



Arizona Peace Officer Standards and Training Board

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MINUTES OF THE APRIL 17, 2019 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 April 17, 2019, 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
Ms. Jamie Kelly, Public Member
Chief Tom Kelly, Apache Junction Police Department
Mr. Andrew LeFevre, Grand Canyon University
Officer Matthew Medina, Prescott Police Department
Colonel Frank Milstead, AZ Department of Public Safety
Deputy Christopher Pittmann, Maricopa County Sheriff's Office
Chief Alan Rodbell, Scottsdale Police Department
Director Charles Ryan, AZ Department of Corrections

Members Absent:

Assistant Attorney General Paul Ahler, representing Attorney General Mark Brnovich
Sheriff Mark Dannels, Cochise County Sheriff's Office

Staff in Attendance:

Matt Giordano, Executive Director
Ben Henry, Deputy Director
Billy Caldwell, Compliance Specialist
Dan Ciernia, Video Production Supervisor
Mike Deltenre, Compliance Specialist
Marie Dryer, Program Administrator
Steve Enteman, Training Supervisor
Steve Jacobs, Compliance Specialist
Cathy Hawse, Compliance Specialist
Arlene Heckel, Compliance Specialist
Mike Orose, Compliance Specialist
Lynn Pirkle, Administrative Services Officer
Cindy Sawyer, Training Compliance Specialist
Sandy Sierra, Administrative Services Officer
Lori Wait, Compliance Specialist
Dale Wyman, Media Production Specialist

Assistant Attorneys General:

Seth Hargraves

Mark Brachtl

John Tellier

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

- Assistant Attorney General John Tellier will provide legal advice to the Board on one final action case; 18-121 Alicia W. Vildusea.
- For the record, two Board members are not present; Sheriff Mark Dannels and Mr. Ahler (AAG). There are currently two Board member vacancies (public member and jail administrator).
- One final action case will be removed from the agenda for further clarification; Case 17-177 Luis G. Ruiz.
- In order to be more accommodating to Board members and chiefs traveling from out of town to our meetings, a new video teleconferencing program called WebEx will be available in the very near future. Thanks to staff members Dan Ciernia, Dale Wyman and Hop Bui for their assistance in setting up the program in the Board room.

C. Executive Director's Report

Matt Giordano, Executive Director

- Budget wise the CJEF is slightly down compared to this time last year; expenses are down due to vacancy savings and reorganization that was done in the past year, so we are still in good financial shape moving towards the last quarter of the fiscal year.
- The governor's tentative budget includes an increase in our appropriation funding; we are still waiting for the budget to be approved, but this increase will assist us with basic training.
- We are still trying to fill the Systems Administrator position. The advertisement was rewritten and will be posted again in hopes of filling this position.
- With the departure of Mark Perkovich, a new program administrator has been selected for the In-Service Training and Digital Media section. Kip Rustenburg, who is currently a Deputy Chief with the Maricopa County Sheriff's Office, will be filling this position and hopefully will be on-board the first week of May. She will be a great addition.
- Attended a NALEA meeting last month in Springerville. Was able to get a lot of insight on what is going on with our Northeastern Arizona law enforcement partners. They are very pleased with the regional training we are doing. Big thanks to Training Supervisor Steve Enteman who has been working to make this happen for the past year.
- Continuing to work with the AZ Commission for the Deaf and Hard of Hearing League to provide training. Last month they attended the AACOP meeting and provided a presentation of their programs. Working with them to develop video based training to distribute statewide for all officers. Looking to get them on the agenda for the Sheriff's Association Meeting next month.

- The governor's budget has proposed funding to increase in the number of School Resource Officers (SROs) throughout the state. They have asked us to look at the kind of training we can provide. We will be meeting to discuss ways to provide in-service training for all new and existing SROs.
- Attended the ribbon cutting this Monday for the AZ Western Community College Academy; this was also the first day of their first regular class. They are very excited to be hosting a full-time academy.

D. Summary of Current Events

Matt Giordano, Executive Director

- Still continuing to work on the rule making process. Once Kip Rustenburg is on-board we will resume the process. It is a long process. Deputy Director Ben Henry is looking at partnering with an educational institution to assist us with the survey to make sure we are tracking the right information. Also, to give them an opportunity to look in the future and see how our changes in hiring standards or qualifications is impacting the career in the future.
- Currently updating our Background Investigator School; Ben and his team are looking to revamp and update the curriculum.
- Ben and his team also attended a Background Investigator Meeting in the East Valley on April 2. There are a lot of issues and concerns around the state regarding hiring standards and what AZPOST is doing today versus what was done a month ago. There are so many issues regarding marijuana and the numerous products that are out there. We want to be sure we're providing a consistent message to all background investigators. We don't want AZPOST to be an impediment in getting someone hired; we want to be an assist. In the near future will be holding a Background Investigator's Meeting in the West Valley.
- Marijuana use and CBD Oil, this is a constant discussion. Read an article about a restaurant that will be adding CBD Oil to a hamburger. This is a problem for us and we're trying to handle everything on a case by case basis. Want to tell the agencies that if they have someone in this situation, bring them to AZPOST so we can discuss and identify the product they used. We are losing some very good people based on not asking enough questions. Don't get rid of a possible candidate or stop communicating with them, just tell them it might take a little bit longer to get them through the process. If an agency head has any questions regarding this, call AZPOST and speak with Matt, Ben or anyone in Compliance or send an email.
- We get a significant amount of people that waiver in every month from different states. The waiver matrix is being provided to background investigators so they can look at a candidate they have that is coming in from out of state. Thanks to Cindy and Marie for providing this.
- Cindy Sawyer is doing all the In-Service training audits and putting in a lot of miles traveling around the state doing these. She is meeting with agencies explaining what is needed and how to document and keep records. We've received positive comments about this.
- Specialty Instructor courses are on our website; we currently have ten classes posted.
- Ten SMEs have been added to the SME applicant pool. Steven Enteman found that we had a shortage of SMEs in Northeastern AZ so he has been working to add new SMEs to that area to conduct regional training classes.
- We will provide a 4-hour training class for the Law Enforcement Summit in July on Officer Wellness.
- The AZ Counter Terrorism Information Center (ACTIC) will be doing a vulnerability threat assessment of the AZPOST facility.

E. Legislative Update

Matt Giordano, Executive Director

- SB 1092 – This bill was signed by the Governor on April 16, 2019. It provides an exemption from the regular rulemaking process to allow AZPOST to change the minimum age for Department of Corrections correctional officers. The bill reads “For the purposes of adopting a rule related to the minimum age requirement for a correctional officer who is employed by the state department of corrections, the Arizona Peace Officer Standards and Training Board is exempt from the rulemaking requirements of Title 41, Chapter 6, Arizona Revised Statutes, for one year after the effective date of this act.” It also includes an emergency clause so the bill becomes effective the date signed by the Governor.

Board members were in agreement that this is a positive change. Director Ryan expressed his appreciation to the Governor for signing the bill and the support he received in getting the bill through the process.

Director Ryan made a motion for the Board to authorize the executive director to prepare and submit to the Secretary of State a notice of exempt rulemaking amending R13-4-202 to change the minimum age qualification for a corrections officer from age 21 to age 18. The motion was seconded by Colonel Milstead and passed unanimously.

- The Brady List bill was briefly addressed as far as AZPOST being the repository for this list. Assistant Attorney General Seth Hargraves cautioned the Board that the issue was not properly on the agenda for discussion; Chairman Mascher acknowledged the comment, then went on to state that he is against AZPOST being the repository for this list and wants AZPOST involved and kept apprised on any legislation moving forward that would affect this.

F. Consent Agenda

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

1. 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:

Chelsea L. Johnson	19-017	Yavapai County Sheriff’s Office
Manuel V. Flores	18-090	Tucson Police Department
Randy W. Quinn	17-014	Tucson Police Department
Brian T. Tsai	18-153	AZ Department of Public Safety

G. Review, Discussion and Possible Action on a Tucson Police Department Petition for Waiver of Seven Year Restriction from A.A.C. R13-4-105(A) for Applicant Cesar K. Becerra

Assistant Attorney General Seth Hargraves addressed the Board regarding the Tucson Police Department petition for waiver of the seven year restriction from A.A.C. R13-4-105(A)(14) for Applicant Cesar K. Becerra. Captain Mark Timpf, Tucson Police Department, addressed the Board to request that the petition be granted.

Colonel Milstead made a motion to grant the request for waiver of the seven year restriction from A.A.C. R13-4-105(A)(14); based upon the information submitted by the Tucson Police Department. The motion was seconded by Officer Medina and passed unanimously.

H. Review, Discussion and Possible Action on a Southeastern Arizona Law Enforcement Training Academy (SEALETA) Certification for the Academy to provide Basic Training

Program Administrator Marie Dryer addressed the Board regarding academy certification for the Southeastern Arizona Law Enforcement Training Academy. Staff has determined that the academy, through Cochise College and in conjunction with the Cochise County Sheriff's Office and the Sierra Vista Police Department, has met all the requirements of R13-4-114 and R13-4-116. She also provided a quick update on the AZ Western College academy which began on April 15, 2019.

Chief Rodbell made a motion to determine that the Southeastern Arizona Law Enforcement Training Academy, through Cochise College, meets all the requirements of R13-4-114 and R13-4-116; and the academy may provide the basic training required to receive certified peace officer status. The effective date of determination is retroactive to January 14, 2019; the start date of the academy. The motion was seconded by Colonel Milstead and passed unanimously.

I. Final Action Cases:

1. **#17-177 – Luis G. Ruiz – Tucson Police Department**

This case was tabled for clarification on the Administrative Law Judge Decision.

2. **#18-121 – Alicia W. Vildusea – Tucson Police Department**

The Board considered comments from Assistant Attorney General Seth Hargraves, who provided a brief overview of the request for review/reconsideration. Chief Rodbell made a motion to grant Respondent's request for review, rescind the Board's prior action of revoking peace officer certification and accept the signed Consent Agreement for a 12-month suspension of peace officer certification beginning August 30, 2018, and ending August 30, 2019. The motion was seconded by Director Ryan and passed unanimously.

3. **#18-150 – Ricardo Flores Jr. – Phoenix Police Department**

The Board considered comments from Deputy Director Ben Henry, who provided a brief overview of the case. Chief Rodbell made a motion to accept the Findings of Fact and Conclusions of Law and deny peace officer certification to Mr. Flores. The motion was seconded by Deputy Pittmann and passed unanimously.

4. **#18-158 – Adolfo Gonzalez – Phoenix Police Department**

Chief Rodbell recused himself from this case. The Board considered comments from Deputy Director Ben Henry, who provided a brief overview of the case. Colonel Milstead made a motion to accept the Findings of Fact and Conclusions of Law and suspend Mr. Gonzalez's peace officer certification for two years from November 22, 2018 to November 22, 2020. The motion was seconded by Director Ryan and passed unanimously. Upon advice from counsel, Colonel Milstead amended the motion to reflect the suspension dates as November 26, 2018 to November 26, 2020. The amended motion was seconded by Director Ryan and passed unanimously.

J. New Charging Cases:

The first two cases were presented simultaneously as both involved the same incident.

1. #17-173 – Jay C. McNeil – Mesa Police Department
The Board considered comments from Compliance Specialist Billy Caldwell, who provided a brief overview of the case. Colonel Milstead made a motion to ***Initiate Proceedings*** against Mr. McNeil’s peace officer certification. The motion was seconded by Deputy Pittmann and passed unanimously.
2. #18-071 – Emily J. Clark-Gribble – Mesa Police Department
The Board considered comments from Compliance Specialist Billy Caldwell, who provided a brief overview of the case. Colonel Milstead made a motion to close this case with ***No Action with Agency Discretion***. The motion was seconded by Chief Rodbell and passed unanimously.
3. #19-032 – Tyler M. Davids – Northern Arizona University Police Department
The Board considered comments from Compliance Specialist Mike Deltenre, who provided a brief overview of the case. Chief Rodbell made a motion to close this case with ***No Action with Agency Discretion***. The motion was seconded by Jamie Kelly and passed unanimously.
4. #18-086 – Michelle A. Magana – Somerton Police Department
The Board considered comments from Compliance Specialist Arlene Heckel, who provided a brief overview of the case. Colonel Milstead made a motion to ***Initiate Proceedings*** against Ms. Magana’s peace officer certification. The motion was seconded by Director Ryan and passed unanimously.
5. #19-023 – Nathan D. Gilson – Phoenix Police Department
The Board considered comments from Compliance Specialist Steve Jacobs, who provided a brief overview of the case. Colonel Milstead made a motion to close this case with ***No Action with Agency Discretion***. The motion was seconded by Chief Rodbell and passed unanimously.
6. #18-017 – Michael J. Lyons – Mohave County Sheriff’s Office
The Board considered comments from Compliance Specialist Steve Jacobs, who provided a brief overview of the case. Colonel Milstead made a motion to ***Resolve in the Future***. The motion was seconded by Chief Rodbell and passed unanimously.
7. #18-157 – Carl D. Calnimpewa – Winslow Police Department
The Board considered comments from Compliance Specialist Lori Wait, who provided a brief overview of the case. Colonel Milstead made a motion to ***Initiate Proceedings*** against Mr. Calnimpewa’s peace officer certification. The motion was seconded by Chief Rodbell and passed unanimously.
8. #19-012 – Nicholas A. Nance – AZ Department of Public Safety
Colonel Milstead recused himself from this case. The Board considered comments from Compliance Specialist Lori Wait, who provided a brief overview of the case. Chief Rodbell made a motion to ***Initiate Proceedings*** against Mr. Nance’s peace officer certification. The motion was seconded by Director Ryan and passed unanimously.

K. Future Agenda Items

There are no items to add.

L. Adjournment

The meeting was adjourned at 11:14 a.m.