



Arizona Peace Officer Standards and Training Board

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MINUTES OF THE SEPTEMBER 15, 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 September 15, 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
Assistant Attorney General John Johnson, representing Attorney General Mark Brnovich
Ms. Jamie Kelly, Public Member
Officer Matt Medina, Prescott Police Department
Director David Shinn, AZ Department of Corrections Rehabilitation & Reentry
Professor Kevin Robinson, Arizona State University
Deputy Director Ken Hunter, representing Colonel Heston Silbert, AZ Department of Public Safety
Chief Chris Vasquez, Eloy Police Department
Chief Jeri Williams, Phoenix Police Department

Members Present (via online video/telephone conferencing):

Ms. Leesa B. Weisz, Public Member

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
Steve Jacobs, Compliance Specialist
Robin MacIntire, ADC Compliance Specialist
Darcy Nichols, Compliance Specialist
Mike Orose, Compliance Program Administrator
Mike Puente, Training Specialist
Rita Mae Schaefer, Administrative Assistant
Sandy Sierra, Executive Assistant
Aaron Thomas, Training Specialist
David Toporek, Compliance Specialist
Rick VanKeuren, Training Specialist
Dale Wyman, Digital Media Specialist

Staff in Attendance (via online video conferencing):

Cathy Hawse, Compliance Specialist

Assistant Attorneys General (in person):

Mark Brachtl

Gino Duran

Monique Coady

A. Call to Order

Chairman Dannels called the meeting to order at 10:00 a.m. and asked Deputy Director Hunter 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, ten are here in person and one is participating via telephone/video conferencing. We still have two vacant Board positions.
- Assistant Attorney General Monique Coady is the Independent Advisor today for final action cases #1 – Elijah J. Defassio 19-214 and #2 – Freddie W. Nehrmeyer 20-093.
- We are in the final hiring stage of hiring a new Compliance Specialist who will replace Steve Jacobs when he retires in January 2022. We hope to have the new Compliance Specialist onboard sometime in October. A big thank you to DPS Human Resources for the remarkable work they do and for the tremendous assistance they provide during our hiring processes.

C. Executive Director's Report

Matt Giordano, Executive Director

- Prop 207 funding will change how we reimburse academies. We normally submit for appropriated funding and use it exclusively to reimburse academies for their successful graduates. With Prop 207 funding now going to each individual agency, the intent of the legislature was for that money to be used to reimburse the academies for successful graduates. We were advised not to submit for appropriated funding this year for that purpose. We are still working through what this will look like. There is an academy commander's meeting scheduled for the end of this month and I will discuss this with them. I will be informing all the agency heads about this in order to give them a heads up that beginning July 1, 2022, AZPOST will no longer be reimbursing academies for their successful graduates. Looking at the disbursements the agencies received this past July, it appears every agency will have enough funding to cover their academy reimbursements. Hopefully by next month, we will have solidified what the funding will look like and this should give agencies 8-9 months to prepare.
- We are still working on House Bill 2462 which relates to training for civilian oversight committees. Training Specialist Chuck Miiller is the lead on this project. We are currently working with several agencies to create 80 hours of training that we believe meets the statutory requirements. The training will be mandatory and must be AZPOST approved training. We believe it is beneficial to provide training that the agencies can use. We have received training material for approval from Tucson PD, they are going their own route. We are reviewing this now and if we approve it, it will be another avenue that agencies can pull from to meet their statutory requirements.

- The Advanced Training Unit is doing an amazing job. They are hosting a BLA (Basic Leadership Academy) in Payson this week. The Executive Leadership Program is scheduled for the second week of October. We had a tremendous amount of interest in this class and we were able to provide at least one seat to every agency that requested one. We revised this class and the curriculum is outstanding.
- The Basic Training Unit is also doing an amazing job. Their level of engagement with the academies is the best it has ever been. We are hearing that feedback from the academies. Moving into 2022, they will be going out to each academy to do audits. We push our curriculum all the time, but we never go out and audit to ensure it is being taught. Their level of engagement is so high right now that the academies welcome them on-site so they can show them what they are doing. They are also starting to attend academy graduations. They recently attended the Yuma Academy graduation and also attended the first day of class for the new Gilbert Academy.
- We are currently working on finalizing the new changes to our rules. We will present the proposed changes to the Board at the October meeting.
- Next week we will be hosting a Background Investigator's School here at AZPOST. We have 150 attendees, both virtually and in person. We present this school twice a year, and with the large number of attendees at each class, this training is very much wanted.
- There are some states that their POST Boards do not have the ability to take action or sanction an officer's certification. I was contacted by Massachusetts POST and had a long conversation with them regarding how we handle taking action on an officer's certification. Next month representatives from California POST will be here and will observe our Board meeting to see how our Board proceedings are handled and the next day they will sit down with AZPOST staff to discuss compliance issues.
- The AACOP Annual Conference will be held in Laughlin starting October 25, 2021. Compliance Specialist Steve Jacobs will be recognized for his many years of service at this time.

D. Consent Agenda

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

The following items were approved:

1. Minutes of the Board meeting held on August 18, 2021.
2. Certification Waivers:

Seth T. Blount	Apache Junction Police Department
Andrew Wagner	Casa Grande Police Department
Patrick M. Haber	Flagstaff Police Department
Timothy L. Nye	Maricopa Police Department
Ian R. Chessum	Prescott Valley 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:

Cody J. Delafuente	19-036	Cottonwood Police Department
Robert L. Brady	19-149	Colorado River Indian Tribes Police Department
Matthew B. Woen	20-018	Yuma Police Department
Vinicius Ribeirodacruz	20-119	Tucson Police Department
Gabriel Sanchez	21-090	Maricopa County Sheriff’s Office
Miguel A. Sanchez	21-127	AZ Department of Liquor Licenses and Control

- E. Review, Discussion and Possible Action on recommendations from the AZPOST DUI Subcommittee regarding off-duty DUIs.

Executive Director Giordano stated the Subcommittee met right before this meeting. There was good discussion and the Subcommittee made a motion to recommend to the full Board to keep things the way they currently are, i.e. cases coming before the Board with a BAC of .15 or above or other aggravating circumstances related to the DUI investigation.

Chief Williams, Chair of the Subcommittee, stated she thought it would be easy to make this work for all the agencies around the state. It is not that simple. So while not perfect, with a baseline of the .15 BAC and other aggravating factors, it at least gives us something to be consistent with. We are concerned with the consistency issue, as well as hoping to mandate treatment, but we were told that is something we could not do. Perhaps the agency heads who have issues that happen that way will require their employees to seek treatment to make them a better person.

Chairman Dannels stated six years ago when this was a topic, we had numerous chiefs and sheriffs come to the Board and actually, absent aggravated circumstances, ask that this be left to agency discretion. It is not an easy decision and thanked the Subcommittee for looking into this.

Chief Williams made a motion to adopt the recommendations of the DUI Subcommittee as presented to the Board. No second was necessary, the motion carried unanimously.

Chief Williams then made a motion to sunset the AZPOST DUI Subcommittee. The motion was seconded by Jail Commander Figueroa and passed unanimously.

- F. Review, Discussion and Possible Action on a Flagstaff Police Department Petition pursuant to A.A.C. R13-4-105(C) for Applicant Sean Miller.

Assistant Attorney General Mark Brachtl addressed the Board regarding a Flagstaff Police Department petition for Applicant Sean Miller. Applicant Miller, when he was twenty one years old, ingested dangerous drugs, twice. Sgt. Ryan Turley, Flagstaff Police Department, addressed the Board to request that the petition be granted. Applicant Sean Miller also addressed the Board.

Professor Robinson stated he has concerns with this petition due to the dangerous drug. He understands this was ten years ago and appreciates Mr. Miller taking responsibilities for his actions and his presentation to the Board today. He is worried about starting something that the Board will be dealing with time and time again if we go down this road.

Chief Williams stated she appreciates Mr. Miller owning up to his past indiscretions and that is why she asked if the Board had granted these petitions before. The slippery slope Professor Robinson is talking about is the reason why the Board is here, to make sure we are maintaining consistency. She understands this occurred ten years ago, but does not want this to be the precedent setting case.

Ms. Weisz stated she recalls that prior to the rule change last year, the Board did make exceptions for dangerous drugs, and she believes it was a case similar to this case.

Assistant Attorney General Mark Brachtl stated that was correct. Prior to the rule changes in June of last year, there were petitions that were granted by the Board under similar circumstances. He stated that for a point of clarification, when the Board amended its rules, it did leave in rule R13-4-105(C), which is the ability to petition the Board.

Ms. Weisz stated the ability to petition was to leave in the human element. The Board just decided to allow agency discretion with regards to DUIs under .15 BAC. She does not see a distinction between this and the petition. She does not see a reason why Mr. Miller should not be given a second chance. The ability for an agency to petition the Board for someone they feel is a good candidate but sadly made a very unfortunate mistake years ago, was left in the rules. If we did not want to allow someone to petition the Board, perhaps we should have taken out the ability to ask for one.

Chairman Dannels stated when the Board looked at the proposed rule changes last year, the Board took a hard look at the changes and agreed not to change the rule on dangerous drugs. Since that time, the Board has not deviated from the new rules, this would be the first time we did that. He worries that once you open a door, how many more doors will we have to be open.

Commander Figueroa stated he agrees with Ms. Weisz. He feels if the Board is not going to consider a petition for waiver, then it should not have included this rule when the rules were changed. He feels if anyone is going to be considered for a waiver, it should be Mr. Miller. If the Board is never going to entertain waivers, then the rule should not be there.

Chief Williams made a motion to deny the petition by the Flagstaff Police Department for Applicant Sean Miller. The motion was seconded by Deputy Director Hunter and passed by a vote of 8-3. Nay votes were recorded for Officer Medina, Jail Commander Figueroa and Ms. Weisz.

G. Final Action Cases:

1. 19-214 – Elijah J. Defassio – Coconino County Sheriff's Office

The Board considered comments from Assistant Attorney General Gino Duran; who provided a brief overview of the Motion for Dismissal. Ms. Kelly made a motion to grant

the State's Motion for Dismissal and dismiss the May 20, 2020, Complaint. The motion was seconded by Chief Vasquez and passed unanimously.

2. 20-093– Freddie W. Nehrmeyer – Hayden Police Department

The Board received independent legal advice from Assistant Attorney General Monique Coady on the correct wording of the motion.

Mr. Johnson (AAG) recused himself from this case. The Board considered comments from Assistant Attorney Gino Duran; who provided a brief overview of the proposed consent agreement. Donna McDaniel, attorney for Mr. Nehrmeyer, stipulated to the proposed consent agreement. Chief Vasquez made a motion to accept the proposed consent agreement for a 30-day suspension of Mr. Nehrmeyer's peace officer certification. The suspension shall be in effect from December 1, 2021 through December 31, 2021. The motion was seconded by Chief Williams and passed with one nay vote recorded for Jail Commander Figueroa.

3. 20-143 – Mary E. Turner – Tucson Police Department

The Board considered comments from Compliance Specialist Mike Deltenre; who provided a brief overview of the case. Professor Robinson made a motion to revoke Ms. Turner's peace officer certification. The motion was seconded by Deputy Director Hunter and passed unanimously.

H. New Charging Cases:

1. 21-022 – Thomas R. Baizel – Camp Verde Sheriff's Office

The Board considered comments from Compliance Specialist Mike Deltenre, who provided a brief overview of the case. Chief Vasquez made a motion to close this case with No Action with Agency Discretion. The motion was seconded by Chief Williams and passed unanimously.

2. 21-009 – Joseph G. Klaus – Tucson Police Department

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

3. 21-093 – Anthony J. Cardinale – Gila River 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 Mr. Cardinale's peace officer certification. The motion was seconded by Ms. Kelly and passed unanimously.

4. 21-088 – Steven W. McBride – Clifton Police Department

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

5. 21-112 – John T. Strickland – Gilbert Police Department

Mr. Johnson (AAG) recused himself from this case. 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. Strickland’s peace officer certification. The motion was seconded by Chief Vasquez and passed unanimously.

I. Future Agenda Items

Prop 207 funding will be added to a future agenda for discussion.

J. Adjournment

The meeting was adjourned at 10:53 a.m.