



Arizona Peace Officer Standards and Training Board

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ARIZONA PEACE OFFICER STANDARDS AND TRAINING BOARD MINUTES OF MEETING SEPTEMBER 21, 2011 PHOENIX, ARIZONA

A public meeting of the Arizona Peace Officer Standards and Training Board was convened on September 21, 2011, at AZ POST, located at 2643 E. University Drive, Phoenix, AZ.

Members Present:

Mr. Joseph Duarte, Chairman
Sheriff John Armer
Detective Lee Ann Dobbertin
Chief Kevin Kotsur
Mr. Gerald Richard, representing Attorney General Tom Horne
Director Charles Ryan
Sergeant Robert Thompson

Members Absent:

Dr. Scott Decker
Colonel Bobby Halliday
Chief Patricia Huntsman
Ms. Wendy Larsen
Sheriff Tom Sheahan

Staff in Attendance:

Harry Atkins
Ted Brandon
Dan Ciernia
Jim DeLung
Marie Dryer
Deb Howard
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
 Nancy Beck

A. CALL TO ORDER

Chairman Duarte called the meeting to order at 10:01 a.m. and asked that a Moment of Silence be observed in memory of Matthew Uhl; a DPS pilot who was killed in an automobile accident on September 20, 2011.

B. INTRODUCTIONS, PRESENTATIONS AND ANNOUNCEMENTS

Executive Director Lyle Mann presented service pins to two employees. Deb Howard received a 25-year service pin for her years of service with DPS and AZ POST. Marie Dryer received a 30-year service pin for her years of service with DPS and AZ POST.

C. CONSENT AGENDA

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

1. Minutes of the Board meeting, held on July 20, 2011, were approved as written. Minutes of the Board meeting, held on August 17, 2011, were approved as written.
2. Ministerial Actions:
 - a. Certification Waivers:

Geraldo R. Diaz	Mesa Police Department
Kyle A. Gates	Superior Police Department
Michael J. Gay	Florence Police Department
Roy W. Minter Jr.	Peoria Police Department
Michael B. Stracke	Gilbert Police Department
Michael J. Tobie	Casa Grande Police Department
Shawn C. Waymire	Yuma Police Department
Michael D. Williams	Arizona Corporation Commission
Peter E. Wingert	Wickenburg Police Department
 - b. Instructor Certification Renewals: LIST ATTACHED TO AGENDA PACKET.
 - c. Training Program Confirmations: LIST ATTACHED TO AGENDA PACKET.

3. Decertification Status Report - As of July 31, 2011, the Compliance and Standards Unit had a caseload of 104 active cases. Seven cases are ready for initial presentation; forty-one cases need further investigation; five cases are pending service of or response to a Notice of Complaint or Decision; eight cases are pending a hearing; four cases are ready for final action, and thirty-nine cases are waiting for outside action, i.e., a criminal trial or civil service hearing.
4. Income and Expense Statement – July 2011

Funds as of July 1, 2011	\$2,345,361.43
CJEF Revenue	785,006.72
Expenditures/Encumbrances	(1,341,483.74)
Balance for July 31, 2011	\$1,688,884.41

D. TRAINING DEFICIENCIES – DINE’ COLLEGE CAMPUS P.D.

The Dine College Campus Police Department has one officer deficient in firearms training. As such, the Board should restrict certification until the deficiency has been taken care of. The restriction is that the officer shall not carry or use a firearm on duty.

Sheriff Armer made a motion to restrict the certification of Lt. Donald Burbank for failure to complete annual firearms 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 Detective Dobbertin, motion carried unanimously.

E. LEGISLATIVE UPDATE

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

F. SUMMARY OF CURRENT EVENTS

Executive Director Mann informed the Board that he attended the AZ Sheriff’s Association Conference held September 7th through 9th and the AZ Association of Chiefs of Police Conference held September 15th through 16th; both were held in Laughlin.

G. COMMITTEE UPDATE

AZ POST staff is still reviewing the new firearms qualification course and will continue to work with the Firearms Review Committee on this proposed course before it is presented to the Board for final approval. It is anticipated that the course will be available for testing in calendar year 2012; with full implementation starting January 2013.

H. REPORTS

1. Basic Training

ALEA – Major Jack Lane reported Class #461 started on August 8th and will graduate on December 16, 2011; it currently has 41 recruits representing 13 agencies. Class #462 will start on November 28th and graduate on April 6, 2012; currently they have 12 agencies reserving 56 slots for this class, this class is full.

Chandler-Gilbert – Director Terpay reported Class #6 with 13 recruits graduated on August 24th. Class #7 started on May 7th and will graduate on March 28, 2012; the class currently has 15 recruits. Class #8 started on September 10th with 20 recruits and 15 remain at this time. Class #9 is scheduled for January 7, 2012; there are 11 people currently in the background process for this class.

SALETC – Captain Mark Timpf from the Tucson Police Department reported he is the new academy commander for SALETC. He stated Class #11-02 started July 11th and will graduate on November 3, 2011; it currently has 53 recruits representing 10 agencies. Class #11-03 will start October 3rd and graduate January 26, 2012; they currently have 11 agencies reserving 55 slots for this class.

2. Department of Corrections – Director Ryan reported that since the last meeting, 75 cadets have graduated from COTA. They currently have 199 vacancies statewide. Two cadets have graduated through the waiver process; which amounts to savings of over \$8,000 for the Department. They currently have 3 classes in session with 136 cadets attending.

3. Center for Leadership Excellence – Don Yennie reported that since the last meeting, the 22nd leadership class has begun with 35 students representing 21 agencies. A Police Supervision Class was held starting August 15th, with 37 students representing 29 agencies in attendance. Last week the first FTO School was held with 44 students from 29 agencies in attendance. This was the first class where leadership was entered into the curriculum; this was very well received. The U.S. Marshal's Service requested training and this was provided to 20 of their employees, to include U.S. Marshal David Gonzales. LPO #23 will begin next month and will be held in Yuma. This class is currently full and has a waiting list of 19 people.

Executive Director Mann stated the Leadership Program at AZ POST will evolve in a direction that leaves IACP behind. Arizona believes it has a better vision for the program. He stated one Board member will be asked to sit on the steering committee for the new leadership program and once this program is complete it will be presented to the Board as an informational item.

4. POST Training Section – Marie Dryer reported that the AZ Horse Council is conducting a Basic Equine Abuse and Neglect Recognition Class today at AZ POST. Unfortunately this is becoming a problem and members of the Horse Council are volunteering their time to instruct the students on how to recognize if these animals are being neglected. There are 30 students in this class and it is being coordinated by Matt Griffis of AZ POST. The Annual Training

Coordinator's Meeting was held on September 7th, with approximately 70 training coordinators in attendance. During this class the on-line registration system was introduced and all attendees were very receptive to this new system. The on-line registration system will start with the January training classes. Since July, AZ POST has conducted approximately 12 classes; training approximately 370 officers. There were 35 physicians who attended the POST Physician's Training Class in August. Digital Media Services is currently in production of the t-visa and u-visa training, in cooperation with the Department of Homeland Security and the AZ Coalition Against Domestic Violence. They are also in the pre-production phase of the training covering gangs and cartels, in cooperation with the Department of Homeland Security, DEA and the FBI. The driver simulator has been used by six agencies since the last meeting.

I. FINAL ACTION CASES:

Case #1 – Jason W. Brooks – AZ Department of Public Safety

The Board considered comments from Compliance Manager Bob Irish. Sheriff Armer 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 – Donovan Delmar – Navajo Division of Public Safety

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

Case #2 – Gabriel M. Edwards – Tucson Police Department

The Board considered comments from Compliance Specialist Curt Milam. Mr. Richard made a motion to *Initiate Proceedings*, seconded by Chief Kotsur, motion carried unanimously.

Case #3 – Raymie N. Hurley – Navajo Division of Public Safety

The Board considered comments from Compliance Specialist Ted Brandon. Mr. Richard made a motion to *Initiate Proceedings*, seconded by Sergeant Thompson, motion carried unanimously.

Case #4 – Michael V. Lorenzini– AZ Department of Public Safety

The Board considered comments from Compliance Specialist Ted Brandon. Detective Dobbertin made a motion to *Research Further*, seconded by Mr. Richard, motion carried unanimously.

Case #5 – Javier Montes – AZ Department of Transportation

The Board considered comments from Compliance Specialist Gary Maschner. Chief Kotsur made a motion to *Initiate Proceedings*, seconded by Sheriff Armer. Chief Kotsur then amended his motion to *Research Further*, seconded by Sheriff Armer, motion carried unanimously.

Case #6 – Kristopher M. Reeve – Marana Police Department

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

Case #7 – Charles J. Sargent– AZ Department of Transportation

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

Case #8 – Kevin Steele – White Mountain Apache Tribal Police Department

The Board considered comments from Compliance Specialist Ted Brandon. Mr. Richard made a motion to close this case with *No Action*, seconded by Sheriff Armer, motion carried with one nay vote.

Case #9 – Thomas Wleklík – Maricopa County Sheriff’s Office

The Board considered comments from Compliance Specialist Gary Maschner. Chief Kotsur made a motion to *Initiate Proceedings*, seconded by Mr. Richard, motion carried unanimously.

K. RECONSIDERATION OF VOTE TO INITIATE PROCEEDINGS IN THE MATTER OF DEBORAH R. DYSON

The Board voted to go into Executive Session at 11:06 a.m. for discussion or consultation with its attorneys and for legal advice. The Open Meeting reconvened at 11:22 a.m.

Diana Stabler addressed the Board and asked that it reconsider initiating proceedings in the matter of Deborah R. Dyson because the initiation seems inconsistent with recent Board actions in very similar cases.

Mr. Richard made a motion to close the case with *No Action*, seconded by Sheriff Armer, motion carried unanimously.

L. CALL TO THE PUBLIC

William De La Torre addressed the Board during the Call to the Public.

M. ADJOURN

Chairman Duarte adjourned the meeting at 11:23 a.m.