



Arizona Peace Officer Standards and Training Board

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MINUTES OF THE OCTOBER 20, 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 October 20, 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
Professor Kevin Robinson, Arizona State University
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. Jamie Kelly, Public Member
Ms. Leesa B. Weisz, Public Member

Members Absent:

Officer Matt Medina, Prescott Police Department
Director David Shinn, AZ Department of Corrections Rehabilitation & Reentry

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, Advanced Training Program Administrator
Arlene Heckel, Compliance Specialist
Mike Giammarino, Compliance Program Administrator
Robin MacIntire, ADC Compliance Specialist
Darcy Nichols, Compliance Specialist
Mike Orose, Compliance Program Administrator
Mike Puente, Training Specialist
Rita Mae Schaefer, Administrative Assistant
Tammy Schliefer, Administrative Assistant
Sandy Sierra, Executive Assistant
Aaron Thomas, Training Specialist
David Toporek, Compliance Specialist

Rick VanKeuren, Training Specialist
Lori Wait, Basic Training Compliance Administrator
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 Professor Robinson to lead everyone in reciting the Pledge of Allegiance. A Moment of Silence was observed in remembrance of the three officers who recently lost their lives in the line of duty.

B. Introductions, Presentations and Announcements

Matt Giordano, Executive Director

- Roll Call was taken. Nine Board members are present, seven are here in person and two are participating via telephone/video conferencing. Officer Medina and Director Shinn are absent. We still have two vacant Board positions.
- Assistant Attorney General Monique Coady is the Independent Advisor for all the final action cases.
- New case #5 - Katherine A. Reyes-Figueroa 21-110, will be tabled.
- Four staff members from California POST are attending today's meeting. California recently had an assembly bill signed by the governor which will now give their POST the authority to decertify peace officers. Their staff wanted to observe one of our board meetings and we will also have a follow-up meeting with them tomorrow to discuss the different nuances of the decertification process.

C. Executive Director's Report

Matt Giordano, Executive Director

- Prop 207 funding continues to be an issue and we continue to work through the process. We hosted an academy director's meeting last month and sent a notice to all agency heads regarding basic academy funding beginning July 1, 2022. By the end of this year, we will have all issues resolved and will notify those agencies and academies on how we are going to reimburse academies that do not receive Prop 207 tax revenues.
- This week we are hosting the first session of an ELP (Executive Leadership Program) class. We have approximately 40 students in the class from all over the state. This is a very sought after class and we were able to accommodate everyone who requested a seat in the class.
- We are in the final stages of finalizing the new changes to our rules. We will present the proposed changes to the Board at the November or December meeting.
- Represented AZPOST at the State Peace Officer memorial last week. Also attended the Mesa Police Department's Fallen Officer Memorial. Both were outstanding ceremonies.

- Working with the Constables Standards and Training Board on their annual conference in January, which will be held in Tubac. We will provide 16 hours of AZPOST approved training to assist them with their required annual training hours.
- The AACOP Annual Conference will be held in Laughlin starting October 25, 2021.

D. Consent Agenda

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

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

The following items were approved:

1. Minutes of the Board meeting held on September 15, 2021.
Minutes of the AZPOST DUI Subcommittee held on September 15, 2021.

2. Certification Waivers:

Glennis Donnelly	AZ State University Police Department
John T. Fischbeck	Gila County Sheriff’s Office
James R. Bisceglie	Gilbert Police Department
Andres Arreola	Globe Police Department
Kevin Allen	Goodyear Police Department
Michael V. Caputo	Grand Canyon University Police Department
Frank Grossman	Queen Creek Police Department
Daniel J. Ruth	Queen Creek Police Department
Tyler Willi	Queen Creek 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:

Daniel R. Barlow	16-143	Colorado City Marshal’s Office
Daniel Rodriguez-Cuenca	19-084	Sahuarita Police Department
Angela C. Gill	19-098	Pinal County Sheriff’s Office
Jason J. Philpot	19-252	Pinal County Sheriff’s Office
Jesus Tapia	20-132	Tucson Police Department
Joseph G. Klaus	21-009	Tucson Police Department
Taylor J. Julien	21-017	AZ Department of Public Safety
Michael Brennan	21-142	Maricopa County Sheriff’s Office
Ernest Q. Molina	21-148	Tolleson Police Department
Danny H. Vo	21-151	Phoenix Police Department
Ryan M. Jones	21-159	Phoenix Police Department

E. Final Action Cases:1. 19-188 – John W. Santiago – Mesa Police Department

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

The Board received independent legal advice from Assistant Attorney General Monique Coady.

Chief Williams made a motion to go into executive session to receive legal advice regarding this matter. The motion was seconded by Chief Vasquez and passed unanimously. The Board went into executive session at 10:12 a.m. and the open meeting reconvened at 10:27 a.m.

The Board heard oral argument on the Administrative Law Judge's Decision from Assistant Attorney General Mark Brachtel, attorney for the Arizona Peace Officer Standards and Training Board, and Mr. Edmundo Robaina, attorney representing Mr. Santiago. The Board also considered comments from Mr. Santiago.

After considering the arguments made by the parties, Chief Williams made a motion to accept the Administrative Law Judge's Findings of Fact and Conclusions of Law, with an amendment to correct the date of March 18, 2018, in Finding of Fact #23, to August 30, 2018. The motion was seconded by Chief Vasquez and passed unanimously.

Ms. Weisz made a motion to impose a 40-hour suspension of Mr. Santiago's peace officer certification to run concurrently with the suspension dates imposed by the Mesa Police Department. The motion was seconded by Colonel Silbert. The motion failed due to a tie. Ms. Weisz, Colonel Silbert, Commander Figueroa and Professor Robinson voted in favor of the motion; Chairman Dannels, Chief Vasquez, Ms. Kelly and Chief Williams voted against.

Ms. Weisz then made a motion to impose a 40-hour suspension of Mr. Santiago's peace officer certification to be served prior to the end of calendar year 2021. The motion was seconded by Chief Williams and passed with a vote of 7-1. Ms. Weisz, Commander Figueroa, Professor Robinson, Chairman Dannels, Chief Vasquez, Ms. Kelly and Chief Williams voted in favor of the motion; Colonel Silbert voted against.

2. 21-010 – Chris Lowery – Phoenix Police Department

Chief Williams and Ms. Kelly recused themselves from this case. The Board considered comments from Assistant Attorney General Gino Duran; who provided a brief overview of the Motion for Dismissal. Professor Robinson 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.

3. 21-099 – Matthew R. Barton – Yavapai County Sheriff's Office

Colonel Silbert recused himself from this case. The Board considered comments from Assistant Attorney General Gino Duran; 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. Barton's peace officer certification. The suspension shall be

in effect from June 14, 2021 through June 14, 2022. The motion was seconded by Commander Figueroa and passed unanimously.

4. 20-172 – Cory Cover – Mesa Police Department

The Board considered comments from Compliance Specialist William Caldwell, who provided a brief overview of the case. Colonel Silbert made a motion to accept the Findings of Fact and Conclusions of Law and revoke Mr. Cover's peace officer certification. The motion was seconded by Chief Williams and passed unanimously.

5. 20-167 – Andrew E. Johnson – Mesa 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 accept the Findings of Fact and Conclusions of Law and revoke Mr. Johnson's peace officer certification. The motion was seconded by Colonel Silbert and passed unanimously.

6. 20-135 – Jacob B. Martinez – 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 accept the Findings of Fact and Conclusions of Law and revoke Mr. Martinez's peace officer certification. The motion was seconded by Mr. Johnson (AAG) and passed unanimously.

7. 20-134 – Cristian R. Robeson – 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 accept the Findings of Fact and Conclusions of Law and revoke Mr. Robeson's peace officer certification. The motion was seconded by Colonel Silbert and passed unanimously.

8. 20-037 – Steve M. Powers – AZ Department of Public Safety

Mr. Johnson (AAG) and Colonel Silbert recused themselves from this case. The Board considered comments from Compliance Specialist Arlene Heckel, who provided a brief overview of the case. Professor Robinson made a motion to revoke Mr. Powers' peace officer certification. The motion was seconded by Commander Figueroa and passed unanimously.

9. 21-065 – Israel M. Juarez – Gila County Sheriff's Office

The Board considered comments from Compliance Specialist Darcy Nichols, who provided a brief overview of the case. Professor Robinson made a motion to accept the Findings of Fact and Conclusions of Law and revoke Mr. Juarez's peace officer certification. The motion was seconded by Chief Williams and passed unanimously.

10. 21-043 – Joel Leuppe – Navajo Division of Public Safety

The Board considered comments from Compliance Specialist Darcy Nichols, who provided a brief overview of the case. Colonel Silbert made a motion to accept the Findings of Fact and Conclusions of Law and revoke Mr. Leuppe's peace officer certification. The motion was seconded by Chief Vasquez and passed unanimously.

11. 21-042 – Randall T. Tomasyo – Navajo Division of Public Safety

The Board considered comments from Compliance Specialist Darcy Nichols, who provided a brief overview of the case. Commander Figueroa made a motion to accept the Findings of Fact and Conclusions of Law and revoke Mr. Tomasyo's peace officer certification. The motion was seconded by Mr. Johnson (AAG) and passed unanimously.

F. New Charging Cases:1. 20-131 – Alfred J. Anaya – Tucson 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. Colonel Silbert made a motion to close this case with No Action with Agency Discretion. The motion was seconded by Chief Williams and passed unanimously.

2. 21-103 – Steven D. Behie – Phoenix Police Department

Mr. Johnson (AAG) and Chief Williams recused themselves from this case. The Board considered comments from Compliance Specialist Mike Deltenre, who provided a brief overview of the case. Commander Figueroa made a motion to Initiate Proceedings against Mr. Behie's peace officer certification. The motion was seconded by Professor Robinson and passed unanimously.

3. 21-109 – Pedro F. Martinez – 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. Chief Vasquez made a motion to close this case and Resolve in the Future. The motion was seconded by Colonel Silbert and passed unanimously.

4. 21-155 – Michael D. Randall – Flagstaff Police Department

The Board considered comments from Compliance Specialist Mike Deltenre, who provided a brief overview of the case. Chief Williams made a motion to Initiate Proceedings against Mr. Randall's peace officer certification. The motion was seconded by Commander Figueroa and passed unanimously.

5. 21-110 – Katherine A. Reyes-Figueroa – Phoenix Police Department

This case was tabled.

6. 20-177 – George J. Myers – 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 Initiate Proceedings against Mr. Myers' peace officer certification. The motion was seconded by Colonel Silbert and passed unanimously.

7. 20-085 – Raymond Butler – Gila River Police Department

The Board considered comments from Compliance Specialist Arlene Heckel, who provided a brief overview of the case. Professor Robinson made a motion to Initiate Proceedings against Mr. Butler's peace officer certification. The motion was seconded by Chief Vasquez and passed unanimously.

8. 20-083 – Jonathan D. Cardona – AZ Department of Public Safety
Colonel Silbert recused himself from this case. The Board considered comments from Compliance Specialist Arlene Heckel, who provided a brief overview of the case. Chief Vasquez made a motion to Initiate Proceedings against Mr. Cardona’s peace officer certification. The motion was seconded by Chief Williams and passed unanimously.

9. 20-155 – Michael S. Atondo – AZ Department of Public Safety
Mr. Johnson (AAG) and Colonel Silbert recused themselves from this case. The Board considered comments from Compliance Specialist Robin MacIntire, who provided a brief overview of the case. Professor Robinson made a motion to Initiate Proceedings against Mr. Atondo’s peace officer certification. The motion was seconded by Chief Williams and passed unanimously.

10. 21-060 – Kevin Q. Loi – Mohave County Sheriff’s Office
The Board considered comments from Compliance Specialist David Toporek, who provided a brief overview of the case. Commander Figueroa made a motion to Initiate Proceedings against Mr. Loi’s peace officer certification. The motion was seconded by Chief Williams and passed unanimously.

11. 20-185 – Darin J. Norris – Maricopa County Sheriff’s Office
The Board considered comments from Compliance Specialist David Toporek, who provided a brief overview of the case. Colonel Silbert made a motion to Initiate Proceedings against Mr. Norris’ peace officer certification. The motion was seconded by Professor Robinson and passed unanimously.

G. Future Agenda Items

Nothing new to add.

H. Adjournment

The meeting was adjourned at 12:28 p.m.