

**ARIZONA PEACE OFFICER STANDARDS AND TRAINING BOARD
MINUTES OF MEETING
SEPTEMBER 16, 2009
PHOENIX, ARIZONA**

A public meeting of the Arizona Peace Officer Standards and Training Board was convened on September 16, 2009, at the Aquarius Resort and Casino in Laughlin, NV.

Members Present:

Mr. Joseph Duarte, Chairman
Sheriff John Armer
Detective Lee Ann Dobbertin
Chief Patricia Huntsman
Director Roger Vanderpool
Mr. Gerald Richard, representing Attorney General Terry Goddard
Director Charles Ryan
Sheriff Tom Sheahan
Director Jerry Sheridan
Sergeant Robert Thompson

Members Absent:

Dr. Scott Decker
Ms. Wendy Larsen

Staff in Attendance:

Harry Atkins
Dan Ciernia
Curt Milam
Marie Dryer
Steve Jacobs
Lyle Mann
Gary Maschner
Paul Orfe

Assistant Attorney General
Diana Stabler

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 introduced two new staff members. Bob Irish will be replacing Bob Forry as the new Program Administrator for Compliance and Commander Don Yennie, from the Tempe Police Department will be replacing Rod Covey as the new Program Administrator for the Center for Leadership Excellence.

Executive Director Mann also discussed the current budget situation.

C. CONSENT AGENDA

The Consent Agenda was approved unanimously, motion made by Director Sheridan, seconded by Chief Huntsman.

1. Minutes of the Regular Board meeting, held on July 22, 2009, were approved as written.

Minutes of the Charging Board meeting, held on August 19, 2009, were approved as written.

3. The next scheduled Charging Board meeting is Wednesday, October 21, 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, November 18, 2009, at 2:00 p.m. at AZ POST, located at 2643 E. University Drive, Phoenix, 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 July 31, 2009, the Compliance and Standards Unit had a caseload of 94 active cases. Seven cases are ready for initial presentation; thirty-two cases need further investigation; nine cases are pending service of or response to a Notice of Complaint or Decision; four cases are pending a hearing; five cases are ready for final action, and thirty-seven cases are waiting for outside action, i.e., a criminal trial or civil service hearing.
6. Income and Expense Statement – July 2009

Funds as of July 1, 2009	\$ 909,390.18
CJEF Revenue	640,814.68
Expenditures/Encumbrances	(422,238.38)
Balance for July 31, 2009	\$1,127,966.48

D. REGULAR AGENDA

1. Training Audit Deficiencies for Hopi/BIA Police
This item was removed from the agenda. All deficiencies have been taken care of.
2. Clarification of 2009/2010 Budget Approval
Executive Director Mann informed the Board that due to the budget situation this year, language was inadvertently omitted from the AZ POST budget that would give the executive director the flexibility to move funds within a single program without having to request Board approval. He is asking the Board to allow him this flexibility.

Director Vanderpool moved to clarify that budget approval is intended to be at the program level, leaving the executive director free to address changes in program demands or needs to best serve the Arizona law enforcement community, seconded by Sheriff Armer, motion carried unanimously.

3. Request for Reallocation of Position
Executive Director Mann informed the Board that due to the recent retirement of Director Rod Covey, there is a need to fill the current part-time consultant position in the Center for Leadership Excellence with a tenured law enforcement staff member. He is asking the Board to reallocate an existing vacant Training Specialist position to an AZ POST Law Enforcement Training Supervisor position and then fill the position with a part-time employee.

Mr. Richard moved that staff should work with AZ DPS Human Resources and AZ DOA to reallocate the Training Specialist position to an AZ POST Law Enforcement Training Supervisor position and then take the steps to fill the position, seconded by Chief Huntsman, motion carried unanimously.

E. LEGISLATIVE UPDATE

There are no current bills before the legislature at this time.

F. SUMMARY OF CURRENT EVENTS

There is nothing new to report at this time.

G. COMMITTEE UPDATE

There are no committee updates at this time.

H. REPORTS**1. Basic Training**

ALEA – Commander McGuffin provided a written report that states they currently have one class with 10 recruits representing 8 agencies. This class will graduate on October 2, 2009. The August class has been canceled. The next class will start September 21; currently they have 26 reservations from 14 agencies for this class. The October class has been canceled due to low reservations. They are hoping to start a new class in November.

CHANDLER-GILBERT – Director Terpay provided a written report that states they had a class with 14 recruits graduate on August 19. A new class will start on September 21 with 38 recruits.

NARTA – Sgt. Cappelli provided a written report that states they currently have one class with 10 recruits that started on August 17 and will graduate on December 11.

PIMA COUNTY SHERIFF'S DEPARTMENT – Lt. Deanna Coultas reported they are currently not running an academy and won't have one for this year. Their next academy is July 2010.

SALETC – Lt. Lane provided a written report that states they have a class that will graduate in October with 48 recruits, representing 6 agencies. The next class will start October 5 with 38 recruits.

WALETA – Joe Archie provided a written report that states they had one class start on August 9 with 12 recruits from 7 agencies. This class will graduate on December 11, 2009. The next class will start on January 11, 2010; they will take up to 24 recruits for this class.

2. Department of Corrections – Director Ryan stated they have graduated 61 cadets since the last Board meeting. They currently have 3 classes with 62 cadets. They continue to offer their facilities to other agencies.
3. Center for Leadership Excellence – Don Yennie reported the Center currently has 3 regional classes with 114 students in progress. Class #10 is in Southern Arizona and will graduate 38 students representing 14 agencies. Class #11 will start next week and has 33 students

representing 11 agencies. Class #12 has 41 students representing 17 agencies and will start mid October. They are pretty much booked through 2010.

I. FINAL ACTION CASES:

Case #1 – Carlyle Cooke – Navajo Division of Public Safety

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

Case #2 – Brandon G. Ramon – Tohono O’odham Nation Police Department

Detective Dobbertin recused herself from this case. The Board considered comments from Assistant A. G. Diana Stabler. Chief Huntsman made a motion to adopt the Consent Agreement Order and Decision and revoke peace officer certification, seconded by Director Sheridan, motion carried unanimously.

Case #3 – Robert M. Kent – Maricopa County Sheriff’s Office

Director Sheridan recused himself 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 Director Vanderpool, motion carried unanimously.

Case #4 – Wilfredo Rivera – Phoenix Police Department

The Board considered comments from Assistant A. G. Diana Stabler. Mr. Richard made a motion to adopt the Findings of Fact and Conclusions of Law and revoke peace officer certification, seconded by Director Ryan, motion carried unanimously.

Case #5 – Catherine D. Shelton – AZ Department of Agriculture

The Board considered comments from Assistant A. G. Diana Stabler. Director Vanderpool made a motion to adopt the Findings of Fact and Conclusions of Law and revoke peace officer certification, seconded by Mr. Richard, motion carried unanimously.

Case #6 – Remus A. Tso – Navajo Department of Public Safety

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

Case #7 – Maria D. Leon – Tucson Police Department

The Board considered comments from Assistant A. G. Diana Stabler. Mr. Richard made a motion to adopt the Findings of Fact and Conclusions of Law and revoke peace officer certification, seconded by Director Sheridan, motion carried unanimously.

J. NEW CHARGING CASES:Case #1 – Levander C. Allen – Navajo Division of Public Safety

Sheriff Armer made a motion to close this case with **No Action**, seconded by Detective Dobbertin, motion carried unanimously.

Case #2 – Benjamin Belmares – Phoenix Police Department

Sheriff Sheahan made a motion to **Initiate Proceedings**, seconded by Chief Huntsman, motion carried unanimously.

Case #3 – Richard J. Gilmartin – Tohono O’odham Nation Police Department

Mr. Richard made a motion to **Initiate Proceedings**, seconded by Chief Huntsman, motion carried unanimously.

Case #4 – Travis J. Heeringa – La Paz County Sheriff’s Office

Mr. Richard made a motion to **Initiate Proceedings**, seconded by Chief Huntsman, motion carried unanimously.

Case #5 – Samantha L. Kontz – Wickenburg Police Department

Director Sheridan made a motion to close this case with **No Action**, seconded by Sheriff Armer, motion carried unanimously.

Case #6 – Joseph A. Lopez – Wickenburg Police Department

Mr. Richard made a motion to **Initiate Proceedings**, and then withdrew the motion. Director Vanderpool made a motion to request that staff **Research Further**, seconded by Mr. Richard, motion carried unanimously.

Case #7 – David A. Matta – Tolleson Police Department

Director Sheridan made a motion to request that staff **Research Further**, seconded by Chief Huntsman, motion carried unanimously.

Case #8 – Brian E. Moss – Gilbert Police Department

Director Sheridan made a motion to **Initiate Proceedings**, seconded by Director Vanderpool, motion carried unanimously. Director Sheridan requested that staff offer a consent agreement on this case that would impose a one year suspension of peace officer certification effective from today’s date.

Case #9 – Michael J. Turcotte – Gilbert Police Department

Chief Huntsman made a motion to **Initiate Proceedings**, seconded by Mr. Richard, motion carried unanimously.

Case #10 – Christopher G. Wright – Phoenix Police Department

Mr. Richard made a motion to **Initiate Proceedings**, seconded by Chief Huntsman, motion carried unanimously.

K. CALL TO THE PUBLIC

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

L. ADJOURN

Chairman Duarte adjourned the meeting at 11:20 a.m.