



Arizona Peace Officer Standards and Training Board

2643 East University Drive Phoenix, Arizona 85034-6914 Phone (602) 223-2514

MINUTES OF THE JUNE 16, 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 June 16, 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
Commander Matthew Figueroa, Jail Commander, Coconino County Sheriff's Office
Director David Shinn, AZ Department of Corrections Rehabilitation & Reentry
Officer Matthew Medina, Prescott Police Department
Sheriff David Rhodes, Yavapai County Sheriff's Office
Chief Chris Vasquez, Eloy Police Department
Chief Jeri Williams, Phoenix Police Department

Members Present (via online video/telephone conferencing):

Assistant Attorney General John Johnson, representing Attorney General Mark Brnovich
Ms. Jamie Kelly, Public Member
Ms. Leesa B. Weisz, Public Member

Members Absent:

Professor Kevin Robinson, Arizona State University
Colonel Heston Silbert, AZ Department of Public Safety

Staff in Attendance (in person):

Matt Giordano, Executive Director
Ben Henry, Deputy Director
William Caldwell, Compliance Specialist
Dan Ciernia, Digital Media Supervisor
Mike Deltenre, Compliance Specialist
Amanda Faust, Training Program Administrator
Mike Giammarino, Compliance Program Administrator
Cathy Hawse, Compliance Specialist
Arlene Heckel, Compliance Specialist
Robin MacIntire, ADC Compliance Specialist
Darcy Nichols, Training Specialist
Mike Orose, Compliance Program Administrator
Rita Mae Schaefer, Administrative Assistant
Sandy Sierra, Executive Assistant
David Toporek, Compliance Specialist
Dale Wyman, Digital Media Specialist

Assistant Attorneys General (in person):

Mark Brachtl

Gino Duran

Jeanne Galvin

A. Call to Order

Chairman Dannels called the meeting to order at 10:00 a.m. and asked Officer Medina 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, seven are here in person and three are participating via telephone/video conferencing. Professor Kevin Robinson and Colonel Heston Silbert are absent.
- Jail Commander Matthew Figueroa, Coconino County Sheriff's Office, is attending his first in-person Board meeting.
- Assistant Attorney General Jeanne Galvin will provide legal advice to the Board on six final action cases – 20-066 Michael J. Blute, 20-161 Richard D. Gear, 20-173 Charles B. Scott, 19-064 Earlonzo D. Hogue, 20-010 Robert K. Martin and 21-013 Paul M. Karsky.
- New cases 20-138 Alan S. Urkov and 20-139 Nicholas E. Adams will be tabled and presented at a future meeting.
- The July Board Meeting will be held July 21 at AZPOST, it will not be held at the Law Enforcement Summit in Flagstaff.

C. Executive Director's Report

Matt Giordano, Executive Director

- We have kept you abreast of all the things we have been doing on the Compliance and Training side of the house; expanding our resources, creating better relationships with our partner agencies, and as part of that we are adding additional staff. I am really proud of the relationship between AZPOST and the AZ Department of Corrections Rehabilitation & Reentry. I want to thank Director Shinn for his support. Two weeks ago, Robin MacIntire from the AZ Department of Corrections Rehabilitation & Reentry came onboard. He is working as a Compliance Specialist. AZPOST oversees training and curriculum for the Department of Corrections Rehabilitation & Reentry academy, as well as compliance matters and training inspections. Robin will be working on training matters on behalf of the AZ Department of Corrections Rehabilitation & Reentry. This will be a partnership between both agencies and they will cover his salary, but he will be working here fulltime. This is a win-win for both agencies. Another new staff member is Gino Duran, he is our new attorney from the Attorney General's Office. Gino is a former deputy with the Maricopa County Sheriff's Office who left police work to go to law school. Gino has a great wealth of knowledge and will be a great addition to AZPOST, we are very happy to have them both.
- We are making some changes and additions to the Compliance Unit. As everyone knows, we have quite a few cases. We are trying to handle these cases as quickly and as efficiently as possible. As a result, we decided to split Compliance into two groups. We have always had one Compliance Manager and six Compliance Specialists. We have added an additional Compliance Manager and will add two additional Compliance Specialists; this will leave us with two teams and each Compliance Manager will have four Compliance Specialists on their

team. This will reduce the number of agencies each Compliance Specialist is responsible for, which makes us more responsive and able to handle cases more expeditiously. On the Training side of the house, we have done the same thing, we split Training into two teams, Basic and Advanced. Our training has increased and in order to ensure we serve our agencies efficiently, we felt we needed additional staff. Mandy Faust will be the Training Manager for Advanced Training and Lori Wait will be promoted to fill the Training Manager position for Basic Training. We will add an additional training specialist to each team so each Training Manager will have three training specialists on their team. These changes will allow us to offer the best service to all our partner agencies.

- The Basic Leadership Academy curriculum was recreated and to date, Ron Bayne has trained over 200 individuals from around the state. He also trained a class of Train-the-Trainers. Ultimately, these trainers will now be able to teach the curriculum throughout the entire state.
- Ron Bayne will be presenting an overview of all the leadership training for the four hour training session in Flagstaff during the Law Enforcement Summit.
- Since being granted an exemption from the rulemaking moratorium, we have been reviewing and making changes to some of our rules. It is a slow process, but we are hopeful this will come to fruition in the first part of 2022. As we get closer to completing this project, we will give an update to the Board on the rules that we are proposing to change.
- The 5 Year Rule Review has been approved by the Governor's Regulatory Review Council.
- As a member of the Constable Ethics, Standards and Training Board, I have attended two of their meetings. This is a good Board and I am really excited about being part of it.
- The Colorado City Marshal's Office has historically had numerous issues and concerns. I wanted to recognize Marshal Rob Radley for doing an outstanding job of turning things around for his agency. They recently remodeled their station and I was able to go up and spend a day with Marshal Radley, tour the new facility and also tour the community. I talked with numerous individuals and staff members and he is doing amazing things. I wanted to publicly recognize the work he is doing and the work his deputies are doing.
- Last month, I was asked to give the keynote address for the NARTA graduation. It is exciting to see the recruits so eager to start their law enforcement careers.
- The DUI data is being gathered for Chief Williams reference the DUI Committee, we will provide the data to her before next month's meeting.

Chief Williams stated that because AZPOST is taking a deeper dive into what is going on around the state with our police officers and deputies, the idea of splitting the Compliance and Training units into two teams each due to the increased workload is very smart. She also stated she is receiving rave reviews from her staff who have attended the Basic Leadership Academy, they are all coming back energized as a result of this class. Executive Director Giordano stated class surveys also show rave reviews and great comments from attendees.

Chairman Dannels congratulated Executive Director Giordano for his nomination to be the Western Regional Representative for the International Association of Directors of Law Enforcement (IADLEST).

Sheriff Rhodes inquired if there had been public reaction to the new academy curriculum. Executive Director Giordano stated he worked with the AZ Republic and they were very interested in our new curriculum. They published an article that was very well done and researched. NARTA Commander Nate Auvenshine, with the Yavapai County Sheriff's Office and Sgt. Mike Puente with the Maricopa County Sheriff's Office were interviewed for the article.

It was a very well written article and very fair and shows that the Board is taking a proactive approach into updating and evolving police training statewide. Sheriff Rhodes stated Executive Director Giordano did an outstanding job leading the reporter through the updates and the reasoning behind why the new curriculum was needed and it came off really well.

D. Consent Agenda

Chief Williams made a motion to accept the Consent Agenda. The motion was seconded by Chief Vasquez and passed unanimously.

The following items were approved:

- 1. Minutes of the Board meeting held on May 19, 2021.
- 2. Certification Waivers:

Chase Kirby	Fredonia Marshal’s Office
Robert Sines	Mohave County Sheriff’s Office
Jaclyn Vallor	AZ Department of Public Safety

- 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:

Tyler O. Aguirrebarrena	20-013	Yuma Police Department
Gary M. Kaplan	20-169	Maricopa County Sheriff’s Office
Christian G. Phillips	20-148	AZ Department of Public Safety
Scott A. Stallman	21-076	Phoenix Police Department

E. Review, Discussion and Possible Action on proposed 2021/22 Fiscal Year Budget.

Executive Director Giordano presented the 2021/22 fiscal year budget to the Board for approval. The Governor’s budget has not yet been approved by the Legislature, but since we are getting near the end of the fiscal year, we thought it prudent to present a budget to the Board based on the appropriated funding that is set forth in the Governor’s proposed budget. The caveat being that this is all subject to change should the budget not be approved as proposed. If the governor’s budget is not approved, we will have to bring the budget back at a future meeting for modifications. We have two revenue sources, but we exist almost exclusively on CJEF funding. We met our yearly projections for CJEF funding for this fiscal year. The biggest change from last year’s budget is we have added some new positions and similar to the Department of Public Safety, we are asking for a 10% salary adjustment for all AZPOST employees. We have the funding to do this through our current projected revenue and balance on hand. We will carry a balance of approximately 3.4 million dollars into FY22. With the economic downturn in 2008 we had to really slim down our budget. Do to this, we have carried over a higher amount each year, almost like a rainy day fund. Our projected income for the year is less than what we will be spending. That is due to the new additional personnel. Every year in September, a budget proposal is submitted to the state for appropriated funding. Historically we only asked for appropriated funding to reimburse our academies. This year we will be asking for appropriated

funding for staffing. Everyone recognizes that we are doing more work and it is not going to slow down. To provide that higher level of service, we will need additional funding. Our carry-over funds will decline from 3.4 million this year to 2 million next fiscal year.

Chief Vasquez made a motion to accept the 2021-22 AZPOST budget as presented. The motion was seconded by Sheriff Rhodes and passed unanimously.

F. Review, Discussion and Possible Action on a Clifton Police Department Petition for a waiver pursuant to A.A.C. R13-4-103(G) for Applicant Ethan Clonts.

Assistant Attorney General Mark Brachtl addressed the Board regarding the Clifton Police Department petition for waiver pursuant to A.A.C. R13-4-103(G) for Applicant Ethan Clonts. Applicant Clonts committed two burglaries and a theft when he was 18 years of age. Chief Omar Negrete, Clifton Police Department, addressed the Board to request that the petition be granted.

Chief Vasquez, Chief Williams, Sheriff Dannels and Sheriff Rhodes all stated their concerns regarding the past crimes and that firearms were taken during one of those crimes. Also, not enough time has elapsed since those crimes were committed. Sheriff Rhodes stated he is sympathetic to small agencies who have a hard time hiring individuals, but he cannot support this request.

Ms. Kelly inquired if this was a permanent denial or if the applicant could come back in five or ten years and reapply. Assistant Attorney General Mark Brachtl stated the petition can be presented to the Board for reconsideration at a later date, this is not a permanent denial.

Ms. Kelly made a motion to deny the petition by the Clifton Police Department for Applicant Ethan Clonts. The motion was seconded by Chief Williams and passed unanimously. Ms. Kelly also encouraged Mr. Clonts to stay on the right path, come back at a later time and reapply.

G. Final Action Cases:

1. 20-066 – Michael J. Blute – AZ Department of Public Safety

The Board considered comments from Assistant Attorney General Mark Brachtl; who provided a brief overview of the proposed Consent Agreement. Chief Williams made a motion to accept the proposed consent agreement for a 12-month suspension of Mr. Blute's peace officer certification. The suspension shall be in effect from March 12, 2020 through March 12, 2021. The motion was seconded by Sheriff Rhodes and passed unanimously.

2. 20-161 – Richard D. Gear – AZ Department of Public Safety

The Board considered comments from Assistant Attorney General Mark Brachtl; who provided a brief overview of the proposed Consent Agreement. Chief Vasquez made a motion to accept the proposed consent agreement for a 12-month suspension of Mr. Gear's peace officer certification. The suspension shall be in effect from July 17, 2020 through July 17, 2021. The motion was seconded by Director Shinn and passed unanimously.

3. 20-173 – Charles B. Scott – Gila River Police Department

The Board considered comments from Assistant Attorney General Mark Brachtl; who provided a brief overview of the proposed Consent Agreement. Commander Figueroa made

a motion to accept the proposed consent agreement for a 6-month suspension of Mr. Scott's peace officer certification. The suspension shall be in effect from November 20, 2020 through May 20, 2021. The motion was seconded by Ms. Weisz and passed unanimously.

4. 19-064 – Earlonzo D. Hogue – Chandler Police Department

The Board considered comments from Assistant Attorney General Mark Brachtli; who provided a brief overview of the proposed Consent Agreement. Ms. Weisz made a motion to accept the proposed consent agreement for a 12-month suspension of Mr. Hogue's peace officer certification. The suspension shall be in effect from April 26, 2021 through April 26, 2022; at which time his peace officer certification will lapse. The motion was seconded by Chief Williams and passed unanimously.

5. 20-010 – Robert K. Martin – Gilbert Police Department

The Board considered comments from Assistant Attorney General Mark Brachtli; who provided a brief overview of the proposed Consent Agreement. Chief Vasquez made a motion to accept the proposed consent agreement for a 12-month suspension of Mr. Martin's peace officer certification. The suspension shall be in effect from January 22, 2020 through January 22, 2021. The motion was seconded by Sheriff Rhodes and passed unanimously.

6. 21-013 – Paul M. Karsky – Mohave County Sheriff's Office

The Board considered comments from Assistant Attorney General Mark Brachtli; who provided a brief overview of the proposed Consent Agreement. Chief Williams made a motion to accept the proposed consent agreement for suspension of Mr. Karsky's peace officer certification from April 21, 2021 through November 18, 2021. The motion was seconded by Chief Vasquez and passed unanimously.

7. 21-008 – Anthony R. Flores – Tucson Police Department

The Board considered comments from Compliance Specialist Cathy Hawse; who provided a brief overview of the case. Commander Figueroa made a motion to suspend Mr. Flores' peace officer certification for 12 months from November 30, 2020 to November 30, 2021. The motion was seconded by Officer Medina and passed unanimously.

8. 20-208 – Jordan M. Redd – Tempe Police Department

The Board considered comments from Compliance Specialist David Toporek; who provided a brief overview of the case. Sheriff Rhodes made a motion to suspend Mr. Redd's peace officer certification for 12 months from March 17, 2021 to March 17, 2022. The motion was seconded by Director Shinn and passed unanimously.

9. 19-170 – Rene Algara – AZ Department of Public Safety

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 Williams made a motion to revoke Mr. Algara's peace officer certification. The motion was seconded by Ms. Weisz and passed unanimously.

10. 20-214 – Juan V. Espinoza – Fort Mojave Tribal Police Department

The Board considered comments from Compliance Specialist David Toporek; who provided a brief overview of the case. Chief Vasquez made a motion to suspend Mr. Espinoza's peace officer certification for 12 months from March 17, 2021 to March 17, 2022. The motion was seconded by Sheriff Rhodes and passed unanimously.

H. New Charging Cases:1. 20-138 – Alan S. Urkov – Coolidge Police Department

This case was tabled.

2. 20-139 – Nicholas E. Adams – Maricopa County Attorney's Office

This case was tabled.

3. 20-186 – Mario Palacios – Maricopa Police Department

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. Palacios' peace officer certification. The motion was seconded by Director Shinn and passed unanimously. Chief Williams stated it takes a lot for an OIT (Officer in Training) to share this kind of information with a supervisor and feels that Officer Wentworth should be commended because this must have been very uncomfortable for her.

4. 21-053 – Brian T. Thatcher – Phoenix Police Department

Chief Williams recused herself 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. Thatcher's peace officer certification. The motion was seconded by Commander Figueroa and passed unanimously.

5. 20-143 – Mary E. Turner – Maricopa Police Department

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

6. 21-054 – Paul M. Vogler – Phoenix Police Department

Chief Williams recused herself from this case. The Board considered comments from Compliance Specialist Mike Deltenre, who provided a brief overview of the case; a short video was also presented. Commander Figueroa made a motion to Initiate Proceedings against Mr. Vogler's peace officer certification. The motion was seconded by Sheriff Rhodes and passed unanimously.

7. 20-119 – Vinicius Ribeirodacruz – Tucson Police Department

The Board considered comments from Compliance Specialist Cathy Hawse, who provided a brief overview of the case. Chief Vasquez made a motion to Initiate Proceedings against Mr. Ribeirodacruz's peace officer certification. The motion was seconded by Director Shinn and passed unanimously.

8. 20-116 – Roberto Serna – Pima Community College Department of Public Safety

The Board considered comments from Compliance Specialist Cathy Hawse, who provided a brief overview of the case. Sheriff Rhodes made a motion to Initiate Proceedings against Mr. Serna's peace officer certification. The motion was seconded by Commander Figueroa and passed unanimously.

I. Future Agenda Items

There is nothing new to add.

J. Adjournment

The meeting was adjourned at 11:21 a.m.