



The Az POST

Newsletter

Arizona Peace Officer Standards and Training Board

Spring 2009

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Meet your Arizona POST Board

Thomas Sheahan



The Newsletter would like to introduce POST Board member, Sheriff Tom Sheahan. Tom was appointed by Governor Janet Napolitano on December 1, 2008, to fill the large county (county over 200,000 population) sheriff position on the Board.

Tom has been in law enforcement for 37 years. Prior to moving to Arizona in 1981, he worked for the Du Page County Illinois Sheriff's Office for nine years. Du Page County is in the western suburbs of Chicago. Tom has been with the Mohave County Sheriff's Office for 28 years and is in

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It's That Time Again

Annual Training Records Audit

Recently, the Board voted to restrict the certification of an officer for failing to satisfy POST training requirements. As a result of the Board's decision, this officer can not engage in law enforcement duties, carry a firearm, display a badge, or even wear a uniform. In order to help ensure that other officers do not find themselves in a similar situation, the staff of the POST Compliance Section completes an annual training audit of each agency in the state.

With the New Year, the time has come for our inspection of individual officer training records for 2009. Your POST Compliance Specialist will schedule the inspection of your agency soon. They will be checking your training records to ensure that officers have met the POST training requirements which include the following:

All full authority officers are required to annually qualify with their

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Illegal Internet Prescriptions

According to a recent survey by the National Association of Boards of Pharmacy, nearly 97 percent of internet sites that offer prescriptions operate in conflict with federal law, state law, or NABP standards. Congress has now passed the Ryan Haight Online Pharmacy Consumer Protection Act of 2008. The Act will become effective on April 13, 2009.



The Act codifies the previously existing requirement that no controlled substances may be distributed through the Internet without a valid prescription. A valid prescription means a prescription that has been issued for a legitimate medical purpose in the usual course of professional practice. It requires a bona fide doctor/patient relationship

and four elements of legitimacy as expressed by DEA regulations: the patient has a medical complaint; a medical history has been taken; a physical examination has been performed; and, some logical connection exists between the medical complaint, the medical history, physical examination and the drug prescribed. The bottom line is, with extremely limited exceptions, a valid prescription requires an in-person examination of the patient by the person authorized to prescribe the controlled substance. Following the effective date of the Ryan Haight Act, it is possible that some of these regulations will change in substance or form, so anyone who obtains drugs via an internet pharmacy needs to stay alert to developments.

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Executive Director's Message

"Time for an Update"

I vividly remember April of 1970 when four California Highway Patrol Officers lost their lives in a shootout with two heavily armed criminals at Newhall, California. Aside from the painful tragedy of losing four dedicated young officers, the Newhall shootout was important because it provided the impetus for a significant technical transition in American law enforcement. The transition from traditional double action six shot revolvers to high capacity automatic pistols.

While this transition took several decades to complete, it is safe to say that today there are very few, if any, full time peace officers in Arizona carrying a revolver as their first line service handgun. This is important because the Arizona POST handgun qualification course was initially designed around the revolver, and while it has provided an adequate standard for both revolver and automatic pistol shooters, the time has come to revisit our course of fire with an eye toward ensuring that the course truly measures competence with the handguns Arizona peace officers are carrying.

Toward that end, Arizona POST is putting together a group that will evaluate our current qualification course and make recommendations for its improvement. The primary goal of the committee is:

"To identify a demonstration of proficiency which ensures that peace officers authorized to carry firearms are safe and effective in the use of their service handgun."

Secondary goals may include recommendations relating to patrol rifles, shotguns, and deadly encounter tactical training, but the main emphasis will be on our service handgun qualification.

This job will take some time to finish, but I am confident that over the next eighteen months or so we will develop a standard that improves upon our current one, and which provides Arizona's citizens with confidence that the peace officers empowered to protect them are proficient with the tools we have given them for that purpose.

The AZ POST Newsletter is a publication of the:

Arizona Peace Officer Standards and Training Board
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Executive Director:
Tom Hammarstrom

Board Chair:
Mr. Joseph Duarte

Board Members:

The Honorable Terry Goddard

Chief Jack Harris

Interim Director Charles L. Ryan

Chief Patricia Huntsman

Director Roger Vanderpool

Ms. Wendy Larsen

Sheriff John Armer

Sheriff Tom Sheahan

Dr. Scott Decker

Chief Jerry Sheridan

Detective Lee Ann Dobbertin

Sergeant Robert Thompson

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his fourth term as sheriff.

Tom moved to Arizona from Illinois to enjoy the wonderful weather we have and the way of life that comes with the enjoyable weather.

Tom has two children, daughter Cyndi a nurse and son Mike who works for the University of Phoenix. He also has two grandchildren, six year old Isaac and two year old Ellie.

In his free time Tom enjoys going to his home in the White Mountains to go trout fishing, ATV riding and numerous other outdoor activities that the scenic area has to offer.

service handgun (this includes a target identification and judgment course), and complete eight hours of continuing training. Additionally, officers below the rank of first line supervisor must receive eight hours of proficiency training every three years.

With over 16,000 peace officers in Arizona, POST performs the audit by selecting random sample training records. Agencies are identified in one of the following categories determined by the number of officers in the agency, and the number of training records to be randomly chosen for inspection during the initial phase of the audit:

Category 1

Agencies with more than (800) sworn peace officers will have (40) training records inspected.

Category 2

Agencies with between (300) and (800) sworn peace officers will have (25) training records inspected.

Category 3

Agencies with between (100) and (300) sworn peace officers will have (20) training records inspected.

Category 4

Agencies with less than (100) sworn peace officers will have (10) training records inspected.

Our mission is to enhance the professionalism and competency of law enforcement in Arizona, and we know you share our goals in this regard. One way to achieve this is by assuring that officers receive on-going, verifiable training throughout their careers. The Compliance Specialist assigned to your agency, or anyone in the Standards and Compliance Section, is always available to assist with questions to help you prepare for your agency's annual inspection.

“Something We Can Control”

Last year in Arizona we mourned the loss of seven officers, including two Correctional Officers, in a variety of duty and non-duty related incidents. In 2008, the number of officers who died in the line of duty actually decreased to 140 from 181 officers killed the previous year. Although we are very grateful this number is down, we are sure you will agree that even one is too many. The

causes and circumstances of these tragic deaths vary widely, and it is difficult to identify one remedy to solve the problem. However, in our opinion there is a category of duty related death that should never occur. That category includes officers who are killed during training.

According to the staff of The National Law Enforcement Officers Memorial there have been 125 officers killed in training accidents since statistics have been kept. These officers did not die in the hectic and sometimes uncontrollable tactical environment found on the street, they died in a training environment which can, and should be controlled.

Arizona peace officers are not training for “tea with the queen.” We train hard to learn to react to a myriad of difficult and dangerous situations. It is incumbent on all of us to realize that such training is dangerous, and that it must be taken seriously. This is true for the student, as well as the instructor.

Arizona POST Training Specialist Harry Atkins, a long time member



of the AZ POST General Instructor Subject Matter Committee, recently stated,

“As trainers we sometimes feel as though we have a thankless job. However, every time we hear of an officer surviving a lethal encounter or succeeding in their job, we should know that their training, no matter how mundane the topic, came together to serve them when they needed it. I tell my students to never let themselves fall victim to cutting corners when it comes to class safety or quality of instruction.”

We all need to be constantly aware of our surroundings and of each other when working in these dangerous training environments. Whether trainer or student, each of us is responsible for controlling the training environment so we won't read more headlines like these:

Officer fatally injured in training exercise

FBI agent killed during live-fire training in Virginia

Cobb (Academy) Police Trainee Fatally Shot



New Phone System

Recently our office has installed an automated phone system.

You may use the system 24 hours a day. The menu choices and extensions are the same. During the day the menu choices available from a touch-tone phone will take you directly to the person you wish to speak with. If the person you are seeking is on another call, or away from their phone extension, you will be directed to their Voicemail. All of our staff checks their Voicemail and messages many times during the day; and first thing in the morning if your message was left on a holiday or weekend. After business hours or on holidays, you can still leave a message by entering the extension number of the person you wish to speak with when the introductory message starts to play.

If you know the extension of the person you wish to reach, you may enter the numbers for that extension at any time while the message is being given. Likewise, once you get to know the numbers of the menu choices, you may enter those as soon as the introductory message starts to play.

Callers have the option of trying to speak to a receptionist by pressing zero. If a receptionist is unavailable, callers can leave messages.

Below is a listing of AZ POST staff extension numbers. The numbers are also available on our website at www.azpost.gov.

Atkins, Harry	281
Brandon, Ted E.	228
Bui, Hop	268
Ciernia, Dan	263
Covey, Rod.....	264
DeLung, Jim	283
Dryer, Marie.....	247
Felix, Ed.....	210
Fennell, Faith A.....	271
Fitch, Rosalee	231
Forry, Bob	225
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Heiden, Jon.....	262
Howe, Lynn	233
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Ketron, Lori	268
Larson, Lynn	240
Mann, Lyle.....	238
Maschner, Gary.....	239
Milam, Curt.....	230
O'Connor, Christina "Nina" ..	221
Orfe, Paul.....	227
Pirkle, Lynn.....	234
Sierra, Sandy	222
Stabler, Diana.....	226
Valtierra, Maria	245
Watling, Rick	241

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An Arizona POST Rule prohibits the illegal use of a dangerous drug or narcotic. Taking a dangerous drug or narcotic, except as validly prescribed, is illegal use. In a 2008 informal discussion letter the EEOC stated that Arizona POST may take disciplinary action against the certification of an officer who has taken medically available dangerous drugs or narcotics outside the directives of a valid prescription. In fact, POST has revoked the certifications of officers for using anabolic steroids and Soma obtained via the internet. The POST Board recently re-affirmed its intention to take disciplinary action against officers who use prescription narcotics, anabolic steroids or other drugs except as provided by a valid prescription.



Changes to Board

The New Year brought changes to the Arizona Peace Officer Standards and Training Board. Longtime Board member and Chairman, Sheriff Gary Butler, ended his six year term with the Board at the end of December 2008. During his term, Sheriff Butler served 4 years as chairman of the Board.

Mr. Joseph Duarte, who has served as a Board member since 2004, was chosen to replace Sheriff Butler as chair. New members appointed to the Board by Governor Napolitano are Sheriff Tom Sheahan of Mohave County (county over 200,000 population), and Sheriff John Armer of Gila County (county under 200,000 population).

As we sadly say goodbye to a member who is leaving, we welcome the new members and look forward to working with them on the important issues before the Board.



The unauthorized reproduction or distribution of this copyrighted work is illegal. Criminal copyright infringement, including infringement without monetary gain, is investigated by the FBI and is punishable by up to 5 years in federal prison and a fine of \$250,000.

I continue to have conversations with staff and colleagues that center around the inclusion and use of copyrighted works in training materials. Recently I have been able to provide more welcomed information when it comes to including that particular copyrighted work that really drives home a teaching point. In our AZ POST June newsletter I presented the following scenario;

“With chapter 7 of your movie rental DVD identified and securely transferred to your laptop you embed the video/audio file in your PowerPoint® presentation. You are confident the learning experience for your class has just been raised to a new level as a result of adding this dynamic scene from this copyrighted work. Then...Wait a minute, your mind begins to race, “...copyrighted work... that surely doesn’t apply to me...I’m not making any money from this... what about fair use?” Great question because if you understand the Fair Use Doctrine it will help guide you in the appropriate use and handling of copyrighted materials.”

Today, I am pleased to report, that great question from the above scenario has a more favorable answer. Yes, you

can use that clip in your training presentation to support your teaching point! You still cannot distribute that clip (make it available in copies of your PowerPoint® presentation, as an on-line download, or any other means of copying or distribution), but you can present the clip in your classroom or training session as part of your original presentation. Many of you, I am sure, are pleased to read that.

So what has changed regarding “Fair Use” in the last few months? Nothing from a legal stand point, but my continued research on this matter lead me to the “Teach Act” (Technology, Education, and Copyright Harmonization Act of 2002’). The Teach Act makes exceptions to the copyright and fair use laws for government and educational entities under certain circumstances.

The Teach Act reads (in part), “...the performance or display is made by, at the direction of, or under the actual supervision of an instructor as an integral part of a class session offered as a regular part of the systematic mediated instructional activities of a governmental body or an accredited nonprofit educational institution;...” and the act continues, “...no

governmental body or accredited nonprofit educational institution shall be liable for infringement by reason of the transient or temporary storage of material carried out through the automatic technical process of a digital transmission of the performance or display of that material as authorized under paragraph (2).”

Translation - AZ POST instructors are able to include copyrighted materials in lesson plans to support and illustrate teaching/training points as presented in the Teach Act without being liable for infringement. This is provided that they have legally purchased the DVD or the video in the first place.

So, the road to including those movie clips that raise your presentation to the next level and capture your class’ attention like a vice grip – has been opened up. The key to keeping this avenue of high quality resources open to you is – DO NOT DISTRIBUTE! That part of the equation remains consistent.

As I mentioned in my previous article, copyrights protect the “original works of authorship” that are fixed in a tangible form of expression. A tangible form does not need to be directly perceptible if it can be communicated with the aid of a machine or device. For example, you need a DVD player or computer with a DVD drive to see a film on DVD.

Copyrightable Works Include the Following Categories

- literary works
- musical works, including any accompanying words
- dramatic works, including any accompanying music
- pantomimes and choreographic works

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- pictorial, graphic, and sculptural works
- motion pictures and other audiovisual works
- sound recordings
- architectural works

These categories should be viewed broadly. For example, computer programs and most "compilations" may be registered as "literary works"; maps and architectural plans may be registered as "pictorial, graphic, and sculptural works."

I suggest visiting the government copyright web site (www.copyright.gov) or one of the other web sites listed below for some light reading on the Teach Act and all the details regarding use of copyrighted works

by governmental and educational entities.

<http://www.copyright.gov/>,

<http://www.copyright.gov/fls/fl102.html>,

<http://www.copyright.gov/legislation/pl107-273.html>,

<http://www.copyright.gov/fls/fl102.html>

Next edition of the AZ POST News letter I will share some points on how to integrate materials like video clips, audio clips, animation clips, documents and images into your presentations with our leaving your office computer.



A Reminder about Training Requests

With over 13,000 Arizona peace officers eligible to attend POST Calendar Training Classes, we are sometimes inundated with inquiries about our training programs. Regrettably, POST does not have the staff to field questions from every officer interested in attending, so it is imperative that questions about, and applications for, training be funneled through the designated agency training coordinator or the agency head.

Descriptions of the classes can be found online at the POST website. Applications for bi-annual training calendar classes must be submitted by Agency Training Coordinator or

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NARTA (Northern Arizona Regional Training Academy) is a regional training center serving city, county and state law enforcement agencies throughout the state of Arizona. It is housed at Yavapai Community College in Prescott Valley, Arizona. The Defensive Tactics, Drivers and Firearms Training, and Stop and Approach are held at off-campus locations. In 2008, NARTA was able to conduct driver's training at the new Yavapai County driving track which is only four miles away! Housing at Yavapai College in Prescott is also available for recruits living outside a 50-mile radius of NARTA.

NARTA has been an active academy since 1996 and has graduated over 700 law enforcement officers. Since 1997, NARTA has been fortunate to have as their Training Sergeant, Prescott Valley Sergeant Joseph Cappelli.

Sergeant Cappelli recently stated "In the basic training business, we all exist for the same reason, have the same purpose and share a common goal, which is to train law enforcement recruits to highest set of standards set by AZ POST." "Since NARTA has elected to do only two classes a year, this allows for us to maintain a higher degree of quality training and dedicate extra time for hands-on training, which is the key to a successful transition to FTO....our training philosophy has been Teamwork, Self-discipline and Attention to Detail. This past year (2008) NARTA was one of 10 programs across the US that received a National Nomination for community partnerships."

NARTA Commander Steve Francis further stated: "NARTA is an outstanding example of the true cooperative nature of law enforcement in Northern Arizona. No single agency could ever possess the resources or staffing to create and maintain an academy in the north on its own. The agencies in Yavapai County have banded together and committed the resources and staffing to make what many believe is one of the most successful academies in the state. Of course, this goal would never have been reached without our partners at

Yavapai College, who continue to support the academy in every way."



AZ POST BOARD MEETINGS 2009 SCHEDULE

Month	Day	Location	Meeting
JANUARY	Wednesday, January 21	AZ POST	Regular Board Meeting: 10:00 a.m.
FEBRUARY	Wednesday, February 18	AZ POST	Charging Board Meeting: 10:00 a.m.
MARCH	Wednesday, March 18	AZ POST	Regular Board Meeting: 10:00 a.m.
APRIL	Wednesday, April 15	AZ POST	Charging Board Meeting: 10:00 a.m.
MAY	Wednesday, May 20	AZ POST	Regular Board Meeting: 10:00 a.m.
JUNE	Wednesday, June 17	AZ POST	Charging Board Meeting: 10:00 a.m.
JULY	Wednesday, July 22	Flagstaff at the Little America Hotel **	Regular Board Meeting: 2:00 p.m.
AUGUST	Wednesday, August 19	AZ POST	Charging Board Meeting: 10:00 a.m.
SEPTEMBER	Wednesday, September 16	AZ POST	Regular Board Meeting: 10:00 a.m.
OCTOBER	Wednesday, October 21	AZ POST	Charging Board Meeting: 10:00 a.m.
NOVEMBER	Wednesday, November 18	AZ POST	Regular Board Meeting: 10:00 a.m.
DECEMBER	Wednesday, December 16	AZ POST	Charging Board Meeting: 10:00 a.m.

** Out of town meeting

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agency head within the published guidelines. Calendar classes are filled through a lottery selection system based only upon those applications submitted by Agency Training Coordinators.

If your agency assigns a new Training Coordinator it is important that you notify POST of the change in writing. This will insure timely receipt of the bi-annual Training Calendar as well as any add-on classes that are announced randomly. It is also important for your agency to get the calendar into the hands of the Training Coordinator quickly, or you may lose out on training opportunities. The bottom line is, we do not recognize training applications that did not go through the Agency Training Coordinator, or the agency head as being valid.



20 Years of Service:

The Newsletter would like to take this opportunity to congratulate Rosalie Fitch on her 20 years of service with the Arizona Department of Public Safety. Rosalee, who received her 20-year pin during the January Board meeting, is a DPS employee who has been assigned as a Training Specialist at AZ POST since 1993.

Congratulations Rosalee and thank you for all of your hard work!



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Newsletter
Will no Longer
Be Available
in Print**

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