



# *Arizona Peace Officer Standards and Training Board*

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

**AMENDED  
MINUTES OF MEETING  
MAY 16, 2012  
PHOENIX, ARIZONA**

A public meeting of the Arizona Peace Officer Standards and Training Board was convened on May 16, 2012, at AZ POST, located at 2643 E. University Drive, Phoenix, AZ.

**Members Present:**

Mr. Joseph Duarte, Chairman  
Sheriff John Armer  
Chief Steven Campbell  
Dr. Scott Decker  
Chief Kevin Kotsur  
Ms. Wendy Larsen  
Sheriff Scott Mascher  
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:**

Sergeant Robert Thompson

**Staff in Attendance:**

Jim DeLung  
Marie Dryer  
Rosalee Fitch  
Sandy Hansberger  
Deb Howard  
Bob Irish  
Steve Jacobs  
Lori Ketron  
Lyle Mann  
Gary Maschner  
Paul Orfe  
Sandy Sierra  
Chester Szoltysik  
Rick Watling  
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.

**B. Introductions, Presentations and Announcements**

Executive Director Lyle Mann introduced new AZ POST staff members Jeff Kirkham and Mike Deltenre; both will be working as Compliance Specialists. He informed the Board that we will be losing three staff members in the very near future; Harry Atkins and Matt Griffis are both retiring on May 23<sup>rd</sup> and Curt Milam will retire at the end of June. He also informed the Board that a Police Supervision class, with approximately 33 students, is in attendance at today's meeting.

**C. Consent Agenda**

The Consent Agenda was approved unanimously, motion made by Sheriff Armer, seconded by Ms. Larsen.

1. Minutes of the Board meeting, held on March 21, 2012, were approved as written.  
 Minutes of the Board meeting, held on April 18, 2012, were approved as written.
2. Ministerial Actions:
  - a. Certification Waivers:
 

|                    |                                    |
|--------------------|------------------------------------|
| Steven C. Braswell | El Mirage Police Department        |
| Ronald A. Bremer   | Gila River Police Department       |
| Dale L. Doucet     | AZ Department of Economic Security |
| Kensley A. Finnell | Avondale Police Department         |
| Kim J. Fragua      | Navajo Nation DPS                  |
| Kevin S. Litten    | Marana Police Department           |
| Novia S. Maduro    | Arizona Attorney General's Office  |
| James D. Milano    | Gila River Police Department       |
| Carl R. Sexton     | Peoria 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 – <i>March 2012</i> |                |
|    | Funds as of March 1, 2012                        | \$1,919,966.68 |
|    | CJEF Revenue                                     | 409,361.99     |
|    | Expenditures/Encumbrances                        | (270,418.83)   |
|    | Balance for March 31, 2012                       | \$2,058,909.84 |

#### **D. Legislative Update**

Executive Director Mann stated the legislature adjourned sine die on May 3, 2012. He stated the Personnel Reform Bill would have no impact on AZ POST or DPS employees. Senate Bill 1433 (certification of police agencies) failed; but this is not the end of this bill, it will be rewritten and revisited next year. The 2012/13 budget will be brought to the Board for approval in June.

#### **E. Summary of Current Events**

Executive Director Mann informed the Board that agencies will once again be provided reimbursement for ammunition costs to cover this year's annual qualification shoot.

#### **F. Committee Update**

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

#### **G. Reports**

##### 1. Basic Training Academies

ALEA – Major Jack Lane reported Class #462 graduated on April 6, 2012; with 32 cadets. Class #463 started on February 13, 2012, and will graduate on June 22, 2012; currently they have 33 recruits. Class #464 started on May 7, 2012, and will graduate on September 14, 2012; currently they have 31 recruits representing 14 agencies. Class #465 will start on August 6<sup>th</sup> and Class #466 will start on November 26<sup>th</sup>. The refurbishing of the driving track should be complete within the next two weeks.

AZ Western College – Provided a written report; presented by Training Manager Marie Dryer, which states that Class #34 started on August 18, 2011, and will graduate on May 18, 2012; with 20 recruits. Fifteen of these recruits have been appointed by an agency and five are open enrollees.

Chandler-Gilbert – Director Terpay reported Class #7 graduated on March 28, 2012; with 15 recruits. Class #8 started on September 10, 2011, and will graduate on August 24, 2012; the class currently has 12 recruits. Class #9 started January 7, 2012, and will graduate on November 14, 2012; the class currently has 9 recruits. Class #10 will start July 7, 2012; and currently has 35 applicants. Class #11 will start January 5, 2013.

Glendale Community College – Provided a written report; presented by Training Manager Marie Dryer, which states that Class #71 will graduate on May 18, 2012; with 11 recruits. Class #72 will graduate on August 16, 2012; the class currently has 9 recruits. Class #73 started on March 4, 2012, and will graduate on December 4, 2012; the class currently has 11 recruits. Class #74 will start on July 29, 2012, and graduate on May 16, 2013; they currently have 10 open enrollments going through the background process for this class.

Mesa Police Department – Provided a written report; presented by Training Manager Marie Dryer, which states that Class #32 is in its 11<sup>th</sup> week and currently has 25 recruits.

NARTA - Provided a written report; presented by Training Manager Marie Dryer, which states that Class #32 graduated on May 10, 2012, with 21 recruits representing 6 agencies. A new class is scheduled for August 6, 2012.

Pima Community College – Henry Rillos reported Class #11-01 began on September 10, 2011, and will graduate on June 13, 2012; the class currently has 13 open enrollment recruits.

Pima County Sheriff's Office - Provided a written report; presented by Training Manager Marie Dryer, which states Class #12-1 is in week 11 of training and currently has 35 recruits.

SALETC – Provided a written report; presented by Training Manager Marie Dryer, which states that they have had three new commanders reassigned to SALETC. Class #12-1 started on January 2, 2012, and graduated on May 3, 2012; with 13 recruits. Class 12-2 started on April 2, 2012, and will graduate on July 26, 2012; they currently have 30 recruits. Class #12-3 is scheduled to begin on July 16, 2012, and will graduate on November 8, 2012.

WALETA - Provided a written report; presented by Training Manager Marie Dryer, which states Class #12-10 graduated on May 11, 2012. They will be sponsoring a Dispatch Academy on June 4-22. A new class is scheduled to start on August 19, 2012.

2. AZ Leadership Program – Don Yennie gave a summary of the AZ Leadership Program for the new board members. They currently finished the second week of the first class under the new curriculum started last month; there are 36 students in this class representing 26 agencies. This class will graduate in June. They also teach Police Supervision for first-line supervisors; 33 students from this class are in attendance at today's meeting.

3. POST Training Section – Marie Dryer reported that since the last meeting, they have had 17 training sessions; for a total of 508 students being taught. The driver simulator has been in two different locations during this same time period; training 290 officers. The Digital Media Unit is in the production stage of Law Enforcement/First Responder CPS Training; once completed it will be distributed through the AZ POST Digital Learning System.

#### **H. Final Action Cases:**

##### Case #1 – Christopher C. Enkhaus – Phoenix Police Department

*Mr. Duarte and Ms. Morrison recused themselves from this case.* Sheriff Armer was acting Chair. The Board considered comments from Assistant A.G. Nancy Beck and Donna McDaniel, attorney for Mr. Enkhaus. Deputy Nelson made a motion to adopt the Administrative Law Judge's Findings of Fact and Conclusions of Law; with the modifications suggested by Ms. Beck, and revoke peace officer certification, seconded by Chief Campbell, motion carried with one nay vote.

##### Case #2 – Eric Levandowski – Phoenix Police Department

*Mr. Duarte, Ms. Morrison and Dr. Decker recused themselves from this case.* Sheriff Armer was acting Chair. The Board considered comments from Assistant A.G. Diana Stabler and Mr. Levandowski. Deputy Director Young made a motion to adopt the Findings of Fact and Conclusions of Law and suspend peace officer certification beginning on December 16, 2009, and ending on May 16, 2012, seconded by Ms. Larsen, motion carried with one nay vote.

##### Case #3 – Simon Aitchison – Maricopa County Sheriff's Office

*This case was taken out of order. Ms. Morrison and Detention Director Olson recused themselves from this case.* The Board considered comments from Assistant A.G. Diana Stabler and Mr. Aitchison; who participated via telephone. Sheriff Armer made a motion to adopt the Consent Agreement, Decision and Order and revoke peace officer certification, seconded by Chief Campbell, motion carried unanimously.

##### Case #4 – Rudy I. Guinea – Surprise 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 Deputy Nelson, motion carried unanimously.

##### Case #5 – Steven M. Miller – Mesa Police Department

The Board considered comments from Assistant A.G. Nancy Beck. Sheriff Armer 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 #6 – Bryan A. Padilla – Tucson 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 Deputy Director Young, motion carried unanimously.

Case #7 – Celestine Perez – Gila River Police Department

The Board considered comments from Assistant A.G. Diana Stabler. Ms. Larsen made a motion to adopt the Consent Agreement, Decision and Order for a one-year suspension of peace officer certification beginning on December 6, 2011, and ending on December 6, 2012, seconded by Sheriff Armer, motion carried with one nay vote.

Case #8 – Deryck A. Lewis – Scottsdale Police Department

*Dr. Decker recused himself from this case.* The Board considered comments from Compliance Manager Bob Irish and Mr. Lewis. Chief Kotsur made a motion adopt the Findings of Fact and Conclusions of Law and revoke peace officer certification, seconded by Ms. Larsen, motion carried with one nay vote.

Case #9 – Phillip Bedonie Jr. – Navajo Division 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 Sheriff Mascher, motion carried unanimously.

Case #10 – Jeffrey Sohmer – Fort Mojave Tribal Police Department

The Board considered comments from Compliance Manager Bob Irish. Deputy Director Young 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.

Case #11 – Jesus R. Contreras – Santa Cruz County Sheriff's Office

*Mr. Duarte recused himself from this case.* Sheriff Armer was acting Chair. The Board considered comments from Compliance Manager Bob Irish. Chief Campbell made a motion to revoke peace officer certification, seconded by Chief Kotsur, motion carried unanimously.

**I. New Charging Cases:**Case #1 – Antonio Dominguez – Tolleson Police Department

The Board considered comments from Compliance Specialist Paul Orfe. Dr. Decker made a motion to ***Initiate Proceedings***, seconded by Ms. Larsen, motion carried unanimously.

Case #2 – Brenton L. Riojas – El Mirage Police Department

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

Case #3 – David L. Wood – Pima County Sheriff's Department

The Board considered comments from Compliance Specialist Paul Orfe. Sheriff Armer made a motion to close this case with ***No Action with Agency Discretion***; motion dies due to lack of a second. Deputy Nelson made a motion to ***Research Further***, seconded by Ms. Larsen, motion carried with 2 nay votes.

Case #4 – Michael E. Zeller – Phoenix Police Department

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

The Board voted to go into Executive Session at 12:20 p.m. for discussion or consultation with its attorneys. The Open Meeting reconvened at 12:28 p.m.

Deputy Nelson made a motion to close this case with ***No Action with Agency Discretion***, seconded by Chief Kotsur, motion carried unanimously.

**J. Call to the Public**

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

**K. Adjourn**

Chairman Duarte adjourned the meeting at 12:29 p.m.