



Arizona Peace Officer Standards and Training Board

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MINUTES OF THE JANUARY 20, 2021 MEETING OF THE ARIZONA PEACE OFFICER STANDARDS AND TRAINING BOARD PHOENIX, ARIZONA

A public meeting of the Arizona Peace Officer Standards and Training Board was convened on January 20, 2021, at the Arizona Peace Officer Standards and Training Board, located at 2643 E. University Drive, Phoenix, AZ.

Members Present (in person):

Sheriff Mark Dannels, Cochise County Sheriff's Office
Ms. Jamie Kelly, Public Member
Chief Tom Kelly, Apache Junction Police Department

Members Present (via online video/telephone conferencing):

Captain Don Bischoff, Jail Commander, Mohave County Sheriff's Office
Assistant Attorney General John Johnson, representing Attorney General Mark Brnovich
Mr. Andrew LeFevre, Faculty Member, Grand Canyon University
Officer Matthew Medina, Prescott Police Department
Deputy Director Joe Profiri, representing Director David Shinn, AZ Department of Corrections
Colonel Heston Silbert, AZ Department of Public Safety
Ms. Leesa B. Weisz, Public Member

Staff in Attendance (in person):

Matt Giordano, Executive Director
Ben Henry, Deputy Director
Dan Ciernia, Digital Media Supervisor
Mike Orose, Compliance Program Administrator
Rita Mae Schaefer, Administrative Assistant
Sandy Sierra, Executive Assistant
David Toporek, Compliance Specialist
Dale Wyman, Digital Media Specialist

Staff in Attendance (via online video conferencing):

William Caldwell, Compliance Specialist
Mike Deltenre, Compliance Specialist
Arlene Heckel, Compliance Specialist
Steve Jacobs, Compliance Specialist

Assistant Attorneys General:

Mark Brachtl (in person)
Jennifer LaRoque (in person)

A. Call to Order

Acting Chairman Dannels called the meeting to order at 10:00 a.m. and asked Ms. Kelly to lead everyone in reciting the Pledge of Allegiance.

B. Introductions, Presentations and Announcements

Matt Giordano, Executive Director

- Roll Call was taken. Ten Board members are present today, three are here in person and seven are participating via telephone/video conferencing. Sheriff Dannels will be acting chair. We have three vacant Board positions that still need to be filled.
- There are three cases that are being tabled today – Christopher J. Del Pozzo 20-193, which is on the consent agenda, final action case 20-045 Martin Guerrero and new case 20-059 Anthony Shantz.
- Assistant Attorney General Jennifer LaRoque will be leaving the Attorney General’s Office in early February and has accepted a position with the City of Surprise. Jen has been instrumental in lowering our caseload for cases going before an Administrative Law Judge. She has done a tremendous job for us, and she will be greatly missed. We will work with the Attorney General’s Office to find a replacement.

C. Executive Director’s Report

Matt Giordano, Executive Director

- Continue to work with the Officer Safety and Wellness Group with IACP and IADLEST. We are coming up with some really good ideas and are working on conducting national training for officer safety and wellness.
- Continuing to work with the RAND Corporation as it relates to recruitment. We are working together to come up with recruitment strategies for peace officers moving into 2021 and beyond.
- Was a guest on the AAPAC (Arizona Prosecuting Attorney’s Advisory Council) Podcast last week with Elizabeth Ortiz. Would like to thank Elizabeth for this opportunity and truly appreciate our partnership with AAPAC.
- Have attended various meetings the past few weeks to include the Arizona Sheriff’s Association and West Valley Chief’s Meetings.
- Participated as a panel member on the lieutenant’s selection process for the Florence Police Department. This was a great experience and was honored to be selected to sit on the panel.
- The 2021 Legislative Session has kicked off, bills are starting to be introduced. Will start tracking any bills that could impact AZPOST and law enforcement and will provide updates to the Board starting in February.
- We are back on track with CJEF funds, we had one low month, but we are back up to our target range.
- The Governor’s proposed budget that was announced last week included almost \$1.2 million in appropriated funding for AZPOST. We use appropriated funds exclusively to reimburse the academies for every successful candidate. The budget also includes \$462,000 for a statewide peace officer misconduct database. What that will entail is still very fluid, but those funds will allow us to hire personnel for this project. This will be a huge project and it might even be one of the first in the country. We will reach out to IADLEST for a national prospective and maybe we can set the bar on what this will look like moving forward. This

is a proposed budget and still needs approval, but if it does get approved it will go into effect in July. We will hit the ground running in July and will have the infrastructure already set up.

Colonel Silbert inquired about the Declaration of Conflict of Interest Form that Board members are being asked to submit if they wish to recuse themselves from a matter on the meeting agenda. He asked if statute requires that this form be filled out in order to recuse oneself from a case.

AAG Brachtl stated a form is not required in the statute; what is required in the statute is capturing the recusal and the form of the recusal. If the form cannot be submitted, making the recusal on the record during the Board meeting will suffice.

Since the meetings are recorded and the recusal is captured on record, Executive Director Giordano stated he would conduct an unofficial poll of the Board to determine what the best practice should be and will have a resolution for our February meeting.

D. Review, Discussion and Possible Action for AZPOST Goals in 2021, as well as a Review of the Accomplishments of 2020.

Executive Director Giordano provided a brief synopsis of AZPOST's accomplishments for 2020. The 2020 Annual Report will be out very soon and will highlight these accomplishments more in-depth. Some of the 2020 accomplishments include:

- Rulemaking: The rules were amended to change the drug standards and will take effect in April 2021.
- Online CFE Testing: This is now complete. We now conduct online testing for all our academies as well as for lateral candidates. Laterals no longer have to come to AZPOST to test, we can do this virtually; which is incredibly efficient not only for AZPOST staff but also for our applicants.
- Digital Personal History Form: We are now the keeper of this record. Every PH Form is now done digitally. An applicant will fill out the form one time, they are able to make changes to the form, but we are able to track those changes. We are hoping this will reduce the number of cases the Board sees where someone submits 10 applications and 10 different PH Forms. So far, 1,700 PH Forms have been created in less than 2 months in our system.
- Updated Technology: We updated our technology in 2020 starting with dockable laptops for all staff. This allowed everyone to work from home remotely, which was a lifesaver for us due to the pandemic. We also upgraded the Boardroom and Classroom 2 to Google Meet suites to allow for livestreaming and virtual training. We increased our internet bandwidth to support all the new technology. We transitioned to cloud storage and no longer have on-site servers. We also obtained a new video platform for all of our training content which is much easier to use and access for anyone needing training hours.
- Training: Built a new Basic Leadership Academy and hosted our first class, it was very well received. The goal now is to host one class per month moving forward. Rebuilt all Subject Matter Expert (SME) groups and started working on our basic academy curriculum. We changed our policies on Distance Learning Vendors; we have vetted our vendors and they are listed on our website. Anyone looking for continuing training can go to our website and see

an approved list of vendors who already have AZPOST approval and they can reach out to those vendors to obtain training.

- Compliance: Have reduced our Office of Administrative Hearings (OAH) waiting cases to under 20 cases, which is a historic low.
- Archive: We have scanned all of our historic documents. Our warehouse was stacked with boxes upon boxes of old records. All these records have now been scanned and they are easily accessible and easily searchable.

2021 Goals

- Rulemaking: We are continually looking at our rules to make sure they are clear, serve our purpose and that they are efficient for our partner agencies. We are already exploring future rule changes in 2021.
- Technology: Will expand the digital Personal History Form by allowing agencies to generate the A-1 Form (Appointment Form). This will be done electronically through the information that was added in the PH Form. This will reduce errors because we oftentimes get errors when the information is transitioned by the agency. We are hoping this will be a one-button click that creates an A-1 for us and then we can start the new hire audit. We are looking at creating a digital platform to disseminate Board material to the Board members. Our goal is to go almost paperless in 2021. We have ordered an e-reader and Ms. Weisz has graciously agreed to test this reader. In theory, we would issue an e-reader to each Board member and the Board meeting material would be on your e-reader; there would no longer be a need for paper copies of the meeting material or emailed PDF documents. We are looking at updating agency rosters. We have had some cases where we found an individual on an agency's roster that we did not show as having been appointed. This causes a whole myriad of issues that we are trying to resolve. We are working on how to upload rosters from every agency to make sure that their records match our records.
- Training: Hopefully by the first part of next month we will roll out the basic academy curriculum updates. We will present these updates to the Board and our goal is by summer of 2021 all of our academies statewide will be implementing these updates. Our rulemaking that we are hoping to do will encapsulate all those changes so that it becomes mandatory. This is a very large project. Moving forward we will ask the Board for guidance on how often you want to see curriculum updates. We are looking at maybe a two-year schedule for the updates. We hope to complete and begin hosting the Executive Leadership Program. This has been a long time coming, but we want to make sure it is done right.
- Compliance: We currently do training audits every year for a percentage of peace officers throughout the state. We have a schedule in our policy on how to do these audits, but we are not reviewing every officer's training record. We think it is in the best interest of AZ law enforcement, as well as the community we serve, that we do a training audit on every peace officer's training record every year. With just under 15,000 peace officers statewide, this is a huge undertaking. We are looking at a technology platform where the agencies would upload their training records to us and we would be able to review every officer's training record to look for any deficiencies.

Chairman Dannels stated he is very impressed with the work Executive Director Giordano and the AZPOST staff is doing.

E. Consent Agenda

Mr. LeFevre made a motion to accept the Consent Agenda, as amended. The motion was seconded by Captain Bischoff and passed unanimously.

The following items were approved:

1. Minutes of the Board meeting held on December 16, 2020.

2. Certification Waivers:

Elijah M. Olofson Cottonwood Police Department

3. Consent Agreements for Voluntary Relinquishment/Denial of Peace Officer Certification. The following individuals, without admitting to any misconduct, requests the Board accept their request to permanently relinquish their Arizona peace officer certification:

Brannon R. Eagar	20-035	Apache County Sheriff’s Office
Buddy S. Johnson	20-198	Pinal County Sheriff’s Office
Jessee N. Ornelas	18-142	El Mirage Police Department
Carlos Sanchez	19-198	Mesa Police Department

F. Review, Discussion and Possible Action on a Surprise Police Department Petition for a waiver pursuant to A.A.C. R13-4-105(D) for Applicant Tori R. Campbell

Assistant Attorney General Mark Brachtl addressed the Board regarding the Surprise Police Department petition for waiver pursuant to A.A.C. R13-4-105(D) for Applicant Tori R. Campbell. Applicant Campbell disclosed during the hiring process that when she was 15 years of age, she delivered a small quantity of marijuana to another student. Commander Jeff Cutler, Surprise Police Department, addressed the Board to request that the petition be granted.

Ms. Kelly made a motion that based upon the information submitted by the Surprise Police Department, and pursuant to Rule 13-4-105(D), the Board grant the request for waiver for Applicant Tori R. Campbell. The motion was seconded by Captain Bischoff and passed unanimously.

G. Final Action Cases:

1. 18-031 – Jose A. Sandoval – Somerton Police Department

Mr. Johnson (AAG) recused himself from this case. The Board considered comments from Assistant Attorney General Jennifer LaRoque; who provided a brief overview of the proposed Consent Agreement. Captain Bischoff made a motion to accept the proposed Consent Agreement, Decision and Order for a retroactive 6-month suspension of Mr. Sandoval’s peace officer certification. The suspension shall be in effect from March 2, 2018 through September 2, 2018. The motion was seconded by Chief Kelly and passed unanimously.

2. 19-110 – Pedro J. Aguila-Muniz – AZ Department of Public Safety
Colonel Silbert and Mr. Johnson (AAG) recused themselves from this case. The Board considered comments from Compliance Specialist Steve Jacobs; who provided a brief overview of the case. Chief Kelly made a motion to revoke Mr. Aguila-Muniz's peace officer certification. The motion was seconded by Ms. Kelly and passed unanimously.
3. 20-045 – Martin Guerrero – Scottsdale Police Department
This case was tabled.
4. 19-215 – Chad D. Cunningham – Yuma Police Department
Mr. Johnson (AAG) recused himself from this case. The Board considered comments from Compliance Specialist David Toporek; who provided a brief overview of the case. Chief Kelly made a motion to revoke Mr. Cunningham's peace officer certification. The motion was seconded by Ms. Weisz and passed unanimously.
5. 20-126 – Matthew M. Nunemacher – Tempe Police Department
The Board considered comments from Compliance Specialist Steve Jacobs; who provided a brief overview of the case. Ms. Weisz made a motion to revoke Mr. Nunemacher's peace officer certification. The motion was seconded by Chief Kelly and passed unanimously.

H. New Charging Cases:

1. 20-005 – Alex M. Gryglewski – Salt River Police Department
The Board considered comments from Compliance Specialist William Caldwell, who provided a brief overview of the case; a short video was also presented. Chief Kelly made a motion to Initiate Proceedings against Mr. Gryglewski's peace officer certification. The motion was seconded by Captain Bischoff and passed unanimously.
2. 20-032 – Leo R. Buffa – Phoenix Police Department
The Board considered comments from Compliance Specialist Mike Deltenre, who provided a brief overview of the case. Ms. Kelly made a motion to Initiate Proceedings against Mr. Buffa's peace officer certification. The motion was seconded by Ms. Weisz and passed unanimously.
3. 20-059 – Anthony J. Shantz – Coconino County Sheriff's Office
This case was tabled.
4. 20-170 – Tyken J. Solie – Phoenix Police Department
The Board considered comments from Compliance Specialist Mike Deltenre, who provided a lengthy overview of the case. Ms. Kelly made a motion to Initiate Proceedings against Mr. Solie's peace officer certification. The motion was seconded by Officer Medina and passed unanimously.

5. 20-078 – Courtney L. Hicks – Surprise Police Department

The Board considered comments from Compliance Specialist Arlene Heckel, who provided a brief overview of the case. Mr. LeFevre made a motion to Initiate Proceedings against Mr. Hicks' peace officer certification. The motion was seconded by Ms. Kelly and passed unanimously.

6. 20-077 – Nathaniel T. Miller – Surprise Police Department

The Board considered comments from Compliance Specialist Arlene Heckel, who provided a brief overview of the case. Mr. LeFevre made a motion to Initiate Proceedings against Mr. Miller's peace officer certification. The motion was seconded by Captain Bischoff and passed unanimously.

7. 20-022 - Isaac R. Talley– Apache County Sheriff's Office

The Board considered comments from Compliance Specialist Steve Jacobs, who provided a brief overview of the case. Ms. Weisz made a motion to close this case and Resolve in the Future. The motion was seconded by Captain Bischoff and passed unanimously.

8. 20-013 – Tyler O. Aguirrebarrena – Yuma Police Department

The Board considered comments from Compliance Specialist David Toporek, who provided a brief overview of the case. Chief Kelly made a motion to Initiate Proceedings against Mr. Aguirrebarrena's peace officer certification. The motion was seconded by Ms. Kelly and passed unanimously.

9. 19-235 – William A. Ponce – Colorado River Indian Tribes Police Department

The Board considered comments from Compliance Specialist David Toporek, who provided a brief overview of the case. Colonel Silbert made a motion to close this case with No Action. The motion was seconded by Captain Bischoff and passed with two nay votes recorded for Ms. Weisz and Officer Medina. A short discussion ensued regarding cases that involve sex on duty and the Board's direction on these types of cases. Also, the matter of discussions being held before or after a motion was raised. Executive Director Giordano stated he would place this matter on a future agenda for more in-depth discussion.

I. Future Agenda Items

The matters regarding Board member recusal from an agenda item and discussions before and after a motion is made will be placed on a future agenda for discussion and resolution.

J. Adjournment

The meeting was adjourned at 11:40 a.m.