



## *Arizona Peace Officer Standards and Training Board*

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### **MINUTES OF THE FEBRUARY 19, 2020 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 February 19, 2020, at the Arizona Peace Officer Standards and Training Board, located at 2643 E. University Drive, Phoenix, AZ.

#### Members Present:

Sheriff Scott Mascher, Yavapai County Sheriff's Office, Chairman  
Assistant Attorney General Paul Ahler, representing Attorney General Mark Brnovich  
Captain Don Bischoff, Jail Commander, Mohave County Sheriff's Office  
Sheriff Mark Dannels, Cochise County Sheriff's Office  
Chief Tom Kelly, Apache Junction Police Department  
Mr. Andrew LeFevre, Faculty Member, Grand Canyon University  
Deputy Christopher Pittmann, Maricopa County Sheriff's Office  
Chief Alan Rodbell, Scottsdale Police Department  
Director David Shinn, AZ Department of Corrections  
Ms. Leesa B. Weisz, Public Member

#### Members Absent:

Ms. Jamie Kelly, Public Member  
Officer Matthew Medina, Prescott Police Department  
Colonel Frank Milstead, AZ Department of Public Safety

#### Staff in Attendance:

Matt Giordano, Executive Director  
Ben Henry, Deputy Director  
Billy Caldwell, Compliance Specialist  
Dan Ciernia, Digital Media Supervisor  
Marie Dryer, Compliance Program Administrator  
Amanda Faust, Compliance Specialist  
Arlene Heckel, Compliance Specialist  
Keith Kaminski, Compliance Specialist  
Mike Orose, Compliance Specialist  
Lynn Pirkle, Budget Analyst  
Kip Rustenburg, Training Program Administrator  
Rita Mae Schaefer, Administrative Assistant  
Tammy Schliefer, Administrative Assistant  
Sandy Sierra, Executive Assistant

Dave Toporek, Compliance Specialist  
Lori Wait, Compliance Specialist  
Dale Wyman, Video Production Specialist

Assistant Attorneys General:

Mark Brachtl  
Paul Forshey

A. Call to Order

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

B. Introductions, Presentations and Announcements

*Matt Giordano, Executive Director*

- For the record, three Board members are not present today; Colonel Frank Milstead, Officer Matthew Medina and Ms. Jamie Kelly.
- New Case #3 – Aaron F. Brown 19-067 will be removed from the new cases on the agenda; his attorney has informed AZPOST that Mr. Brown would like to submit a Consent Agreement for voluntary relinquishment of his peace officer certification.

C. Executive Director's Report

*Matt Giordano, Executive Director*

- We have two new employees I'd like to introduce. Rita Mae Schaefer is the new Administrative Assistant who will be assisting the Training Unit as well as handling the front reception area. She comes to us from the private sector with an amazing skill set and many years of experience. Keith Kaminski is a new Compliance Specialist. He is a retired sergeant from the Phoenix Police Department and most recently was with Ottawa University. He will be assigned the agencies from the Eastern part of the state. We are extremely happy to have both Rita Mae and Keith on-board.
- CJEF Funding was down in January, but we are still in good financial shape. In the Governor's budget for next fiscal year we were granted a little extra money; if the budget is approved we will use those funds to increase our academy reimbursements to \$2800 per successful graduate. We are hoping if this trend continues, of receiving additional funding, to be able to increase that reimbursement to \$3000 per successful candidate.
- We had Dr. Telep from ASU here last month to provide an update on the survey. At the direction of Deputy Director Ben Henry, we brought in the agency hiring managers to get their input. We did the survey and received input from the chiefs, we also wanted to hear from others who are involved in hiring recruits. So we met with the hiring managers and the academy directors to get their opinion. We also met with AZPOST staff for their opinion. We learned that, just like the survey showed, opinions are all over the place. Next month a presentation will be made to the Board with suggestions that we have for changing the rules on pre-employment drug use and will solicit input from the Board on what you think and what direction we should go.
- Attended the AACOP General Membership Meeting last month in Mesa and provided an update on what AZPOST is doing for 2019 and well as for 2020. Also attended Lobbyist Training to better understand my lobbyist duties.

- AZPOST is looking to bring back some version of ALP; hopefully next month we will have the exact version of what leadership class we will be doing. Training Manager Kip Rustenburg will be previewing a class on the East coast next week that we are thinking of bringing here, but before we expend any funds, we wanted to have someone sit in the class for at least one day and kind of gage the instructor, as well as the content, before bringing it here. Hopefully, we will have this new class advertised in the next month or so and start training advanced leadership again. In addition, we wanted to look for a class to target first line supervisors. As I travel around the state I often get asked about classes for just an entry level sergeant. California has the Supervisor Leadership Institute; this is an 8-month program that meets three days a month for eight months. One of those months they go to the Museum of Tolerance in Los Angeles. We would not do that if we decided to bring it here, but before any funds are expended, I want to make sure we go out and vet this program. Last weekend Kip Rustenburg and I sat through this class for one day. We heard many good testimonials about this class. It is a really well done program but also very expensive. AZPOST staff will sit down and determine if this is the direction we want to go for an entry level supervisor class.
- The technology upgrades to the boardroom, classroom 2 and the director's conference room have been completed. With the upgrades to classroom 2, we now have the ability to not only host a class in the classroom, but others from around the state can participate via Google Meet and not have to travel to Phoenix to attend the class. Dan Ciernia and Dan Wilson were instrumental in coordinating these upgrades and we are extremely excited to have this new cutting edge technology.
- Last weekend we hosted an 8-hour Physician's Training class. Every Arizona peace officer has to go through a physical exam done by an AZPOST approved physician. Marie Dryer, Arlene Heckel and Mark Brachtl came in on their day off to host this class and provide training to eleven physicians from around the state. We try to do this training at least once a year to expand our pool of physicians. It is very beneficial to the outlying areas to have an AZPOST trained physician that is nearby and therefore avoid the travel to the Phoenix area.
- We upgraded to new laptops with dockable stations for all of our staff. Everyone can now take their laptops with them if they need to.
- We will soon have new procedures for the Personal History Form. Our vision is that AZPOST will be the keeper of record for this form. Almost every month we have a case where someone fills out numerous applications and sends out numerous Personal History Forms and the information is different on some of those forms, whether it is intentional or not is difficult to tell unless we get an admission. What we would like to do is be the keeper of this record. Everyone would be given a specific sign-on to access the form on our website. Once someone fills out the form, AZPOST would submit the form to whatever agency is looking to hire the individual. If the individual needed to make a change on the form because something has changed for whatever reason, they would go back to the form on our website and make the change, and this would be documented on the form that a change was made on a specific date and in what section of the form the change was made. This will be more efficient and will reduce the likelihood of people providing inaccurate information whether intentional or unintentional. This is very exciting and will change the way we do business.
- As far as legislative updates, there are a few Bills we are following. HB2359 concerns occupational licenses; it states you cannot use a prior drug conviction to deny someone an occupational license. The medical profession obtained an exemption from this Bill and we are looking to do the same. HB2275 concerns SRO Training; this Bill if it passes would make this

training mandatory. HB2392 concerns changing the structure of the Board by adding two new positions, one of chief and one of officer/deputy from a federally recognized Native American Tribe.

Chairman Mascher inquired about the Navajo Nation withdrawing from the state’s standards and if they would have a representative on the Board if HB2392 passes. Executive Director Giordano stated AZPOST is still trying to work with them to get them to come back to the fold. They started their own academy without AZPOST certification. To date they completed three classes of recruits that are not state certified. They are going their own direction. Chairman Mascher stated he welcomes the idea of having a federally recognized tribal member on the Board. He also stated the entire Board is looking forward to resolving the pre-employment drug issue and thinks the Personal History Form being on-line and in one location is a great idea. He thanked Matt and Ben Henry for all the hard work they have done and stated he hears only good things about AZPOST from everyone wherever he goes.

Mr. LeFevre stated tomorrow is the deadline for Bills to be heard in the House. ACJC is getting ready to launch a paperless process for grant agreements. The State has a contract with DocuSign to make these agreements an officially signed document.

D. Consent Agenda

Mr. LeFevre made a motion to accept the Consent Agenda. The motion was seconded by Chief Rodbell and passed unanimously.

The following items were approved:

- 1. Minutes of the Board meeting held on January 15, 2020.
- 2. Certification Waivers:

Conor J. McCarthy	Phoenix Police Department
Dexter M. Pitts	Sahuarita Police Department
James D. Parker	Union Pacific Railroad

- 3. Consent Agreements for Voluntary Relinquishment 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:

Matthew A. Jessen	20-001	NAU Police Department
Mark H. Ferrin	19-004	San Carlos Tribal Police Department
Joseph A. McCarthy	17-162	Winslow Police Department

- 4. Training Audit Deficiencies

Ryan Jones	Cocopah Tribal Police Department
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E. Final Action Cases:

1. 19-119 – Francis E. Bradley Jr. – Fort McDowell Tribal Police Department  
The Board considered comments from Compliance Specialist Amanda Faust, who provided a brief overview of the case. Sheriff Dannels made a motion to accept the Findings of Fact and Conclusions of Law and revoke Mr. Bradley's peace officer certification. The motion was seconded by Chief Rodbell and passed unanimously.
2. 19-020 – Justin L. Mitchell – Casa Grande Police Department  
The Board considered comments from Compliance Specialist Amanda Faust, who provided a brief overview of the case. Chief Rodbell made a motion to accept the Findings of Fact and Conclusions of Law and revoke Mr. Mitchell's peace officer certification. The motion was seconded by Mr. Ahler (AAG) and passed unanimously.
3. 19-088 – Bobby A. Garcia – Yuma 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 accept the Findings of Fact and Conclusions of Law and revoke Mr. Garcia's peace officer certification. The motion was seconded by Captain Bischoff and passed unanimously.

F. New Charging Cases:

1. 19-146 – Benjamin J. Huddleston – AZ Department of Public Safety  
The Board considered comments from Compliance Specialist William Caldwell, who provided a brief overview of the case. Deputy Pittmann made a motion to Initiate Proceedings against Mr. Huddleston's peace officer certification. The motion was seconded by Chief Kelly and passed unanimously.
2. 19-052 – Paul E. Husky – Salt River Police Department  
The Board considered comments from Compliance Specialist William Caldwell, who provided a brief overview of the case. Deputy Pittman made a motion to Resolve in Future. The motion was seconded by Captain Bischoff. During the discussion of the motion, Ms. Weisz asked for clarification from legal counsel as to whether disclosing matters of an internal investigation would be considered malfeasance or misfeasance. Assistant Attorney General Brachtl stated yes, it would be within that definition, if it is established or proven. The motion to Resolve in Future failed with 7 nay votes recorded for Sheriff Dannels, Chief Rodbell, Chief Kelly, Mr. LeFevre, Ms. Weisz, Director Shinn and Mr. Ahler (AAG). Chief Rodbell then made a motion to Initiate Proceedings against Mr. Husky's peace officer certification. The motion was seconded by Sheriff Dannels and passed with one nay vote recorded for Deputy Pittmann.
3. 19-067 – Aaron F. Brown – Tohono O'odham Police Department  
This case was pulled from the agenda at the request of Mr. Brown's attorney.

4. 19-189 – Ernesto L. Calderon – Mesa Police Department  
*Chief Rodbell recused himself from this case.* The Board considered comments from Compliance Specialist Amanda Faust, who provided a brief overview of the case; a short video was also presented. Sheriff Dannels made a motion to close this case with No Action with Agency Discretion. The motion was seconded by Deputy Pittmann and passed unanimously.
5. 19-191 – Rudy A. Monarrez – Mesa Police Department  
*Chief Rodbell recused himself from this case.* The Board considered comments from Compliance Specialist Amanda Faust, who provided a brief overview of the case; a short video was also presented. Deputy Pittmann made a motion to close this case with No Action with Agency Discretion. The motion was seconded by Sheriff Dannels and passed unanimously.
6. 19-190 – Jhonte L. Jones – Mesa Police Department  
*Chief Rodbell recused himself from this case.* The Board considered comments from Compliance Specialist Amanda Faust, who provided a brief overview of the case; a short video was also presented. Mr. Ahler (AAG) made a motion to Initiate Proceedings against Mr. Jones' peace officer certification. The motion was seconded by Ms. Weisz and passed unanimously.
7. 19-221 – Logan T. Clonts – Greenlee County Sheriff's Office  
The Board considered comments from Compliance Specialist Amanda Faust, who provided a brief overview of the case. Chief Kelly made a motion to Initiate Proceedings against Mr. Clonts' peace officer certification. The motion was seconded by Chief Rodbell and passed unanimously.
8. 19-222 – George B. Mann – Mesa Police Department  
The Board considered comments from Compliance Specialist Amanda Faust, who provided a brief overview of the case. Captain Bischoff made a motion to Initiate Proceedings to deny peace officer certification to Mr. Mann. The motion was seconded by Chief Kelly and passed unanimously.
9. 19-198 – Carlos Sanchez – Mesa Police Department  
The Board considered comments from Compliance Specialist Amanda Faust, who provided a brief overview of the case. Ms. Weisz made a motion to Initiate Proceedings against Mr. Sanchez's peace officer certification. The motion was seconded by Chief Rodbell and passed unanimously.
10. 19-181 – Joseph E. Borquez – Pima County Sheriff's Department  
The Board considered comments from Compliance Specialist Steve Jacobs, who provided a brief overview of the case. Chief Rodbell made a motion to Initiate Proceedings against Mr. Borquez's peace officer certification. The motion was seconded by Sheriff Dannels and passed unanimously.
11. 19-196 – Ryan D. Fuller – Pima County Sheriff's Department  
The Board considered comments from Compliance Specialist Steve Jacobs, who provided a brief overview of the case. Mr. Ahler (AAG) made a motion to Initiate Proceedings against Mr. Fuller's peace officer certification. The motion was seconded by Deputy Pittmann and passed unanimously.

12. 19-149 – Robert L. Brady – Colorado River Indian Tribes Department

The Board considered comments from Compliance Specialist Dave Toporek, who provided a brief overview of the case; a short video was also presented. Chief Rodbell made a motion to Initiate Proceedings against Mr. Brady's peace officer certification. The motion was seconded by Director Shinn and passed unanimously.

13. 19-212 – Elena G. Carrillo – Yuma Police Department

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

14. 19-211 – Aaron S. Goodrich – Yuma Police Department

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

15. 19-224 – Arlene B. Martinez – Yuma County Sheriff's Office

The Board considered comments from Compliance Specialist Dave Toporek, who provided a brief overview of the case; a short video was also presented. Regarding Allegation #1, Deputy Pittman made a motion to close this case with No Action with Agency Discretion. The motion was seconded by Sheriff Dannels and passed with one nay vote recorded for Chief Kelly. Mr. Ahler (AAG) asked for clarification on what the inconsistencies were regarding the second allegation. Chief Rodbell also inquired about these inconsistencies; he stated Ms. Martinez never admitted to falsifying her report, but admitted to being in a hurry and doing a poor job in writing the report. He feels this is not an integrity issue. Sheriff Dannels agreed that a poorly written report is different than having an integrity issue. Chief Rodbell then made a motion that Regarding Allegation #2, to close this case with No Action with Agency Discretion. The motion was seconded by Deputy Pittmann and passed unanimously.

16. 19-182 – Andrew L. Bates – Gilbert Police Department

The Board considered comments from Compliance Specialist Lori Wait, who provided a brief overview of the case. Chief Kelly made a motion to Initiate Proceedings against Mr. Bates' peace officer certification. The motion was seconded by Mr. Ahler (AAG) and passed unanimously.

G. Future Agenda Items

Executive Director Giordano stated there are no future agenda items to add, but asked that everyone please stand for a Moment of Silence in honor of fallen officer David Kellywood, of the White Mountain Apache Police Department.

H. Adjournment

The meeting was adjourned at 11:18 a.m.