



Arizona Peace Officer Standards and Training Board

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MINUTES OF MEETING SEPTEMBER 19, 2012 PHOENIX, ARIZONA

A public meeting of the Arizona Peace Officer Standards and Training Board was convened on September 19, 2012, at AZ POST, located at 2643 E. University Drive, Phoenix, AZ.

Members Present:

Mr. Joseph Duarte, Chairman
Sergeant Chris Andreacola
Chief Steven Campbell
Dr. Scott Decker
Chief Kevin Kotsur
Ms. Leesa Morrison, representing Attorney General Tom Horne
Deputy Anthony Nelson
Detention Director Mike Olson
Director Charles Ryan
Deputy Director Dennis Young, representing Director Bobby Halliday

Members Absent:

Sheriff John Armer
Ms. Wendy Larsen
Sheriff Scott Mascher

Staff in Attendance:

Ted Brandon
Jim DeLung
Mike Deltenre
Marie Dryer
Rosalee Fitch
Sandy Hansberger
Jon Heiden
Steve Jacobs
Lori Ketron
Jeff Kirkham
Lyle Mann
Gary Maschner
Paul Orfe
Sandy Sierra
Chester Szoltysik
Don Yennie

Assistant Attorney General
 Diana Stabler
 Nancy Beck

A. Call to Order

Chairman Duarte called the meeting to order at 10:00 a.m. and asked that a Moment of Silence be observed in memory of Cochise County Sheriff Larry Dever; who was killed in an automobile accident on September 18, 2012.

B. Introductions, Presentations and Announcements

Executive Director Lyle Mann informed the Board that a Police Supervision class, with approximately 31 students, is in attendance at today's meeting. Also in attendance is a Subject Matter Expert (SME) Group.

Executive Director Mann presented Sgt. Chris Myhre, from the Yavapai County Sheriff's Office, with a plaque in appreciation for his outstanding service to AZ POST as part of the General Instructor SME Group.

C. Consent Agenda

The Consent Agenda was approved unanimously, motion made by Chief Campbell, seconded by Director Ryan.

1. Minutes of the Board meeting, held on July 18, 2012, were approved as written. Minutes of the Board meeting, held on August 15, 2012, were approved as written.
2. Ministerial Actions:
 - a. Certification Waivers:

Richard D. Jessup	San Luis Police Department
Jeffrey J. Vasey	San Luis Police Department
Lucas C. Rothpletz	AZ Department of Transportation/ECD
Justin Nez	Navajo Department of Law Enforcement
Sandor T. Binkley	Mesa Police Department
Robert A. Garcia	Arizona Department of Economic Security
Daniel V. Garcia	Phoenix Police Department
Jaime Macias	Mohave County Sheriff's Office
Jon B. Huey	Yavapai-Apache Tribal Police Department
Dennis M. Feron	AZ Department of Transportation/ECD
 - b. Instructor Certification Renewals: LIST ATTACHED TO AGENDA PACKET.

- c. Training Program Confirmations: LIST ATTACHED TO AGENDA PACKET.

3. Income and Expense Statement – July 2012

Funds as of July 1, 2012	\$1,771,829.75
CJEF Revenue	576,091.87
Expenditures/Encumbrances/Sweeps	(403,854.96)
Balance for July 31, 2012	\$1,944,066.66

D.1 Grant Agreements

Executive Director Mann provided information to the Board on grant agreements. AZ POST provides financial assistance to agencies through grant agreements. Grant agreements provide support funding for training, firearms simulators, shooting range enhancements, building enhancements and other training needs. He provided a list of the grant agreements POST has provided so far this fiscal year.

D.2 Northeastern Arizona Law Enforcement Training Academy (NALETA) Audit

To insure compliance with R13-4-114 and R13-4-116, an on-site inspection of the Northeastern Arizona Law Enforcement Training Academy was conducted in order to determine if the academy met the prescribed standards. It was determined that standards were met.

Ms. Morrison moved to determine that the Northeastern Arizona Law Enforcement Training Academy through Northland Pioneer College meets all the requirements of R13-4-114 and R13-4-116; and the academy may provide the basic training required to receive certified peace officer status. The effective date of this determination is August 4, 2012, seconded by Deputy Director Young, motion carried unanimously.

E. Legislative Update

Executive Director Mann updated the Board on the agency certification study relating to accreditation of police agencies. A presentation was made to the Arizona Association of Chiefs of Police (AACOP) executive board at their annual meeting and it was determined that AACOP would like to move forward with this. AZ POST will support AACOP as the initiative moves forward.

F. Summary of Current Events

Executive Director Mann discussed the Below 100 Training that AZ POST is sponsoring throughout the state. The mission of the training is to reduce line-of-duty police deaths to

less than 100 per year. So far, nine training sessions have been scheduled and there is no charge for this valuable training.

G. Committee Update

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

H. Reports

1. Basic Training Academies

ALEA – Commander Mark Perkovich, newly selected commander for ALEA, reported Class #464 graduated on September 14, 2012; with 23 recruits representing 9 agencies. Class #465 began August 6, 2012; the class currently has 24 recruits. Class #466 will begin on November 26, 2012, and has 56 recruits signed up. They will be finalizing next year's budget this month.

Chandler-Gilbert – Director Jon Terpay reported Class #8 graduated on August 24, 2012; the class currently has 12 recruits. Class #9 began January 7, 2012, and will graduate on November 14, 2012; the class currently has 7 recruits. Class #10 began July 7, 2012; the class currently has 22 recruits. Class #11 will begin January 2, 2013, and has 21 applicants in the background process. They are requesting bids for the deck resurface and the portable radios are working great.

Glendale Community College – Provided a written report; presented by Training Manager Marie Dryer, which states that Class #73 began March 4, 2012, and currently has 15 recruits. Class #74 began July 29, 2012, and will graduate on May 17, 2013; they currently have 14 recruits. Class #75 is scheduled to begin on September 29, 2012, and has 18 recruits signed up. Class #76 is scheduled to begin March 2013.

Pima Community College – Program Manager Julie Daglio reported Class #12-01 began September 12, 2012, and will graduate on June 12, 2013; the class is an open enrollment class and currently has 23 recruits.

SALETC – Commander Bruce Smith reported Class #12-2 graduated on July 26, 2012; with 27 recruits. Class #12-3 began July 16, 2012, and will graduate on November 8, 2012; the class currently has 38 recruits. Class #12-4 will begin October 1, 2012, and so far has reservations from 14 agencies with a total of 47 applicants.

2. Department of Corrections – Director Ryan reported that since the last meeting, 50 cadets have graduated from COTA. They currently have four classes with 98 cadets. They have 162 vacancies statewide. Three cadets have graduated through the waiver process; which amounts to savings of over \$12,000 for the Department.

3. AZ Leadership Program – Don Yennie reported the FTO School in Lake Havasu graduated on July 23, 2012; with 32 students representing 12 agencies. A Police Supervision Class was taught in August with 39 students representing 29 agencies. ALP #2 graduated on August 23, 2012, with 33 students representing 26 agencies; thus far 799 students from 103 agencies have attended the Leadership Program. ALP #3 has completed week one with 33 students. ALP #4 orientation was recently held. 208 hours of training have been delivered during the last two months. Jim DeLung was the keynote speaker at the Prescott Valley Annual Awards Banquet on Organizational Culture.
4. POST Training Section – Marie Dryer reported that since the last meeting, they have had 11 training sessions; for a total of 647 attendees. Training included: A Sex Crimes Seminar that was done in partnership with AACOP and the Maricopa County Attorney’s Office; this was very well received with 53 attendees. The First Five Minutes, a tactical first-aid class, which is another well received class. The Constables Fall 2012 Training Conference included the driver simulator for part of that training. The Below 100 training sessions have begun; training coordinators can access the POST website for enrollment in these classes. The 2012 Legal Update DVD has just been released. The Civil Process Service and the Address Confidentiality Program are in the final processes and should be distributed by mid-October. The production phase of the Domestic Violence PSA project has been completed; this is in conjunction with El Mirage Police Department.

I. Final Action Cases:

Case #1 – Larry Eckhardt – Maricopa Police Department

Ms. Morrison recused herself from this case. 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 Chief Campbell, motion carried unanimously.

Case #2 – Jeffrey H. Gordon – Phoenix Police Department

Ms. Morrison and Deputy Director Young recused themselves from this case. The Board considered comments from Assistant A.G. Diana Stabler, Gerald Barrett, attorney for Officer Gordon and Officer Gordon. Deputy Nelson made a motion to modify the Consent Agreement, Decision and Order and suspend peace officer certification for six months beginning on September 19, 2012 and ending on March 19, 2013, seconded by Chief Kotsur, motion carried with one nay vote. Deputy Nelson made a motion to adopt the modified Consent Agreement, Decision and Order, seconded by Chief Kotsur, motion carried with one nay vote.

Case #3 – Mark A. Hillegas – Payson Police Department

Ms. Morrison recused herself from this case. 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 Dr. Decker, motion carried unanimously.

Case #4 – Raymie N. Hurley – Navajo Department of Law Enforcement

Ms. Morrison recused herself from this case. The Board considered comments from Assistant A.G. Nancy Beck, Chaplain Mark Morris and Mr. Hurley. Detention Director Olson made a motion to deny the Motion for Rehearing or Review, seconded by Deputy Nelson, motion carried unanimously.

Case #5 – Miguel V. Arvizu – Pima County Sheriff's Department

Chairman Duarte recused himself from this case. Deputy Director Young was acting chair. The Board considered comments from Assistant A.G. Diana Stabler. Chief Campbell made a motion to revoke peace officer certification, seconded by Chief Kotsur, motion carried unanimously.

J. New Charging Cases:Case #1 – Misael Avila – Tempe Police Department

Deputy Director Young was acting chair for this case. The Board considered comments from Compliance Specialist Ted Brandon. Ms. Morrison made a motion to close this case with **No Action**, seconded by Deputy Director Young, motion carried with one nay vote.

Case #2 – John Dematteo – Patagonia Marshal's Office

The Board considered comments from Compliance Specialist Mike Deltenre. Deputy Director Young made a motion to close this case with **No Action**, seconded by Director Ryan, motion carried unanimously.

Case #3 – Todd R. Duthie – Mesa Police Department

The Board considered comments from Compliance Specialist Paul Orfe. Ms. Morrison made a motion to **Initiate Proceedings**, seconded by Chief Kotsur, motion carried unanimously.

Case #4 – Stephen Ferg – Tucson Police Department

Sgt. Andreacola recused himself from this case. The Board considered comments from Compliance Specialist Mike Deltenre. Chief Campbell made a motion to close this case with **No Action**, seconded by Deputy Director Young, motion carried with two nay votes.

Case #5 – Jennifer Galaida – Tucson Police Department

Sgt. Andreacola recused himself from this case. The Board considered comments from Compliance Specialist Mike Deltenre. Ms. Morrison made a motion to close this case with **No Action**, seconded by Chief Kotsur, motion carried unanimously.

Case #6 – Victor Garcia – Tucson Police Department

Sgt. Andreacola recused himself from this case. The Board considered comments from Compliance Specialist Mike Deltenre. Deputy Nelson made a motion to **Initiate Proceedings**, seconded by Chief Kotsur, motion carried unanimously.

Case #7 – Nathan M. Huibregtse – Yavapai Prescott Tribal Police Department

The Board considered comments from Compliance Specialist Gary Maschner. Deputy Nelson made a motion to close this case with **No Action with Agency Discretion**, seconded by Chief Kotsur, motion carried unanimously.

Case #8 – Michael Kohler – Sierra Vista Police Department

The Board considered comments from Compliance Specialist Mike Deltenre. Chief Campbell motion to close this case with **No Action**, seconded by Ms. Morrison, motion carried unanimously.

Case #9 – Andreas Lorenz – Tucson Police Department

Sgt. Andreacola recused himself from this case. The Board considered comments from Compliance Specialist Mike Deltenre. Deputy Director Young made a motion to **Initiate Proceedings**, seconded by Dr. Decker, motion carried unanimously.

Case #10 – Vanessa Mendoza – St. Johns Police Department

This case was tabled.

Case #11 – Ignacio Nunez – Tucson Police Department

Sgt. Andreacola recused himself from this case. The Board considered comments from Compliance Specialist Mike Deltenre. Ms. Morrison made a motion to **Initiate Proceedings**, seconded by Detention Director Olson, motion carried unanimously. Ms. Morrison amended the motion to include rule violations R13-4-109(A)(8 and 9), the second agreed as did a unanimous Board.

Case #12 – Thomas A. Puskarich – Tempe Police Department

The Board considered comments from Compliance Specialist Ted Brandon. Chief Kotsur made a motion to **Initiate Proceedings**, seconded by Chief Campbell, motion carried unanimously.

Case #13 – Bracken G. Sevey – Maricopa County Sheriff's Office

Detention Director Olson recused himself from this case. The Board considered comments from Compliance Specialist Gary Maschner. Ms. Morrison made a motion to **Initiate Proceedings**, seconded by Chief Kotsur, motion carried unanimously.

Case #14 – Irasema Teran – Marana Police Department

Deputy Nelson recused himself from this case. The Board considered comments from Compliance Specialist Mike Deltenre. Director Ryan made a motion to **Initiate Proceedings**, seconded by Dr. Decker, motion carried unanimously.

Case #15 – Miriam R. Whitehair – Hopi resource Enforcement Services

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

K. Call to the Public

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

L. Legal Advice Concerning Charging Decisions, Rule Violations and ALJ Decisions

Decision was made that legal advice was not necessary at this time.

M. Adjourn

Chairman Duarte adjourned the meeting at 12:01 p.m.