



Arizona Peace Officer Standards and Training Board

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MINUTES OF THE MAY 19, 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 May 19, 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, Chairman
Ms. Jamie Kelly, Public Member
Deputy Director Joe Profiri, representing Director David Shinn, AZ Department of Corrections
Sheriff David Rhodes, Yavapai County Sheriff's Office
Professor Kevin Robinson, Arizona State University
Chief Chris Vasquez, Eloy Police Department
Chief Jeri Williams, Phoenix Police Department

Members Present (via online video/telephone conferencing):

Commander Matthew Figueroa, Jail Commander, Coconino County Sheriff's Office
Assistant Attorney General John Johnson, representing Attorney General Mark Brnovich
Colonel Heston Silbert, AZ Department of Public Safety
Ms. Leesa B. Weisz, Public Member

Members Absent:

Officer Matthew Medina, Prescott Police Department

Staff in Attendance (in person):

Matt Giordano, Executive Director
Ben Henry, Deputy Director
Dan Ciernia, Digital Media Supervisor
Mike Deltenre, Compliance Specialist
Amanda Faust, Training Program Administrator
Arlene Heckel, Compliance Specialist
Steve Jacobs, Compliance Specialist
Mike Orose, Compliance Program Administrator
Rita Mae Schaefer, Administrative Assistant
Sandy Sierra, Executive Assistant
David Toporek, Compliance Specialist
Lori Wait, Training Specialist
Dale Wyman, Digital Media Specialist

Staff in Attendance (via online video/telephone conferencing):

William Caldwell, Compliance Specialist

Assistant Attorneys General:

Mark Brachtl (in person)

Elizabeth Campbell (via telephone)

A. Call to Order

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

B. Introductions, Presentations and Announcements

Matt Giordano, Executive Director

- Roll Call was taken. Eleven Board members are present, seven are here in person and four are participating via telephone/video conferencing. Officer Matt Medina is absent.
- Assistant Attorney General Elizabeth Campbell will provide legal advice to the Board on two final action cases – Kohl W. Nixon 18-159 and Weston V. Akalski 20-049.
- Case 21-013 Paul Karsky needs to be removed from the Consent Agenda. He is not voluntarily relinquishing his peace officer certification. He is asking for a consent agreement for suspension of peace officer certification; this case will be on next month's agenda.
- Final action case #2 for Weston V. Akalski showed the wrong case number on the agenda and the case overview. The correct case number is 20-049.
- New case 20-116 Roberto Serna will be tabled.
- A plaque was presented to DPS Sgt. Jared Bunn for his service to AZPOST. Jared is retiring from DPS next week and has been providing security at our board meetings for the past nine years. He has done an outstanding job for us and will be sorely missed.

C. Executive Director's Report

Matt Giordano, Executive Director

- Last week we hosted a train-the-trainer for our Basic Leadership Academy. The rationale behind having a train-the-trainer course is to ensure we are able to provide the Basic Leadership training to as many peace officers in the state as possible. We chose individuals who previously attended this training and took recommendations from chiefs and sheriffs from around the state. We had 20 very committed individuals in this class. After attending this training, these individuals will now be able to go out and push forward the Basic Leadership Academy.
- As previously discussed, the electronic PH form is now online. A new phase was added to the system to allow an agency that wants to appoint an individual, to do so digitally. Effective May 16, agencies no longer have to go through multiple screens and steps, they can just click a box and it goes right into our system as an appointment. The next phase to conclude this project will be to allow agencies to request an academy seat. Previously, in order to accomplish this, it was a multi-step process with duplicated efforts and a lot of retyping; this new system will now make it effortless. From a PH Form, to an appointment, to an academy seat, we are leveraging technology to make ourselves more efficient. We have received positive feedback from our community partners and police agencies regarding this new technology.
- As discussed before, I have been participating with IADLEST and IACP on an officer safety and wellness curriculum. This project was completed last week and it is in the final draft stages

with IACP. We are hoping to push out some pilot programs at the end of the summer or first part of the fall. I talked to Chief Williams and we hope to host a class at PRPA. A class will also be hosted in Colorado. This will be 8 hours of training geared toward the basic academy curriculum, it is something we can push out nationwide. It is nice that we are able to be a part of this project and actually host one of the pilot training programs in Arizona.

- Attended a PANT meeting in Yavapai County earlier this month and also virtually attended the AACOP meeting two weeks ago.
- The training is set for the Law Enforcement Summit in July. The Summit is a week early this year so it does not coincide with our Board meeting. We will not hold our Board meeting in Flagstaff, it will be held on our normal date of the third Wednesday of the month here in our Board room.
- Per statute, the AZPOST executive director is afforded a seat on the Constable Ethics, Standards and Training Board. Their meetings were held the third Wednesday of the month, which conflicts with our meetings. Gila County Sheriff Adam Shepherd was my designee on this Board due to this conflict. They have changed their meeting date and I now will be able to attend these meetings. The statute also requires AZPOST approve a mandatory training course for newly elected constables, so it is nice to have a seat at the table and meet our statutory obligations.
- We were granted an exemption from the rulemaking moratorium. We will move forward with future rule changes for the Board's approval.
- Attended the western regional IADLEST conference in Nevada last week. It was a very good meeting with good discussion and sharing of ideas.
- House Bill 2462 relates to training for non-sworn members of oversight committees. This bill passed into law. The new law requires any civilian member who sits on a police oversight committee to either complete a community college police academy or 80 hours of training in several enumerated areas of the law. We will convene a stakeholders meeting in early to mid-June to determine how many agencies have oversight committees and start working on the curriculum. The statute states it must be 80 hours of AZPOST approved curriculum. It does not state we have to create it or provide it, we just have to approve it. It does not make sense for every agency to create their own 80 hour curriculum, then have us approve it and then teach it. What we will do is convene the stakeholders meeting, determine what the 80 hours will look like, and create one curriculum that will cover all agencies. We will not be responsible for teaching it, but we will approve it and help facilitate it if need be. Hopefully by next month we will have a more definitive response and agendaize it so we can discuss what this training will look like.
- In June, the 2021/22 AZPOST budget will be presented for approval. We will be requesting additional positions in next fiscal year's budget. Over the last year, we have done great work in compliance and training and we realized we need additional staff to ensure we continue to meet the needs in both these areas. If the proposed governor's budget is approved, we are also looking at adding additional positions for the new officer misconduct database.
- Our new assistant attorney general will come onboard on June 1. He will assist with cases that will go before an Administrative Law Judge.

D. Consent Agenda

Mr. Johnson (AAG) recused himself from this matter.

Chief Williams made a motion to accept the Consent Agenda, as amended. The motion was seconded by Sheriff Rhodes and passed unanimously.

The following items were approved:

- 1. Minutes of the Board meeting held on April 21, 2021.
- 2. Certification Waivers:

Steven I. Lugo	AZ Attorney General's Office
Valentin R. Salazar	AZ Department of Public Safety
Kelsey S. Wingate	Mesa Police Department
Alice A. Balandis	Peoria Police Department
Blake A. Houghton	Phoenix Police Department
Gregory W. Sanders	Pinal County Sheriff's Office

- 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:

Jonathan R. Clements	21-014	Globe Police Department
Steven Poulos	20-201	Phoenix Police Department

E. Review, Discussion and Possible Action on the creation of a Committee to study, and make recommendations, about the Board's practices regarding officers who, while off-duty, are involved in an impaired driving arrest and/or conviction.

Executive Director Giordano stated at the last Board meeting the subject of DUIs was discussed without a resolution being reached. It was determined that more research and options are needed for the Board to consider. The Board decided a committee should be created to address this matter and provide recommendations to the Board.

Chief Williams and Sheriff Rhodes both stated the inconsistencies on how DUIs are handled statewide is a factor in wanting to address this issue and provide direction to the agencies on how the Board will handle these cases.

Professor Robinson made a motion to create a committee to be chaired by Chief Williams. The committee will review and offer recommendations about changes to current Board practices concerning an officer's off-duty arrest and/or conviction for impaired driving. The motion was seconded by Ms. Kelly and passed unanimously.

The committee will be comprised of Chief Williams (chair), Chief Vasquez, Ms. Kelly and Colonel Silbert.

F. Review, Discussion and Possible Action on academy certification for the Gilbert Police Academy to provide the basic training required to receive certified peace officer status.

Executive Director Giordano stated the Gilbert Police Department built a state of the art facility that is very impressive. AZPOST staff conducted an on-site inspection of the academy to determine compliance with AZPOST standards. Staff determined the academy is in compliance and recommends the Board's approval.

Chief Michael Soelberg addressed the Board to provide a brief overview of the new academy. He thanked AZPOST staff

Chief Williams made a motion that the Gilbert Police Academy 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 motion was seconded by Sheriff Rhodes and passed unanimously.

G. Final Action Cases:

1. 18-159 – Kohl W. Nixon – Williams Police Department

The Board received independent legal advice from Assistant Attorney General Elizabeth Campbell.

Mr. Johnson (AAG) recused himself from this case. The Board considered comments from Assistant Attorney General Mark Bracht; who provided a brief overview of the proposed Consent Agreement. The Board also heard comments from Mr. Nixon and Donna McDaniel, attorney for Mr. Nixon. A discussion ensued regarding prior Board practice when an officer is dishonest after Garrity. The stipulated Findings of Fact of the Consent Agreement were also discussed. Chief Williams made a motion to accept the proposed consent agreement and revoke Mr. Nixon's peace officer certification. The motion was seconded by Chief Vasquez and passed unanimously.

2. 20-049 – Weston V. Akalski – La Paz County Sheriff's Office

Mr. Johnson (AAG) recused himself from this case. The Board considered comments from Assistant Attorney General Mark Bracht; who provided a brief overview of the proposed Consent Agreement. Professor Robinson made a motion to accept the proposed consent agreement for a 12-month suspension of Mr. Akalski's peace officer certification. The suspension shall be in effect from July 23, 2020 through July 23, 2021. The motion was seconded by Ms. Kelly and passed unanimously.

3. 20-045 – Martin Guerrero IV – Scottsdale Police Department

The Board considered comments from Compliance Specialist William Caldwell; who provided a brief overview of the case. Chief Vasquez made a motion to deny peace officer certification to Mr. Guerrero. The motion was seconded by Ms. Weisz and passed unanimously.

4. 20-187 – David J. Carson – AZ Game and Fish Department

The Board considered comments from Compliance Specialist Steve Jacobs; who provided a brief overview of the case. Sheriff Rhodes made a motion to revoke Mr. Carson's peace officer certification. The motion was seconded by Ms. Kelly and passed unanimously.

H. New Charging Cases:1. 20-172 – Cory Cover – Mesa Police Department

The Board considered comments from Compliance Specialist William Caldwell, who provided a brief overview of the case. Chief Vasquez made a motion to Initiate Proceedings against Mr. Cover's peace officer certification. The motion was seconded by Sheriff Rhodes and passed unanimously.

2. 19-178 – Gregory P. Perry – Gila River Police Department

The Board considered comments from Compliance Specialist William Caldwell; who provided a brief overview of the case. Chief Williams made a motion to close this case with No Action with Agency Discretion. The motion was seconded by Professor Robinson and passed unanimously.

3. 20-064 – Michael A. Phillips – Florence Police Department

The Board considered comments from Compliance Specialist William Caldwell, who provided a brief overview of the case. Ms. Kelly made a motion to close this case and Resolve in the Future; also, to include the questions in staff's recommendation in case of future employment. The motion was seconded by Chief Vasquez and passed unanimously.

4. 21-010 – Chris Lowery – Phoenix Police Department

Chief Williams and Ms. Kelly recused themselves from this case. The Board considered comments from Compliance Specialist Mike Deltenre, who provided a brief overview of the case. Sheriff Rhodes made a motion to Initiate Proceedings against Mr. Lowery's peace officer certification. The motion was seconded by Professor Robinson and passed unanimously.

5. 20-116 – Roberto Serna – Pima Community College Department of Public Safety

This case was tabled.

6. 20-146 – Steven E. Gilbert – Gilbert Police Department

The Board considered comments from Compliance Specialist Steve Jacobs, who provided a brief overview of the case; a short video was also presented. Chief Vasquez made a motion to Initiate Proceedings against Mr. Gilbert's peace officer certification. The motion was seconded by Ms. Kelly and passed unanimously.

7. 20-156 – Colin A. Klingler – Tucson Police Department

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

8. 21-041 – Crystal R. Martinez – Tucson Police Department

The Board considered comments from Compliance Specialist Steve Jacobs, who provided a brief overview of the case. Sheriff Rhodes made a motion to Initiate Proceedings against Ms. Martinez’s peace officer certification. The motion was seconded by Professor Robinson and passed unanimously.

9. 21-051 – Eric G. Melgar – Gila River Police Department

The Board considered comments from Compliance Specialist Steve Jacobs, who provided a brief overview of the case; a short video was also presented. Professor Robinson made a motion to Initiate Proceedings against Mr. Melgar’s peace officer certification. The motion was seconded by Chief Vasquez and passed unanimously.

10. 21-045 – Michaela A. Roberts – Chandler Police Department

The Board considered comments from Compliance Specialist Steve Jacobs, who provided a brief overview of the case. Chief Vasquez made a motion to Initiate Proceedings against Ms. Roberts’ peace officer certification. The motion was seconded by Ms. Kelly and passed unanimously.

11. 21-035 – Adrian Romero – Chandler Police Department

The Board considered comments from Compliance Specialist Steve Jacobs, who provided a brief overview of the case. Professor Robinson made a motion to Initiate Proceedings against Mr. Romero’s peace officer certification. The motion was seconded by Chief Williams and passed unanimously.

I. Future Agenda Items

Executive Director Giordano stated an error was just discovered on the agenda. Case 20-161 Richard Gear was inadvertently placed in the Consent Agenda for a voluntary relinquishment of peace officer certification. He is asking for a consent agreement for suspension of peace officer certification; this case will be placed on next month’s agenda.

Required training for civilian review board members will be added to next month’s agenda for discussion.

J. Adjournment

The meeting was adjourned at 11:49 a.m.