



Arizona Peace Officer Standards and Training Board

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MINUTES OF MEETING AUGUST 21, 2013 PHOENIX, ARIZONA

A public meeting of the Arizona Peace Officer Standards and Training Board was convened on August 21, 2013, at AZ POST, located at 2643 E. University Drive, Phoenix, AZ.

Members Present:

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

Members Absent:

Sergeant Chris Andreacola
Chief Kevin Kotsur
Sheriff Bill Pribil
Director Charles Ryan

Staff in Attendance:

Ted Brandon
Dan Ciernia
Mike Deltenre
Marie Dryer
Sandy Hansberger
Lynn Howe
Steve Jacobs
Jeff Kirkham
Lynn Larson
Lyle Mann
Gary Maschner
Mike Rosenberger
Sandy Sierra
Chester Szoltysik

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 Mann informed the Board that a Police Supervision Class was in attendance at today's meeting. He also informed the Board that Lt. Cathy Masters from the Pima County Sheriff's Department will be joining POST and will be assigned to In-Service Training. He advised the Board that a replica of the statue at the AZ Peace Officers Memorial will be placed in the boardroom in the newly constructed case.

C. Consideration and Discussion of a Special Complaint Subcommittee

Assistant A.G. Diana Stabler discussed with the Board the need to form a new subcommittee to deal with complaints against an agency head or an agency where there are known problems that would make obtaining a reliable investigation questionable. The Special Complaint Subcommittee will handle special complaints at an early stage; so that matters may be processed more expeditiously. The Special Complaint Subcommittee will operate as follows:

1. The Chair will appoint a two-member subcommittee.
2. The committee will meet as needed to review special complaints and the evidence provided in support of those complaints.
3. The committee will divide the complaints into categories such as:
 - a. Outside POST jurisdiction.
 - b. Unsupported by adequate evidence to justify an investigation.
 - c. Pursue POST or outside investigation.

Complaint allegations that are designated for investigation will be investigated and brought before the full Board as a regular charging decision case. Complaints designated as outside POST's jurisdiction, not rising to the level requiring POST involvement or unsupported by adequate evidence to warrant an investigation will be summarized and placed on the Board's Consent Agenda so that every Board member knows what was alleged and how it was handled.

The Board voted unanimously to support the formation of a Special Complaint Subcommittee. Chief Steve Campbell and Mr. Dave Brown will sit on this committee and Mr. Jeffrey Coker will be an alternative member in the case of a recusal for any reason.

D. Final Action Cases:

Case #1 – Theodore Parker – Yuma County Sheriff’s Office

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

Case #2 – Steven H. Carpenter – Maricopa County Sheriff’s Office

Detention Director Olson recused himself from this case. The Board considered comments from Assistant A.G. Diana Stabler. Sergeant Nelson made a motion to adopt the Consent Agreement, Decision and Order for voluntary relinquishment of peace officer certification, seconded by Chief Campbell, motion carried unanimously.

Case #3 – Vanessa A. Mendoza – St. Johns Police Department

Mr. Pacheco recused himself from this case. The Board considered comments from Assistant A.G. Nancy Beck and Vanessa Mendoza. Sergeant Nelson made a motion to adopt the Administrative Law Judge’s Findings of Fact and Conclusions of Law and revoke peace officer certification, seconded by Sheriff Mascher, motion carried unanimously.

Case #4 – James O’Neil – Chandler Police Department

Mr. Pacheco recused himself from this case. The Board considered comments from Assistant A.G. Nancy Beck. Sheriff Mascher made a motion to adopt the Administrative Law Judge’s Findings of Fact and Conclusions of Law and take no action, seconded by Detention Director Olson, motion carried unanimously.

Case #5 – Matthew A. Hedrick – Salt River Pima-Maricopa Indian Community

The Board considered comments from Assistant A.G. Nancy Beck and Michelle Mozden, attorney for Matthew Hedrick. Sheriff Mascher made a motion to adopt the Consent Agreement, Stipulated Findings of Fact, Conclusions of Law and Order and impose a two-year suspension of peace officer certification beginning on January 7, 2012, and ending on January 7, 2014, seconded by Chief Campbell, motion carried unanimously.

Case #6 – Joseph R. Kirby – Buckeye Police Department

The Board considered comments from Assistant A.G. Diana Stabler and Kathryn Baillie, attorney for Joseph Kirby. Detention Director Olson made a motion to adopt the Consent Agreement, Decision and Order and impose a one-year suspension of peace officer certification beginning on July 19, 2012, and ending on July 19, 2013, seconded by Sergeant Nelson, motion carried unanimously.

Professor Stemley arrived at the meeting at this time.

Case #7 – Matthew F. Manzano – Goodyear Police Department

The Board considered comments from Assistant A.G. Diana Stabler and Kathryn Baillie, attorney for Matthew Manzano. Sheriff Mascher made a motion to adopt the Consent Agreement, Decision and Order and impose a one-year suspension of peace officer certification beginning on May 11, 2012, and ending on May 11, 2013, seconded by Chief Campbell, motion carried unanimously.

Case #8 – Anthony P. Mayer – Gila River Police Department

The Board considered comments from Assistant A.G. Diana Stabler. Deputy Director Young made a motion to adopt the Consent Agreement, Decision and Order and impose a six-month suspension of peace officer certification beginning on February 15, 2013, and ending on August 15, 2013, seconded by Mr. Pacheco, motion carried unanimously.

Case #9 – Irasema Teran – Marana Police Department

Sergeant Nelson recused himself from this case. The Board considered comments from Assistant A.G. Nancy Beck. Chief Campbell made a motion to adopt the Consent Agreement, Stipulated Findings of Fact, Conclusions of Law and Order and impose a two-year suspension of peace officer certification beginning on January 24, 2012, and ending on January 24, 2014, seconded by Deputy Director Young, motion carried unanimously.

Case #10 – Nathan E. Newell – Flagstaff Police Department

Chairman Coker and Mr. Pacheco recused themselves from this case. Deputy Director Young was acting chair. The Board considered comments from Assistant A.G. Diana Stabler and Nathan Newell. Sheriff Mascher made a motion to adopt the Findings of Fact and Conclusions of Law and suspend peace officer certification until lapse, seconded by Sergeant Nelson, motion carried unanimously.

E. New Charging Cases:Case #1 – Eric A. Clevinger – Bullhead City Police Department

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

Case #2 – Charles J. Dancer – Tucson Police Department

The Board considered comments from Compliance Specialist Mike Deltenre. Detention Director Olson made a motion to Initiate Proceedings, seconded by Sergeant Nelson. Motion was withdrawn. Detention Director Olson made a motion to **Research Further**, seconded by Sergeant Nelson, motion carried unanimously.

Case #3 – Joseph E. Denman – Apache Junction Police Department

The Board considered comments from Compliance Specialist Jeff Kirkham. Sheriff Mascher made a motion to **Initiate Proceedings**, seconded by Mr. Pacheco, motion carried unanimously.

Case #4 – John B. Hill – Tucson Police Department

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

Case #5 – Nate D. Knight – Pinal County Sheriff's Office

The Board considered comments from Compliance Specialist Gary Maschner. Deputy Director Young made a motion to **Initiate Proceedings**, seconded by Sergeant Nelson, motion carried unanimously.

Case #6 – Lucas R. McCain – Oro Valley Police Department

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

Case #7 – Dano Moore – Somerton Police Department

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

Case #8 – Jose L. Morales – Phoenix Police Department

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

Case #9 – Mark A. Raimo – Phoenix Police Department

Chief Campbell recused himself from this case. The Board considered comments from Compliance Specialist Steve Jacobs. Sheriff Mascher made a motion to close this case with **No Action**, seconded by Sergeant Nelson. Motion was withdrawn; after further discussion it was determined that this case will be tabled for further investigation.

Case #10 – John T. Tynes – Patagonia Marshal's Office

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

F. Adjourn

Chairman Coker adjourned the meeting at 11:44 a.m.