



# *Arizona Peace Officer Standards and Training Board*

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

## **MINUTES OF MEETING OCTOBER 17, 2012 PHOENIX, ARIZONA**

A public meeting of the Arizona Peace Officer Standards and Training Board was convened on October 17, 2012, at AZ POST, located at 2643 E. University Drive, Phoenix, AZ.

### Members Present:

Mr. Joseph Duarte, Chairman  
Sergeant Chris Andreacola  
Sheriff John Armer  
Chief Steven Campbell  
Chief Kevin Kotsur  
Ms. Wendy Larsen  
Sheriff Scott Mascher  
Ms. Leesa Morrison representing Attorney General Tom Horne  
Deputy Anthony Nelson  
Deputy Director Dennis Young, representing Director Bobby Halliday

### Members Absent:

Dr. Scott Decker  
Detention Director Mike Olson  
Director Charles Ryan

### Staff in Attendance:

Ted Brandon  
Jim DeLung  
Mike Deltenre  
Marie Dryer  
Rosalee Fitch  
Sandy Hansberger  
Jon Heiden  
Bob Irish  
Steve Jacobs  
Mike Jaeger  
Lori Ketron  
Jeff Kirkham  
Lynn Larson  
Lyle Mann  
Gary Maschner  
Paul Orfe

Sandy Sierra  
Chester Szoltysik

Assistant Attorney General  
Diana Stabler  
Nancy Beck

**A. CALL TO ORDER**

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

**B. Introductions, Presentations and Announcements**

Executive Director Lyle Mann presented a 20-year service pin to Program Manager Lynn Larson. Lynn oversees certification testing at AZ POST.

Executive Director Lyle Mann introduced former AZ POST staff member Jerry Huett and welcomed the Indonesian National Police. This group visited AZ POST in March of this year and returned to further research peace officer standards and training. Mr. Jerry Huett addressed the Board and explained their mission. The commissioner general of the Indonesian National Police presented a gift to Executive Director Lyle Mann in appreciation for the instruction and training provided to them during their visit. Professor Meliala, Kompolnas member, presented gifts to Executive Director Mann and Chairman Duarte on half of the Indonesian President's Police Commission.

Executive Director Mann informed the Board of the recent reorganizational changes that were made. Training has been divided into two sections; Marie Dryer will supervise academy and digital media training and Don Yennie will supervise in-service training.

**C. Legislative Update**

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

**D. Tucson Police Department Petition on Behalf of Applicant Darrell Hussman**

The Tucson Police Department petitioned the Board to determine that the one-time sale of marijuana by Darrell Hussman at the age of 17 was juvenile indiscretion.

Sheriff Armer made a motion to grant the petition for a determination that the one-time sale of marijuana by Darrell Hussman constitutes juvenile indiscretion, seconded by Ms. Morrison, motion carried unanimously.

**E. Tucson Police Department Petition on Behalf of Applicant Lorence Jove**

The Tucson Police Department petitioned the Board to determine that the one-time sale of marijuana by Lorence Jove at the age of 16 or 17 was juvenile indiscretion. Lt. Pryor

from the Tucson Police Department addressed the Board and asked that this petition be granted.

Chief Kotsur made a motion to grant the petition for a determination that the one-time sale of marijuana by Lorence Jove constitutes juvenile indiscretion, seconded by Sheriff Armer, motion carried unanimously.

**F. Training Audit Deficiencies – White Mountain Apache Wildlife & Outdoor Recreation Agency**

The White Mountain Apache Wildlife & Outdoor Recreation Agency has one officer deficient in firearms training. The Board rules call for certification restriction until the deficiency has been taken care of. The restriction prohibits the officer from carrying or using a firearm.

Sheriff Mascher made a motion that Officer David Kitcheyan be immediately restricted from carrying or using a firearm on duty. These restrictions shall remain in effect until the Board's staff has received written verification that the judgmental shoot requirement has been met, seconded by Deputy Nelson, motion carried unanimously.

**G. Training Audit Deficiencies – Navajo Department of Law Enforcement**

The Navajo Department of Law Enforcement has 12 officers deficient in firearms training and 4 officers deficient in continuing/proficiency and/or judgmental shoots. The Board rules call for certification restriction until the deficiencies have been taken care of.

Ms. Morrison made a motion that Officer Lamont Brown, Sgt. Ronald Brown, Officer Leroy Butler Sr., Officer Eric Dodson, Sgt. Norman Dodson, Lt. Michael Henderson, Officer Rodney Slim, Officer Glenn Smith, Officer Robert Williams, Officer DeManuel Yazzie, Officer Rodney Yazzie and Officer Tommy Yellowhair be immediately restricted from carrying or using a firearm on duty. These restrictions shall remain in effect until the Board's staff has received written verification that the judgmental shoot requirement has been met, seconded by Chief Campbell, motion carried unanimously.

Ms. Morrison made a motion that Officer Eulberta Bryant, Sgt. Marjorie Henderson, Officer Keith Lane and Officer Marilyn Littleben be immediately prohibited from engaging in enforcement duties, carrying or using a firearm, wearing or displaying a badge, wearing a uniform, making arrests, performing patrol functions or operating a police vehicle. These restrictions shall remain in effect until the Board's staff has received written verification that the continuing training, proficiency training and judgmental shoot requirements have been met, seconded by Ms. Larsen, motion carried unanimously.

**H. Final Action Cases:**Case #1 – Joseph T. Connell – Flagstaff Police Department

*Ms. Morrison recused herself from this case.* The Board considered comments from Assistant A.G. Nancy Beck and Rebecca Plevel, attorney for Joseph Connell. Sheriff Armer made a motion to adopt the Administrative Law Judge's Findings of Fact and Conclusions of Law and take no action with agency discretion, seconded by Ms. Larsen, motion carried unanimously.

Case #2 – Barry G. Olivar – San Carlos Tribal Police Department

*Ms. Morrison and Sheriff Armer recused themselves from this case.* The Board considered comments from Assistant A.G. Nancy Beck and Barry Olivar. Deputy Nelson made a motion to adopt the Administrative Law Judge's Findings of Fact and Conclusions of Law and take no action with agency discretion, seconded by Ms. Larsen, motion carried unanimously.

Case #3 – Torrin M. Fannin – Yuma Police Department

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 Sheriff Mascher, motion carried unanimously.

Case #4 – Bobby H. Fernandez – El Mirage Police Department

*Chief Campbell recused himself 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 and impose a 12-month suspension of peace officer certification beginning on February 1, 2012, and ending on February 1, 2013, seconded by Sheriff Armer, motion carried unanimously.

Case #5 – Brian E. Quimby – AZ Western College Campus Police Department

The Board considered comments from Assistant A.G. Diana Stabler. Sheriff Armer made a motion to adopt the Consent Agreement, Decision and Order and impose a 6-month suspension of peace officer certification beginning on March 21, 2012, and ending on September 21, 2012, seconded by Sheriff Mascher, motion carried with one nay vote.

Case #6 – Antonio Dominguez – Tolleson 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 Findings of Fact and Conclusions of Law and revoke peace officer certification, seconded by Deputy Nelson, motion carried unanimously.

Case #7 – Louis V. Pucko – AZ Department of Public Safety

*Deputy Director Young recused himself from this case.* The Board considered comments from Compliance Manager Bob Irish and Louis Pucko. Sheriff Armer made a motion to adopt the Findings of Fact and Conclusions of Law and revoke peace officer certification, seconded by Ms. Larsen, motion carried with four nay votes. Ms. Morrison moved to

reopen the case to hear why the members in favor of the motion voted that way. Motion died for lack of a second.

Case #8 – Felipe Navarro – Somerton Police Department

The Board considered comments from Compliance Manager Bob Irish. Deputy Nelson made a motion to adopt the Findings of Fact and Conclusions of Law and revoke peace officer certification, seconded by Chief Campbell, motion carried unanimously.

**I. New Charging Cases:**

Case #1 – Robert L. Brady – La Paz County Sheriff's Office

*Deputy Nelson recused himself from this case.* The Board considered comments from Compliance Specialist Steve Jacobs. Sheriff Armer made a motion to close this case with **No Action**, seconded by Chief Kotsur, motion carried unanimously.

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

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

Case #3 – Alfonso F. Bitsuie – Gila River Police Department

The Board considered comments from Compliance Specialist Jeff Kirkham. Deputy Nelson made a motion to **Initiate Proceedings**, seconded by Sheriff Armer, motion carried unanimously.

Case #4 – Arnold A. Davis – Phoenix Police Department

*Chief Campbell recused himself from this case.* The Board considered comments from Compliance Specialist Steve Jacobs. Ms. Larsen made a motion to **Initiate Proceedings**, seconded by Sheriff Armer, motion carried unanimously.

Case #5 – Felicia M. Garcia – Scottsdale Police Department

The Board considered comments from Compliance Specialist Paul Orfe. Deputy Director Young made a motion to close this case with **No Action**, seconded by Ms. Morrison, motion carried unanimously.

Case #6 – Matthew A. Hedric – Salt River Pima-Maricopa Indian Community

The Board considered comments from Compliance Specialist Jeff Kirkham. Deputy Director Young made a motion to **Initiate Proceedings**, seconded by Chief Campbell, motion carried with one nay vote.

Case #7 – Jason A. Kibsey – Scottsdale Police Department

The Board considered comments from Compliance Specialist Jeff Kirkham. Sheriff Armer motion to **Initiate Proceedings**, seconded by Ms. Larsen, motion carried unanimously.

Case #8 – Joshua C. Lamanna – Payson Police Department

*Sheriff Armer recused himself from this case.* The Board considered comments from Compliance Specialist Ted Brandon. Chief Kotsur made a motion to **Initiate Proceedings**, seconded by Deputy Nelson, motion carried unanimously.

Case #9 – Adam N. Lewis – Avondale Police Department

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

Case #10 – Jeffery L. Lott – Phoenix Police Department

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

Case #11 – Ronnie J. Morales – Somerton Police Department

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

Case #12 – Kevin J. Reiff – Phoenix Police Department

*Ms. Morrison recused herself from this case.* The Board considered comments from Compliance Specialist Steve Jacobs. Sheriff Armer made a motion to close this case with **No Action**, seconded by Chief Campbell, motion carried unanimously.

Case #13 – Logan A. Szczepaniec – Payson Police Department

*Sheriff Armer recused himself from 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 Sheriff Mascher, motion carried unanimously.

**J. Adjourn**

Chairman Duarte adjourned the meeting at 11:57 a.m.