research needs to be done before the new qualification is finalized. He also informed the Board that agencies were provided reimbursement for ammunition costs to cover this year's annual qualification shoot.

**G. COMMITTEE UPDATE**

Executive Director Mann discussed the Agency Self-Service Center portal created by AZ POST to allow agencies direct access to various forms and tools. He encouraged agencies to utilize this valuable and informative system to attain information related to their agency.

**H. REPORTS**

## 1. Basic Training Academies

ALEA – Major Lane reported Class #459 graduated 24 recruits representing 12 agencies on June 24, 2011. Class #460 began on May 9<sup>th</sup> and will graduate on September 16, 2011, and is comprised of 44 recruits representing 18 agencies. Class #461 will begin on August 8<sup>th</sup> with a graduation date of December 16, 2011; they have 14 agencies that have reserved slots for this class. Class #462 will begin November 28<sup>th</sup> with a graduation date of April 6, 2012; currently 6 agencies have reserved slots for this class. The calendar year 2012 schedule is:

Class #463 will run from 2/13/12 – 6/22/12

Class #464 will run from 5/7/12 – 9/14/12

Class #465 will run from 8/6/12 – 12/14/12

Class #466 will run from 11/26/12 – 5/5/13

AWC – Director Colwell provided a written report that states Class #34 will begin next month.

Chandler-Gilbert - Director Terpay reported Class #6 began on October 9, 2010, and will graduate August 24, 2011, and is comprised of 13 recruits. Class #7 began on May 7<sup>th</sup> and is comprised of 15 recruits. Class #8 will begin September 10<sup>th</sup> and they currently have 22 open enrollees in the background process for this class and have 6 slots reserved for Mesa P.D. Class #9 is scheduled for August 2012.

Glendale Community College – Commander Leggett provided a written report that states Class #69 is a Phoenix P.D. class that is comprised of 14 recruits that is scheduled to graduate August 18<sup>th</sup>. Class #70 is comprised of 16 recruits and Class #71 is scheduled to July 31<sup>st</sup> with 18 recruits.

NARTA - Commander Rhodes provided a written report that states Class #31 is scheduled to begin August 8<sup>th</sup> and they have 35 reservations from 11 different agencies.

Pima Community College – Commander Lane provided a written report that states Class #10-01 began September 11, 2010, and graduated June 22, 2011, with 17 recruits.

Pima County S.O. – Lt. Palmer reported they have a class that began on March 28<sup>th</sup> and will graduate on August 26, 2011, and is comprised of 36 recruits. They are in the processing of constructing a live-fire shoot house that will be state-of-the-art and will be open for regional use hopefully by October of this year.

SALETC – John Leavitt from Tucson P.D. reported they had a recent commander change at the academy. The April class was canceled; they currently have a class that began July 11<sup>th</sup> and is comprised of 16 recruits. Their next class will begin in October and they hope to have 3-4 classes per year.

WALETA – Chief Doyle from Lake Havasu P.D. reported they do not currently have a class in process. Their next class will begin August 23, 2011, and they currently have 17 reservations for this class. They recently added ten more dorm rooms to their academy and can now house 22 recruits on site.

2. Department of Corrections – Director Ryan reported that during FY 11 they had 1200 out of 1286 cadets graduate; this is a 93.31% success rate. Since the last meeting, 73 cadets have graduated. They currently have 4 classes in session with 163 cadets. They have had 16 applicants go through the waiver process, saving the Department over \$52,000. They currently have 58 vacancies statewide.
3. Center for Leadership Excellence – Don Yennie reported LPO #21 recently graduated with 27 students representing 14 agencies. As of today 650 students representing 96 agencies have graduated from the LPO Program. He thanked all agency heads for allowing employees to attend this program and thus contributing to this success rate. LPO #22 begins July 25<sup>th</sup> and this class is full with 36 students. A new program they are starting is called Leadership Days. The purpose of this program is to discuss leadership principles and concepts to get the message of leadership out to the agencies.
4. AZ POST Training Section - Marie Dryer reported that the E-Learning Program is moving slowly. Game and Fish and the Department of Correction have offered some test groups to test the system. The lottery for calendar classes has been completed and agency training coordinators will be notified of the results. There are 35 classes scheduled for this fall and more will be added. The Training Coordinator Annual Meeting will be held September 7<sup>th</sup>. Agencies will now be reimbursed for mileage for the use of agency vehicles when an officer attends AZ POST training classes; the reimbursement rate is .19 cents a mile.

## **I. FINAL ACTION CASES:**

### Case #1 – Victor M. Chavez – Somerton Police Department

*Mr. Richard recused himself from this case.* The Board considered comments from Assistant A. G. Nancy Beck and Jimmy Cool, attorney for Mr. Chavez. Sheriff Armer made a motion to adopt the Stipulated Findings of Fact and Conclusions of Law and impose a 1-year suspension of peace officer certification beginning on July 20, 2011, and ending on July 20, 2012, seconded by Ms. Larsen, motion carried with two nay votes.

### Case #2 – Arthur L. Ocampo – Coolidge Police Department

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

Case #3 – Brent V. Thomas – Glendale Police Department

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

Case #4 – Timothy D. Bowman – AZ Department of Public Safety

*Colonel Halliday 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 and Conclusions of Law and revoke peace officer certification, seconded by Detective Dobbertin, motion carried unanimously.

**J. NEW CHARGING CASES:**Case #1 – Jeffrey A. Burchfield – Pinal County Sheriff's Office

The Board considered comments from Compliance Specialist Gary Maschner. Chief Huntsman made a motion to close this case with **No Action**, seconded by Sheriff Armer, motion carried unanimously.

Case #2 – Michael A. Cordova – Clifton Police Department

The Board considered comments from Compliance Specialist Paul Orfe. Chief Kotsur made a motion to **Initiate Proceedings**, and to include rule violations R13-4-109(A)(7, 8 and 9), seconded by Sheriff Sheahan, motion carried with one nay vote.

Case #3 – Christopher C. Enkhaus – Phoenix Police Department

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

Case #4 – Erik Levandowski – Phoenix Police Department

The Board considered comments from Compliance Specialist Steve Jacobs. Colonel Halliday made a motion to **Initiate Proceedings**, seconded by Detective Dobbertin, motion carried unanimously.

Case #5 – Alta Jensen – Navajo Division of Public Safety

The Board considered comments from Compliance Specialist Ted Brandon. Sheriff Sheahan made a motion to **Initiate Proceedings**, seconded by Colonel Halliday, motion carried unanimously.

Case #6 – Abel P. Rosas – Inactive

The Board considered comments from Compliance Specialist Steve Jacobs. Chief Huntsman made a motion to **Initiate Proceedings**, seconded by Colonel Halliday, motion carried unanimously.

Case #7 – Abner Upshaw Jr. – San Carlos Tribal Police Department

*Sheriff Armer recused himself from this case.* The Board considered comments from Compliance Specialist Ted Brandon. Mr. Richard made a motion to **Initiate Proceedings**, seconded by Detective Dobbertin, motion carried unanimously.

**K. CALL TO THE PUBLIC**

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

**L. ADJOURN**

Chairman Duarte adjourned the meeting at 3:28 p.m.