

**ARIZONA PEACE OFFICER STANDARDS AND TRAINING BOARD
MINUTES OF MEETING
MAY 20, 2009
PHOENIX, ARIZONA**

A public meeting of the Arizona Peace Officer Standards and Training Board was convened on May 20, 2009, at AZ POST, located at 2643 E. University Drive, Phoenix, AZ.

Members Present:

Mr. Joseph Duarte, Chairman
Dr. Scott Decker
Detective Lee Ann Dobbertin
Deputy Director Charles Flanagan, representing Director Charles Ryan
Chief Patricia Huntsman
Deputy Director Pennie Gillette-Stroud, representing Director Roger Vanderpool
Ms. Wendy Larsen
Mr. Gerald Richard, representing Attorney General Terry Goddard
Sheriff Tom Sheahan
Sergeant Robert Thompson

Members Absent:

Sheriff John Armer
Chief Jerry Sheridan

Staff in Attendance:

Harry Atkins
Ted Brandon
Lori Ketron
Curt Milam
Marie Dryer
Rosalee Fitch
Deb Howard
Tom Hammarstrom
Steve Jacobs
Lynn Larson
Gary Maschner
Paul Orfe
Sandy Sierra
Rick Watling

Assistant Attorney General

Nancy Beck
Diana Stabler

A. CALL TO ORDER

Chairman Duarte called the meeting to order at 10:15 a.m.

B. INTRODUCTIONS AND PRESENTATIONS

Lt. Deanna Coultas from the Pima County Sheriff's Department presented Director Tom Hammarstrom with a plaque and Sheriff Dupnik's congratulations on decades of exemplary service to the people of Arizona. Director Hammarstrom is retiring effective June 5, 2009, after 43 years of service to the State.

C. CONSENT AGENDA

The Consent Agenda was approved unanimously, motion made by Ms. Larsen, seconded by Deputy Director Gillette-Stroud.

1. Minutes of the Regular Board meeting, held on March 18, 2009, were approved as written.
2. Minutes of the Charging Board meeting, held on April 15, 2009, were approved as written.
3. The next scheduled Charging Board meeting is Wednesday, June 17, 2009, at 10:00 a.m. at AZ POST, located at 2643 E. University Drive, Phoenix, AZ.

The next scheduled Regular Board meeting is Wednesday, July 22, 2009, at 2:00 p.m. at the Little America Hotel, located in Flagstaff, AZ.

4. Ministerial Actions:
 - a. Certification Waivers: LIST ATTACHED TO AGENDA PACKET.
 - b. Instructor Certification Renewals: LIST ATTACHED TO AGENDA PACKET. Training Program Confirmations: LIST ATTACHED TO AGENDA PACKET.
5. Decertification Case Status Report - As of March 31, 2009, the Compliance and Standards Unit had a caseload of 118 active cases. Thirteen cases are ready for initial presentation; forty-two cases need further investigation; nine cases are pending service of or response to a Notice of Complaint or Decision; six cases are pending a hearing; three cases are ready for final action, and forty-five cases are waiting for outside action, i.e., a criminal trial or civil service hearing.

6.	Income and Expense Statement – March 2009	
	Funds as of March 1, 2009	\$ 645,686.84
	CJEF Revenue	736,115.02
	Expenditures/Encumbrances	(540,380.92)
	Balance for March 31, 2009	\$ 841,420.94

D. LEGISLATIVE UPDATE

Deputy Director Mann informed the Board that the budget is the main topic at the legislature. It is anticipated that the budget will be finalized in June.

E. SUMMARY OF CURRENT EVENTS

Director Hammarstrom informed the Board that staff should have a budget for approval at the June meeting. He also stated this is his last meeting as he is retiring effective June 5, 2009. Bob Forry, Compliance Manager is also retiring effective May 29, 2009.

F. COMMITTEE UPDATE

There is nothing new to report at this time.

G. REPORTS

1. Basic Training

ALEA – Commander Markley reported they currently have one class with 13 recruits representing 8 agencies. They also have a fire arson investigators academy with 12 recruits. Their next class starts June 1 with 21 recruits. James McGuffin from DPS will be the new commander at ALEA.

SALETC – Lt. Lane provided a written report that states they had a class graduate on May 7th with 36 recruits representing 10 agencies. The March 30th class has 15 recruits representing 8 agencies. Their next class will start July 7th and they have 67 reservations representing 12 agencies.

2. Department of Corrections – Deputy Director Flanagan stated they have nothing new to report at this time. He did extend an invitation for agencies to use the COTA facility for meetings or for overnight stays if they wish.

3. Center for Leadership Excellence – Debra Howard reported the Center currently has 4 classes with 143 students. Two classes will graduate in the next few months.

H. FINAL ACTION CASES:Case #1 – Richard G. Beck – Goodyear Police Department

The Board considered comments from Assistant A. G. Nancy Beck. Sheriff Sheahan made a motion to adopt the Consent Agreement Order and Decision for voluntary relinquishment of peace officer certification, seconded by Ms. Larsen, motion carried unanimously.

Case #2 – Luis A. Ruiz – Maricopa County Sheriff's Office

The Board considered comments from Assistant A. G. Diana Stabler. Deputy Director Gillette-Stroud made a motion to adopt the Consent Agreement Order and Decision for voluntary relinquishment of peace officer certification, seconded by Chief Huntsman, motion carried unanimously.

Case #3 – Dana L. Anderson – Cochise County Sheriff's Office

This case was taken out of out of order.

The Board considered comments from Assistant A. G. Diana Stabler and Mike Storey, attorney for Mr. Anderson. Mr. Richard made a motion to adopt the Findings of Fact and Conclusions of Law and revoke peace officer certification, seconded by Deputy Director Gillette-Stroud, motion carried unanimously.

Case #4 – Michael R. Fields – AZ Department of Public Safety

Deputy Director Gillette-Stroud recused herself from this case. The Board considered comments from Assistant A. G. Diana Stabler. Sheriff Sheahan made a motion to adopt the Findings of Fact and Conclusions of Law and revoke peace officer certification, seconded by Dr. Decker, motion carried unanimously.

Case #5 – Thomas E. Taylor III – Pima County Sheriff's Office

The Board considered comments from Assistant A. G. Diana Stabler and Mr. Taylor. Deputy Director Gillette-Stroud made a motion to adopt the Findings of Fact and Conclusions of Law and suspend peace officer certification for a period of one year effective January 20, 2009, seconded by Mr. Richard, motion carried unanimously.

Case #6 – Jack H. Watling – AZ Department of Public Safety

Deputy Director Gillette-Stroud recused herself from this case. The Board considered comments from Assistant A. G. Nancy Beck and Mr. Watling. Chief Huntsman made a motion to adopt the Findings of Fact and Conclusions of Law and suspend peace officer certification for a period of three years effective November 15, 2008, seconded by Dr. Decker, motion carried with one nay vote.

Case #7 – Darrell Dolan – Navajo Division of Public Safety

The Board considered comments from Assistant A. G. Diana Stabler. Ms. Larsen made a motion to adopt the Findings of Fact and Conclusions of Law and deny peace officer certification, seconded by Chief Huntsman, motion carried unanimously.

Case #8 – Michael W. Phelps – Ft. Mojave Tribal Police Department

Mr. Duarte recused himself from this case. Deputy Director Gillette-Stroud was acting chair for this case. The Board considered comments from Assistant A. G. Diana Stabler. Chief Huntsman made a motion to adopt the Findings of Fact and Conclusions of Law and revoke peace officer certification, seconded by Dr. Decker, motion carried unanimously.

I. **NEW CHARGING CASES:**

Case #1 – Steven F. Badilla – Salt River Tribal Police Department

Chief Huntsman made a motion to **Initiate Proceedings**, seconded by Deputy Director Gillette-Stroud, motion carried unanimously.

Case #2 – Deirryck C. Begaye – Navajo Department of Law Enforcement

Sheriff Sheahan made a motion to **Initiate Proceedings**, seconded by Chief Huntsman, motion carried unanimously. Deputy Director Flanagan made a motion to amend the previous motion to include the New Mexico statute for simple assault if the acts occurred in New Mexico rather than Arizona, seconded by Chief Huntsman, motion carried unanimously.

Case #3 – Matthew K. Brown – Glendale Police Department

Chief Huntsman made a motion to close this case with **No Action**, seconded by Dr. Decker, motion carried unanimously.

Case #4 – A.S. Bisk Consoli – Scottsdale Police Department

Sheriff Sheahan made a motion to close this case with **No Action**, seconded by Ms. Larsen, motion carried unanimously.

Case #5 – Jason A. Giardino – Tempe Police Department

Chief Huntsman made a motion to close this case with **No Action with Agency Discretion**, seconded by Detective Dobbertin, motion carried with three nay votes.

Case #6 – David R. Gilstad – Chandler Police Department

Mr. Richard made a motion to **Initiate Proceedings**, seconded by Deputy Director Flanagan, motion carried unanimously.

Case #7 – Brandon G. Ramon – Tohono O’odham Nation Police Department

Detective Dobbertin recused herself from this case. Chief Huntsman made a motion to **Initiate Proceedings**, seconded by Deputy Director Gillette-Stroud, motion carried unanimously.

Case #8 – Joshua N. Ray – Phoenix Police Department

Dr. Decker made a motion to **Initiate Proceedings**, seconded by Deputy Director Gillette-Stroud, motion failed. Chief Huntsman made a motion to close this case with **No Action with Agency Discretion**, seconded by Detective Dobbertin, motion carried with four nay votes.

Case #9 – Richard E. Rogers – Phoenix Police Department

Chief Huntsman made a motion to close this case with **No Action with Agency Discretion**, seconded by Detective Dobbertin, motion carried unanimously.

Case #10 – Willis Sequi – Salt River Police Department

Chief Huntsman made a motion to close this case with **No Action with Agency Discretion**, seconded by Detective Dobbertin, motion failed. Ms. Larsen made a motion to **Initiate Proceedings**, seconded by Deputy Director Gillette-Stroud, motion failed.

After much discussion the Board will take **No Action** as a result of both motions failing.

Case #11 – Nicholas A. Young – Scottsdale Police Department

Chief Huntsman made a motion to **Initiate Proceedings**, seconded by Deputy Director Flanagan, motion carried unanimously.

J. CALL TO THE PUBLIC

Mr. Mike Durham addressed the Board during the call to the public about the desirability of establishing standards for cold case investigators and/or administrators.

K. EXECUTIVE SESSION

The Board voted to go into executive session at 12:33 p.m. for the purpose of considering a personnel matter regarding the executive director selection process and for legal advice related to that matter. The open meeting reconvened at 1:05 p.m.

L. DISCUSSION AND SELECTION OF EXECUTIVE DIRECTOR

Chief Huntsman made a motion to appoint Lyle Mann as the new executive director effective June 6, 2009, seconded by Mr. Richard, motion carried unanimously. Mr. Duarte acknowledged Mr. Hammarstrom's years of service and the Board's gratitude for the outstanding job he did as executive director.

M. ADJOURN

Chairman Duarte adjourned the meeting at 1:11 p.m.