

**ARIZONA PEACE OFFICER STANDARDS AND TRAINING BOARD
MINUTES OF MEETING
MARCH 17, 2010
PHOENIX, ARIZONA**

A public meeting of the Arizona Peace Officer Standards and Training Board was convened on March 17, 2010, at AZ POST, located at 2643 E. University Drive, Phoenix, AZ.

Members Present:

Mr. Joseph Duarte, Chairman
Sheriff John Armer
Deputy Director Charles Flanagan, representing Director Charles Ryan
Colonel Bobby Halliday
Chief Patricia Huntsman
Ms. Wendy Larsen
Sheriff Tom Sheahan
Director Jerry Sheridan

Members Absent:

Dr. Scott Decker
Detective Lee Ann Dobbertin
Mr. Gerald Richard, representing Attorney General Terry Goddard
Sergeant Robert Thompson

Staff in Attendance:

Harry Atkins
Ted Brandon
Dan Ciernia
Marie Dryer
Rosalee Fitch
Bob Irish
Steve Jacobs
Lyle Mann
Gary Maschner
Curt Milam
Paul Orfe
Sandy Sierra
Maria Wheaton

Assistant Attorney General
Nancy Beck
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 Director Robert Halliday of the AZ Department of Public Safety. He replaces Roger Vanderpool on the Board.

C. CONSENT AGENDA

The Consent Agenda was approved unanimously, motion made by Ms. Larsen, seconded by Chief Huntsman.

1. Minutes of the Regular Board meeting, held on January 20, 2010, were approved as written.
2. Minutes of the Charging Board meeting, held on February 17, 2010, were approved as written.
3. The next scheduled Charging Board meeting is Wednesday, April 21, 2010, at 10:00 a.m. at AZ POST, located at 2643 E. University Drive, Phoenix, AZ.

The next scheduled Regular Board meeting is Wednesday, May 19, 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.	Income and Expense Statement – January 2010	
	Funds as of January 1, 2010	\$1,251,445.61
	CJEF Revenue	825,421.08
	Expenditures/Encumbrances	(958,767.75)
	Balance for January 31, 2010	\$1,118,098.94

D. REGULAR AGENDA

1. Budget Update
Executive Director Mann provided the Board with an update on the current budget situation.
2. Senate Bill 1029: Law Enforcement Officers: Disciplinary Action: Just Cause

Executive Director Mann informed the Board regarding Senate Bill 1029, which is an amendment to Title 38, by adding Section 38-1103; Discipline of law enforcement officers: definitions.

Levi Bolton, formerly of the Phoenix Police Department and now with the Phoenix Law Enforcement Association (PLEA) addressed the Board to discuss this bill.

After much discussion, the Board did not make a motion on this matter, indicating that it would not become involved in the legislative process.

3. Request for Full Authority Restricted Peace Officer Certification – AZ Department of Public Safety

The AZ Department of Public Safety is requesting the Board grant Stephen L. Martin full authority “restricted” peace officer certification.

Director Sheridan moved to grant a full authority “restricted” certification to Stephen L. Martin. The certification would restrict him from being assigned to any duty likely to result in the need to apply physical force, and further, that the potential for such need is so remote as to be highly unlikely, and is authorized only for the duration of employment at the current agency, seconded by Chief Huntsman, motion carried unanimously.

E. LEGISLATIVE UPDATE

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

F. SUMMARY OF CURRENT EVENTS

Executive Director Mann updated the Board on the two grants that he has applied for.

G. COMMITTEE UPDATE

There is nothing new to report at this time.

H. REPORTS

1. Basic Training

ALEA – Commander Jack Lane of the AZ Department of Public Safety is the new Commander at ALEA. He reported they currently have two classes on campus with 30 recruits. Their next class is scheduled to begin March 29, 2010, and they currently have 29 recruits for that class. They are soliciting reservations for a May class.

CHANDLER-GILBERT – Director Jon Terpay reported they have a class that began in March with 38 recruits, they are now down to 18. They are currently processing up to 200 applicants for their next class which is scheduled to begin on May 22, 2010.

SALETC – Lt. Frank Greene reported they had a class start on October 5, 2009, with 30 recruits, this class graduated on January 28, 2010, with 20 graduates. The January class was canceled due to budget reasons. They have another class scheduled to begin on April 19, 2010.

NARTA – Chief Huntsman reported that NARTA began a class with 12 recruits and currently 9 still remain in that class.

2. Department of Corrections – Deputy Director Flanagan reported that since the last meeting, 38 cadets graduated from COTA. They currently have four classes with 117 cadets. They have a 6.99% attrition rate and have 203 vacancies statewide. 14 cadets have graduated through the waiver process which amounts to savings in excess of \$60,000 for the Department.
3. Center for Leadership Excellence – Don Yennie reported the Center recently graduated LPO 12 with 27 students. Included in that graduation was a posthumous graduation certificate for Lt. Eric Shuhandler of the Gilbert Police Department; who died in the line of duty prior to graduation. Last week they completed week one of LPO 13 in Flagstaff. There are 31 students in that class. This week they are completing week two of LPO 14 in Glendale with 28 students. LPO 15 in So AZ will begin next week with 30 students. LPO 16 orientation will be held at POST with 36 students and LPO 17 will be held in Gilbert in July with.
4. Compliance Unit – Bob Irish provided a report to the Board that states that as of January 31, 2010, the Compliance and Standards Unit had a caseload of 87 active cases. 7 cases are ready for initial presentation; 35 cases need further investigation; 10 cases are pending service of or response to a Notice of Complaint or Decision; 3 cases are pending a

hearing; 12 cases are ready for final action, and 25 cases are waiting for outside action, i.e., a criminal trial or civil service hearing.

I. FINAL ACTION CASES:

Case #1 – Matthew T. Van Dellen – AZ Department of Public Safety

Director Halliday recused himself from this case. 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 Deputy Director Flanagan, motion carried unanimously.

Case #2 – James A. Yesford – Mojave Tribal Police Department

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 Sheahan, motion carried unanimously.

Case #3 – Jonathan W. Zimmerman – AZ Western College Police Department

The Board considered comments from Compliance Manager Bob Irish. Sheriff Armer made a motion to close this case with No Action, seconded by Director Halliday, motion carried with one nay vote.

Case #4 – Roy L. Brown – Pinal County Sheriff's Office

Mr. Duarte recused himself from this case. Director Sheridan was acting chair for this case. The Board considered comments from Compliance Manager Bob Irish. Sheriff Sheahan made a motion to accept the mandatory revocation and revoke peace officer certification, seconded by Deputy Director Flanagan, motion carried unanimously.

Case #5 – Geoffrey N. Presco – Yuma Police Department

The Board considered comments from Compliance Manager Bob Irish. Director Sheridan made a motion to accept the mandatory revocation and revoke peace officer certification, seconded by Sheriff Sheahan, motion carried unanimously.

J. NEW CHARGING CASES:

Case #1 – Mark S. Anton – Coconino County Sheriff's Office

The Board considered comments from Compliance Specialist Gary Maschner. Director Sheridan made a motion to close this case with **No Action with Agency Discretion**, seconded by Chief Huntsman, motion carried unanimously.

Case #2 – Martice B. Berry – Maricopa Police Department

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

Case #3 – Julia L. Gresly – AZ Department of Public Safety

Director Halliday recused himself from this case. The Board considered comments from Compliance Specialist Ted Brandon. Chief Huntsman made a motion to close this case with **No Action with Agency Discretion**, seconded by Ms. Larsen, motion carried unanimously.

Case #4 – Gary R. Grove Jr. – Phoenix Police Department

The Board considered comments from Compliance Specialist Steve Jacobs. Sheriff Armer made a motion to close this case with **No Action with Agency Discretion**, seconded by Chief Huntsman, motion carried unanimously.

Case #5 – Todd D. Honyaoma Jr. – Hopi Resource Enforcement Services

The Board considered comments from Compliance Specialist Steve Jacobs. Chief Huntsman made a motion to **Initiate Proceedings**, seconded by Director Halliday, motion carried unanimously.

Case #6 – Ryan D. Ricken – Phoenix Police Department

The Board considered comments from Compliance Specialist Steve Jacobs. Director Sheridan made a motion to close this case with **No Action**, seconded by Sheriff Sheahan, motion carried unanimously.

Case #7 – David E. Wagner – Prescott Valley Police Department

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

Case #8 – Daniel M. Williams – Pima County Sheriff's Department

The Board considered comments from Compliance Specialist Paul Orfe. Sheriff Armer made a motion to **Initiate Proceedings**, seconded by Director Sheridan, 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 11:35 a.m.