

**ARIZONA PEACE OFFICER STANDARDS AND TRAINING BOARD
MINUTES OF MEETING
NOVEMBER 18, 2009
PHOENIX, ARIZONA**

A public meeting of the Arizona Peace Officer Standards and Training Board was convened on November 18, 2009, at AZ POST, located at 2643 E. University Drive, Phoenix, AZ.

Members Present:

Mr. Joseph Duarte, Chairman
Sheriff John Armer
Detective Lee Ann Dobbertin
Deputy Director Pennie Gillette-Stroud, representing Director Roger Vanderpool
Chief Patricia Huntsman
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:

Ted Brandon
Bob Irish
Steve Jacobs
Lori Ketron
Lyle Mann
Gary Maschner
Curt Milam
Paul Orfe
Sandy Sierra
Chester Szoltysik
Rick Watling
Maria Wheaton

Assistant Attorney General

Nancy Beck
Diana Stabler

A. CALL TO ORDER

Chairman Duarte called the meeting to order at 10:02 a.m.

B. INTRODUCTIONS, PRESENTATIONS AND ANNOUNCEMENTS

There was nothing new to report at this time.

C. CONSENT AGENDA

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

1. Minutes of the Regular Board meeting, held on September 16, 2009, were approved as written.
2. Minutes of the Charging Board meeting, held on October 21, 2009, were approved as written.
3. The next scheduled Charging Board meeting is Wednesday, December 16, 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, January 20, 2010, at 10:00 a.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 September 30, 2009, the Compliance and Standards Unit had a caseload of 100 active cases. Ten cases are ready for initial presentation; thirty-seven cases need further investigation; eight cases are pending service of or response to a Notice of Complaint or Decision; three cases are pending a hearing; seven cases are ready for final action, and thirty-five cases are waiting for outside action, i.e., a criminal trial or civil service hearing.
6. Income and Expense Statement – September 2009

Funds as of September 1, 2009	\$1,150,471.13
CJEF Revenue	570,118.31
Expenditures/Encumbrances	(872,215.09)
Balance for September 30, 2009	\$ 848,374.95

D. REGULAR AGENDA

1. 2010 Calendar Meetings of the Board
Executive Director Mann addressed the Board to discuss the upcoming calendar for 2010. The Board reviewed the calendar for next year and no changes were made.

E. LEGISLATIVE UPDATE

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

F. SUMMARY OF CURRENT EVENTS

Director Mann provided updates to the Board on the current budget situation. He also provided updates on the following: LEOKA Training, the E-Learning Project, and new training DVDs that were recently released.

G. COMMITTEE UPDATE

There are no committee updates at this time.

H. REPORTS

1. Basic Training

ALEA – Commander McGuffin reported they currently have two classes on campus; one class with 19 recruits representing 12 agencies and another class with 18 recruits representing 10 agencies. The attrition rate for 2009 is 26.9%, which includes 7 graduating classes total. The December class has been canceled due to low reservations. Next year they are hoping to run a class every other month, starting with the January class.

CHANDLER-GILBERT – Director Terpay reported they have a class with 22 recruits representing 3 agencies. They will be moving into a new building in late December. Their next class will start in the spring of 2010.

SALETC – Lt. Frank Greene reported they just graduated a class on October 29th with 34 recruits, representing 6 agencies. Another class started on October 5 with 26 recruits representing 8 agencies; this class will graduate on January 28, 2010.

2. Department of Corrections – Nothing new to report at this time.
3. Center for Leadership Excellence – Don Yennie reported the Center currently just graduated a Supervision I class with 35 students, a Supervision II class with 33 students, and an LPO class 33 students. LPO Class #13 will be held in Flagstaff and is scheduled to start December 17. Due to the current budget situation, LPO classes will now be regionalized.

I. FINAL ACTION CASES:Case #1 – Benjamin Belmares – Phoenix Police Department

The Board considered comments from Assistant A. G. Diana Stabler. Director Sheridan 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 #2 – Austin L. Crowley – Gila River Police Department

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

Case #3 – Kenneth A. Hernandez – Tolleson Police Department

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

Case #4 – Caleb N. Hunt – Eagar Police Department

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 Sheridan, motion carried unanimously.

Case #5 – William G. Mellinger – Phoenix Police Department

The Board considered comments from Assistant A. G. Diana Stabler. Director Sheridan 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 #6 – Christopher G. Wright – Phoenix Police Department

The Board considered comments from Assistant A. G. Diana Stabler. Director Sheridan 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 #7 – Deirryck C. Begaye – Navajo Department of Law Enforcement

The Board considered comments from Assistant A. G. Nancy Beck and Gary Thomas, attorney for Mr. Begaye. Deputy Director Gillette-Stroud made a motion to adopt the Findings of Fact and Conclusions of Law and revoke peace officer certification, seconded by Detective Dobbertin, motion carried with two nay votes.

Case #8 – Brian A. Woods – 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 Deputy Director Gillette-Stroud, motion carried unanimously.

J. NEW CHARGING CASES:Case #1 – Wendell W. Allen – Yavapai County Sheriff's Office

The Board considered comments from Compliance Specialist Paul Orfe. Chief Huntsman made a motion to **Initiate Proceedings**, seconded by Detective Dobbertin, motion carried unanimously.

Mr. Gerald Richard arrived at this time.

Case #2 – James E. Ballinger – AZ Department of Transportation - MVD

The Board considered comments from Compliance Specialist Gary Maschner. Sheriff Armer made a motion to **Initiate Proceedings**, and then withdrew his motion. Director Sheridan made a motion to request that staff **Research Further**, seconded by Chief Huntsman, motion carried unanimously.

Case #3 – Trinity J. Everetts – Tombstone Marshal's Office

The Board considered comments from Compliance Specialist Curt Milam. Director Sheridan made a motion to **Initiate Proceedings**, seconded by Deputy Director Gillette-Stroud, motion carried unanimously.

Case #4 – Rosemary Garcia – Surprise Police Department

The Board considered comments from Compliance Specialist Gary Maschner. Director Sheridan made a motion to request that staff **Research Further**, seconded by Chief Huntsman, motion carried unanimously.

Case #5 – Apreel R. Nye – Surprise Police Department

The Board considered comments from Compliance Specialist Gary Maschner. Chief Huntsman made a motion to request that staff **Research Further**, seconded by Sheriff Armer, motion carried unanimously.

Case #6 – Bryce Gardner – AZ Department of Corrections

Director Ryan recused himself from this case. The Board considered comments from Compliance Specialist Paul Orfe. Director Sheridan made a motion to close this case with **No Action**, seconded by Sheriff Armer, motion carried unanimously.

Case #7 – Wynona P. Larson – Tohono O'odham Nation Police Department

The Board considered comments from Compliance Specialist Ted Brandon. Chief Huntsman made a motion to close this case with **No Action**, seconded by Deputy Director Gillette-Stroud, motion carried unanimously.

Case #8 – Terry L. Neff – Gila County Sheriff's Office

Sheriff Armer recused himself from this case. The Board considered comments from Compliance Specialist Curt Milam. Sheriff Sheahan made a motion **Initiate Proceedings**, seconded by Director Sheridan, motion carried unanimously.

Deputy Director Gillette-Stroud left the meeting at this time and did not return.

Case #9 – Benjamin A. Perez – Pima County Sheriff's Department

Detective Dobbertin recused herself from this case. The Board considered comments from Compliance Specialist Steve Jacobs. Chief Huntsman made a motion to close this case with **No Action**, seconded by Director Sheridan, motion carried unanimously.

Case #10 – Matthew T. Van Dellen – AZ Department of Public Safety

The Board considered comments from Compliance Specialist Ted Brandon. Sheriff Armer made a motion to **Initiate Proceedings**, seconded by Chief Huntsman, motion carried unanimously.

Case #11 – Marcus W. Yowytewa – Navajo County Sheriff's Office

The Board considered comments from Compliance Specialist Paul Orfe. Director Sheridan made a motion to close this case with **No Action with Agency Discretion**, seconded by Detective Dobbertin, 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 11:25 a.m.