



Arizona Peace Officer Standards and Training Board

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AMENDED MINUTES OF MEETING SEPTEMBER 18, 2013 PHOENIX, ARIZONA

A public meeting of the Arizona Peace Officer Standards and Training Board was convened on September 18, 2013, at AZ POST, located at 2643 E. University Drive, Phoenix, AZ.

Members Present:

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

Members Absent:

Sergeant Chris Andreacola
Chief Steven Campbell
Sheriff Scott Mascher

Staff in Attendance:

Ted Brandon
Dan Ciernia
Jim DeLung
Mike Deltenre
Marie Dryer
Sandy Hansberger
Steve Jacobs
Jeff Kirkham
Cathy Masters
Lyle Mann
Gary Maschner
Donna Mulvey
Mike Rosenberger
Sandy Sierra
Chester Szoltysik
Rick Watling

Assistant Attorney General

Diana Stabler

Nancy Beck

Christopher Munns, Solicitor General's Office

A. Call to Order

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

B. Introductions, Presentations and Announcements

Executive Director Mann introduced Mr. Andrew Pacheco; who is the new assistant attorney general representing Attorney General Tom Horne on the Board. He also introduced three new AZ POST staff members. Jack Lane will be the new Compliance Program Administrator; Lt. Cathy Masters of the Pima County Sheriff's Department is the In-Service Training Supervisor and Officer Donna Mulvey of the Scottsdale Police Department is one of the In-Service Training Specialists. He also informed the Board that a Police Supervision class is in attendance at today's meeting.

C. Consent Agenda

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

1. Minutes of the Board meeting, held on July 17, 2013, were approved as written. Minutes of the Board meeting, held on August 21, 2013, were approved as written.
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 PACKET.
 - c. Training Program Confirmations: LIST ATTACHED TO AGENDA PACKET.

3. Income and Expense Statement – July 2013

Funds as of July 1, 2013	\$1,893,930.73
CJEF Revenue	568,125.86
Expenditures/Encumbrances/Sweeps	(530,401.28)
Balance for July 31, 2013	\$1,931,655.31

D. Training Deficiencies – BIA-Hopi Indian Agency

Under Arizona Administrative Code, *R13-4-109.01 Restriction of Certified Peace Officer Status: Training or Qualification Deficiencies*, "The Board shall restrict certified status if a peace officer fails to satisfy the requirements of R13-4-111." The restriction shall remain in effect until the training or qualification requirement is met and written verification is provided to the Board.

Officers Ivan Sidney and Howard Sakiestewa of the BIA-Hopi Indian Agency are not in compliance for required annual training in calendar year 2012.

Mr. Pacheco made a motion to restrict the certification of Officers Howard Sakiestewa and Ivan Sidney for failure to complete annual training as required under R13-4-111 Certification Retention Requirements. This restriction shall remain in effect until staff receives documentation correcting all remaining deficient training areas, seconded by Professor Stemley, 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 informed the Board that the High Intensity Drug Trafficking Area (HIDTA) Program has established a training center on the Gila River Indian Reservation by Firebird Lake. AZ POST is working and coordinating with them in regards to training for officers and command level staff and also for RICO and Narcotic's Training. AZ POST, in conjunction with the Western AZ Law Enforcement Training Academy (WALEA); specifically Chiefs Dan Doyle of the Lake Havasu City Police Department and Bob DeVries of the Kingman Police Department, is working on a pilot program to allow veterans who have served in the military police to participate in the waiver program. The veterans who meet this standard will be allowed to take the waiver test without going through a full academy. It will start out with an 8-week academy to augment the training they receive in the military. They are working with the Veteran's Administration to help with recruitment for those individuals that meet the standards.

G. Committee Update

Executive Director Mann stated the Special Complaint Subcommittee met last month and the minutes for that meeting will be in the November agenda materials.

H. Reports

1. Basic Training Academies

ALEA – Commander Mark Perkovich reported Class #468 began on May 6, 2013, and graduated on September 13, 2013, with 49 recruits. Class #469 began on August 12, 2013, and will graduate December 20, 2013; the class currently has 35 recruits. Class #470 will begin November 4, 2013; they will implement the Blue Courage Pilot Program with this class.

AZ Western College – No report.

Chandler-Gilbert Community College – Director Jon Terpay reported Class #11 began January 2, 2013, and will graduate on November 20, 2013; the class currently has 10 recruits. Class #12 began July 2, 2013; the class currently has 18 recruits. All recruits will now be equipped with radios and shoulder mics.

Glendale Community College – Director Penny Babb reported they currently have 3 classes in session. Class #76 and #78 are being held in Glendale with 20 recruits in those classes. Class #77 is a reserve program for the Phoenix Police Department; there are 9 recruits in that class. She is working on a project on how to run a reserve program to assist agencies with utilizing reserves. She now has three full-time staff members.

Mesa Police Department – Lt. Dana McBride reported Class #34 currently has 26 recruits from 5 agencies; they will graduate November 21, 2013. Their next class will begin January 27, 2014.

Mr. Brown stated he would like to know if academy graduation dates could be posted on the AZ POST website. He and other Board members would be interested in attending a graduation. Executive Director Mann stated this would be done.

NALETA – AZ POST Program Administrator Marie Dryer reported they may have a class starting in January 2014.

NARTA – John Brambila reported Class #35 began August 6, 2013, and will graduate on December 6, 2013; they currently have 39 recruits from 20 agencies. Class #35 will begin January 6, 2014; they currently have 12 reservations from 4 agencies.

Pima Community College – Julie Daglio reported Class #13-01 began September 11, 2013, and will graduate on May 21, 2014; the class currently has 29 recruits, 27 are open enrollees and two have been sponsored.

Pima County Sheriff's Department – Provided a written report; presented by AZ POST Program Administrator Marie Dryer, which states Class #13-2 began September 9, 2013; they currently have 15 recruits.

SALETC – Commander Bruce Smith reported Class #13-3 began July 15, 2013, and will graduate on November 7, 2013; the class currently has 39 recruits. Class #13-4 will begin October 7, 2013; they currently have 59 reservations from 18 agencies for this class.

Chairman Coker requested of POST staff a summary of the number of graduates in one year's time. He specifically would like to know how the graduation rate matches up to the market rate.

Executive Director Mann stated staff will prepare a spreadsheet with the number of cadets in each class and the anticipated graduation dates. Pertinent information will be provided in the Consent Agenda starting with November's meeting.

WALETA – Sgt. Shane Sloma reported they currently have a class with 18 recruits. The next class will be in January 2014 and they have 10 reservations so far for this class. They will be starting a class in July 2014 for military police veterans. They will start a dispatcher academy in January 2014.

2. Department of Corrections – Director Ryan reported that since the last regular meeting, 68 cadets have graduated from COTA. They currently have five classes with 176 cadets. They have 314 vacancies statewide and have a 2.8% attrition rate. One cadet has graduated through the waiver process; which amounts to savings of over \$3,900 for the Department.
3. In-Service Training – Jim DeLung reported they have two new staff members in training and thanked all those who provided support in the past few months while they have been short staffed. The Agency Self Service Center (ASSC) allows agency training coordinators electronic access to the training portal in order to register participants for classes; this in turn provides training staff with more time to handle other projects.
4. Special Projects/Digital Media Training – Marie Dryer reported that since the last meeting, the driver simulator was utilized by six agencies with 216 officers receiving this training. Below 100 Training continues and Blue Courage Training will begin soon. Several agencies have requested BJA Funding to obtain this training. Physician Training will be held November 13, 2013, at AZ POST. The Legal Update DVD will be released in October. The Digital Media Unit is

looking to create and fill a Production Specialist position to assist the Video Production Supervisor.

I. Final Action Cases:

Case #1 – Illario Talvy – Tombstone Marshal’s Office

This case was continued to October 16th.

Case #2 – Scott T. Berry – Salt River Pima-Maricopa Indian Community

Mr. Pacheco recused himself from this case. The Board considered comments from Assistant A.G. Nancy Beck and Mike Storie, attorney for Scott Berry. After a lengthy discussion, the Board voted to go into Executive Session at 11:40 a.m. to obtain legal advice from its attorney, Solicitor General Chris Munns. The Open Meeting reconvened at 11:55 a.m.

Sheriff Pribil made a motion to adopt the Administrative Law Judge’s Findings of Fact, seconded by Sergeant Nelson, motion carried unanimously.

Sergeant Nelson made a motion to modify and adopt the Conclusions of Law as proposed by Assistant A.G. Nancy Beck, seconded by Professor Stemley, motion carried with two nay votes.

Sergeant Nelson made a motion to impose a one year suspension of peace officer certification, beginning on December 27, 2011 and ending on December 27, 2012, seconded by Professor Stemley, motion carried with two nay votes.

Case #3 – Jerry L. Schuiteboer – Phoenix 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 for voluntary relinquishment of peace officer certification, seconded by Sheriff Pribil, motion carried unanimously.

Case #4 – Lisa B. Bishop – Flagstaff Police Department

Mr. Coker and Sheriff Pribil recused themselves from this case. Deputy Director Young was acting chair. The Board considered comments from Assistant A.G. Diana Stabler. Mr. Brown made a motion to adopt the Consent Agreement, Decision and Order and suspend peace officer certification for three months beginning on November 13, 2012 and ending on February 13, 2013, seconded by Professor Stemley, motion carried unanimously.

Case #5 – Ronnie J. Morales – Somerton Police Department

Mr. Pacheco recused himself from this case. The Board considered comments from Assistant A.G. Nancy Beck and Rick Carter, attorney for Ronnie Morales. Detention Director Olson made a motion to adopt the Consent Agreement, Decision and Order and suspend peace officer certification for one year beginning on May 29, 2012 and ending on May 29, 2013, seconded by Sergeant Nelson, motion carried unanimously.

Case #6 – Brian S. Gentry – Phoenix Police Department

The Board considered comments from Assistant A.G. Diana Stabler. Sheriff Pribil made a motion to adopt the Findings of Fact and Conclusions of Law and revoke peace officer certification, seconded by Director Ryan, motion carried unanimously.

Case #7 – Anthony Martinez – Phoenix Police Department

The Board considered comments from Assistant A.G. Diana Stabler. Mr. Brown made a motion to adopt the Findings of Fact and Conclusions of Law and suspend peace officer certification for three months effective November 29, 2012, seconded by Deputy Director Young, motion carried unanimously.

Case #8 – Guillermo Castro Jr. – Pascua Yaqui Police Department

The Board considered comments from Assistant A.G. Diana Stabler. Deputy Director Young made a motion to adopt the Findings of Fact and Conclusions of Law and suspend peace officer certification for one year beginning on October 2, 2012 and ending on October 2, 2013, seconded by Mr. Pacheco, motion carried unanimously.

J. New Charging Cases:Case #1 – Timothy E. Dixon – Holbrook Police Department

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

Case #2 – Darren G. Gerard – Bullhead City Police Department

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

Case #3 – Patrick J. Larson – Pima County Sheriff's Department

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

Case #4 – Jeffrey S. Marcum – Phoenix Police Department

The Board considered comments from Compliance Specialist Steve Jacobs. Detention Director Olson made a motion to **Initiate Proceedings**, seconded by Sheriff Pribil. He then amended the motion to **Research Further**, seconded by Sheriff Pribil, motion carried unanimously.

Case #5 – Amanda J. Martinez – AZ Department of Transportation/ECD

The Board considered comments from Compliance Specialist Mike Deltenre. Mr. Pacheco made a motion to **Initiate Proceedings**, seconded by Sergeant Nelson, motion carried unanimously.

Case #6 – Nicholas B. Messing – Pima County Sheriff's Department

The Board considered comments from Compliance Specialist Mike Deltenre. Sergeant Nelson made a motion to close this case with **No Action with Agency Discretion**, seconded by Mr. Pacheco, motion carried unanimously.

Case #7 – Usiel Molina – Phoenix Police Department

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

Case #8 – David A. Pepper – Eloy Police Department

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

Case #9 – Alberto Pimentel Jr. – Cocopah Tribal Police Department

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

Case #10 – Jim D. Salazar – Eloy Police Department

The Board considered comments from Compliance Specialist Ted Brandon. Deputy Director Young made a motion to close this case with **No Action**, seconded by Professor Stemley, motion carried unanimously.

Case #11 – Andrew D. Tomlinson – Phoenix Police Department

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

Case #12 – Jimmy Yazzie Jr. – Navajo Police Department

The Board considered comments from Compliance Specialist Ted Brandon. Deputy Director Young made a motion to **Initiate Proceedings**, seconded by Professor Stemley, motion carried unanimously.

Case #13 – Daniel P. Maggio – Mammoth Police Department

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

Case #14 – Richard H. Mueller – Pinal County Sheriff's Office

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

K. Call to the Public

Mike Palmer addressed the Board during the Call to the Public to ask the Board to keep a bad law out of the training syllabus. He was referring to the seizing of a person's weapon by a law enforcement officer.

L. Adjourn

Chairman Coker adjourned the meeting at 1:28 p.m.