



## *Arizona Peace Officer Standards and Training Board*

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

### **MINUTES OF THE JANUARY 19, 2022 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 January 19, 2022, 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  
Assistant Attorney General John Johnson, representing Attorney General Mark Brnovich  
Ms. Jamie Kelly, Public Member  
Colonel Heston Silbert, AZ Department of Public Safety  
Chief Chris Vasquez, Eloy Police Department

#### Members Present (via online video/telephone conferencing):

Commander Matthew Figueroa, Jail Commander, Coconino County Sheriff's Office  
Professor Kevin Robinson, Arizona State University  
Ms. Leesa B. Weisz, Public Member

#### Members Absent:

Director David Shinn, AZ Department of Corrections Rehabilitation & Reentry  
Chief Jeri Williams, Phoenix Police Department

#### Staff in Attendance (in person):

Matt Giordano, Executive Director  
Ben Henry, Deputy Director  
Michele Blanco, Compliance Specialist  
Richard Bradshaw, Compliance Specialist  
William Caldwell, Compliance Specialist  
Amanda Faust, Advanced Training Program Administrator  
Mike Giammarino, Compliance Program Administrator  
Arlene Heckel, Compliance Specialist  
Darcy Nichols, Compliance Specialist  
Mike Orose, Compliance Program Administrator  
Cindy Sawyer, Compliance Specialist  
Rita Mae Schaefer, Administrative Assistant  
Sandy Sierra, Executive Assistant  
Aaron Thomas, Training Specialist  
David Toporek, Compliance Specialist  
Rick VanKeuren, Training Specialist  
Lori Wait, Basic Training Program 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 Ms. Kelly to lead everyone in reciting the Pledge of Allegiance.

B. Introductions, Presentations and Announcements

*Matt Giordano, Executive Director*

- Roll Call was taken. Eight Board members are present, five are here in person and three are participating via telephone/video conferencing. Chief Williams and Director Shinn are absent. We have three vacant Board positions.
- Due to recusals and only eight Board members at today's meeting, two cases will be tabled. Final action case 2020-155 Michael S. Atondo and new case 2021-003 Brian M. Petersen will be moved to the February agenda.
- Assistant Attorney General Monique Coady is the Independent Advisor for all the final action cases.
- Compliance Specialist David Toporek will be presenting two cases for Compliance Specialist Mike Deltenre, who is not available today.

C. Executive Director's Report

*Matt Giordano, Executive Director*

- The Legislature is back in session. There have been a few bills dropped that are related to AZPOST, but as of now there are no updates on these bills. I will continue to monitor and keep the Board updated on any bills or proposals that impact AZPOST.
- CJEF funding was down in December, but we are still maintaining our fiscal forecast and are financially stable.
- Prop 207 funding. As the governor's proposed budget that came out last week shows, we are not slated for any appropriated funding beginning January 1, 2022. We will rely solely on CJEF funding. This will not impact us operationally, but it will impact how we reimburse academies for successful graduates; we will no longer be able to do this. We have communicated this to all the academies and agency heads. The sheriffs are looking to change this, but AZPOST is staying neutral on the topic. As of right now, we are preparing for not having appropriated funding for July 1<sup>st</sup> of this year.
- We have had several agencies reach out inquiring about starting their own academy. AZPOST can provide all the support needed as far as what you need to do to start an academy, but this is a very arduous process. Since PRPA is no longer accepting outside agencies, this has caused some agencies to inquire about what they can do. We do remind everyone that there are 15 academies throughout the state, but we are happy to assist any agency who wants help in starting their own academy.
- The Constables Standards and Training Board held their annual conference January 11-13 in Tubac. Our training unit provided 14 hours of AZPOST approved training for this

conference. I would like to recognize and thank Ron Bayne, Chuck Miller, Mike Puente and Rick VanKeuren for providing this training. They received rave reviews from the constables for the outstanding work they did.

- We will have a public meeting on January 26, 2022, for public comment regarding our proposed rule changes. Once we hold the public meeting, the final step in the rulemaking process will be placement on an agenda for review and approval by the Governor’s Regulatory Review Council.
- Meetings attended this month. Represented AZPOST at the Copper and Rim Country Chief’s Meeting in Globe; attended the WALEA Meeting in Yuma, attended GOHS Kick-Off, attended a meeting with Sheriff Nanos and his command staff in Tucson, attended the NARTA graduation in Prescott and the WALETA graduation in Lake Havasu.

D. Consent Agenda

Ms. Weisz 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 November 17, 2021.
2. Certification Waivers:

Joseph Penze	Apache Junction Police Department
Jeffrey S. Ignowski	Arizona Attorney General’s Office
Miguel Galvez	Arizona Dept. of Public Safety
Keith Hill	Buckeye Police Department
Mark Postma	Buckeye Police Department
Houston J. Sauer	Cottonwood Police Department
Joshua Fox	Maricopa Police Department
Scott Bataille	Peoria Police Department
Nicholas Tutino	Peoria Police Department
Philip J. Mazur	Queen Creek Police Department
Albert J. Trotter	Queen Creek Police Department
Joshua Chorneyko	Scottsdale Police Department
Andras Krasznai	Scottsdale Police Department
Daniel Marks	Scottsdale Police Department
Kyle D Nudleman	Sedona Police Department
Dylan Yeager	Tolleson Police Department
Serge Andres	Tucson Police Department
Adam R. Buckner	Tucson Police Department
Jonathan J. Green	Yavapai-Prescott Indian Police Dept.

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:

Edward S. Penski	2020-012	Tucson Police Department
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Salvador S. Cuevas	2020-154	Maricopa County Sheriff's Office
Mitchell K. Fuller	2020-179	Peoria Police Department
Aldo E. Arroyo	2021-003	Avondale Police Department
Troy A. Castillo	2021-084	Goodyear Police Department
Fred J. Suniga	2021-150	Maricopa County Sheriff's Office
Claudio Fausto	2021-203	Maricopa County Sheriff's Office
Tasha M. Judie	2021-226	Phoenix Police Department
Christopher Q. Meyer	2019-089	Phoenix Police Department

E. Review, Discussion and Possible Action on a Proposed Federal Transition Academy for U.S. Border Patrol Agents.

Executive Director Matt Giordano stated AZPOST has received inquiries from several agencies around the state on what it would take for border patrol agents to complete the waiver process for Arizona peace officer certification. Basic Training staff did a curriculum comparison and determined border patrol agents would need to complete 482 additional hours to satisfy AZPOST's current basic curriculum. Due to this shortfall, Basic Training staff began working with AZ Western College Academy in Yuma to create a pilot program that would include a 12-week academy that encompasses the 482 hours of the AZPOST basic curriculum. This Federal Transition Academy would require students to complete all requirements of R13-4-110.A.1, as well as completion of a Comprehensive Final Exam. Students must also pass the AZPOST Firearms Qualification shoot, POPAT, Pursuit and Tactical Driving, High Risk Vehicle Stops, along with Defensive Tactics. To qualify for the Federal Transition Academy, students must have graduated from a recognized federal law enforcement training academy identified by AZPOST staff and have served a minimum of one year service as a federal law enforcement agent. Once the pilot program is up and running, and we determine its validity, we can partner with other agencies who are interested in operating a transition academy for U.S. Border Patrol agents.

Chief Vasquez made a motion that the Board direct AZPOST staff to create and operate a Federal Transition Academy for U.S. Border Patrol agents. This will include creating a basic peace officer curriculum and administration of a Comprehensive Final Exam. The motion was seconded by Colonel Silbert and passed unanimously.

F. Final Action Cases:

1. 2019-066 – Deborah S. Thompson – AZ Western College Police Department  
*Mr. Johnson (AAG) recused himself from this case.* The Board heard oral argument on the Administrative Law Judge's Decision from Assistant Attorney General Gino Duran, attorney for the Arizona Peace Officer Standards and Training Board. Ms. Thompson was not present. Colonel Silbert made a motion to accept the Administrative Law Judge's Findings of Fact and Conclusions of Law and revoke Ms. Thompson's peace officer certification. The motion was seconded by Ms. Kelly and passed unanimously.
2. 2018-135– Herlen Yeomans – Colorado River Indian Tribe Police Department  
*Mr. Johnson (AAG) recused himself from this case.* The Board heard oral argument on the Administrative Law Judge's Decision from Assistant Attorney General Gino Duran, attorney for the Arizona Peace Officer Standards and Training Board, and Mr. Edmundo

Robaina, attorney representing Mr. Yeomans. The Board also considered comments from Mr. Yeomans.

After review of the Administrative Law Judge's Decision, consideration of arguments made by the parties, including follow-up questions, consideration of a statement made by Respondent, including follow-up questions, and deliberation by the Board, Colonel Silbert made a motion that the Board take no further action and refer this matter back to the Colorado River Indian Tribe Police Department for agency discretion. The motion was seconded by Ms. Kelly and passed unanimously.

3. 2021-108 – Julio E. Meza – Yavapai-Prescott Tribal Police Department

The Board considered comments from Assistant Attorney General Gino Duran; who provided a brief overview of the proposed consent agreement. Ms. Kelly made a motion to accept the proposed consent agreement for a 3-year suspension of Mr. Meza's peace officer certification. The suspension shall be in effect beginning June 15, 2021, and ending June 16, 2024. The motion was seconded by Mr. Johnson (AAG) and passed unanimously.

4. 2021-112 – John T. Strickland – Gilbert Police Department

*Mr. Johnson (AAG) recused himself from this case.* The Board considered comments from Compliance Specialist Richard Bradshaw, 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. Strickland's peace officer certification. The motion was seconded by Ms. Kelly and passed unanimously.

5. 2020-155 – Michael S. Atondo – AZ Department of Public Safety

The case was tabled due to lack of a quorum.

6. 2021-060 – 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. Professor Robinson made a motion to suspend Mr. Loi's peace officer certification beginning October 20, 2021, and ending February 3, 2024, at which time his peace officer certification will lapse. The motion was seconded by Ms. Kelly and passed unanimously.

G. New Charging Cases:

1. 2021-121 – Anthony P. French – Pima Community College DPS

The Board considered comments from Compliance Specialist Michele Blanco, who provided a brief overview of the case. Chief Vasquez made a motion to Initiate Proceedings against Mr. French's peace officer certification. The motion was seconded by Mr. Johnson (AAG) and passed unanimously.

2. 2021-174 – Joseph C. Morel – AZ State University Police Department

*Mr. Johnson (AAG) recused himself from this case.* The Board considered comments from Compliance Specialist Michele Blanco, who provided a brief overview of the case. Professor Robinson made a motion to Initiate Proceedings against Mr. Morel's peace officer certification. The motion was seconded by Ms. Weisz and passed unanimously.

3. 2020-106 – Nathan L. Chisler – Mesa Police Department  
The Board considered comments from Compliance Specialist William Caldwell, 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 Ms. Weisz and passed with one nay vote recorded for Mr. Johnson (AAG).
4. 2019-097 – Joel C. Ensley – Superior Police Department  
The Board considered comments from Compliance Specialist William Caldwell, who provided a brief overview of the case; two short videos were also presented. Professor Robinson made a motion to Initiate Proceedings against Mr. Ensley’s peace officer certification. The motion was seconded by Colonel Silbert and passed unanimously.
5. 2021-125 – Jeffrey H. Cooke – Phoenix Police Department  
The Board considered comments from Compliance Specialist David Toporek, who provided a brief overview of the case. Ms. Weisz made a motion to close this case with No Action. The motion was seconded by Chief Vasquez and passed unanimously.
6. 2020-174 – Kevin D. Moe – Peoria Police Department  
The Board considered comments from Compliance Specialist David Toporek, who provided a brief overview of the case. Colonel Silbert made a motion to close this case with No Action with Agency Discretion. The motion was seconded by Ms. Kelly and passed unanimously.
7. 2010-158 – Carlos F. Castaneda-Noriega – 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. Castaneda-Noriega’s peace officer certification. The motion was seconded by Mr. Johnson (AAG) and passed unanimously.
8. 2020-125 – Harold L. Janes – Pima County Sheriff’s Department  
*Mr. Johnson (AAG) recused himself from this case.* The Board considered comments from Compliance Specialist Cathy Hawse, who provided a brief overview of the case. Colonel Silbert made a motion to Initiate Proceedings against Mr. Janes’ peace officer certification. The motion was seconded by Ms. Kelly and passed unanimously.
9. 2020-121 – Edward Cullen – 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. Ms. Kelly made a motion to Initiate Proceedings against Mr. Cullen’s peace officer certification. The motion was seconded by Mr. Johnson (AAG) and passed unanimously.
10. 2021-131 – Andrew B. Lowery – 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. Lowery’s peace officer certification. The motion was seconded by Ms. Weisz and passed unanimously.

11. 2020-086 – Hector H. Osuna – Gila River Police Department

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

12. 2021-140 – Kyle J. Bradshaw – Avondale Police Department

The Board considered comments from Compliance Specialist Darcy Nichols, who provided a brief overview of the case. Professor Robinson made a motion to Initiate Proceedings against Mr. Bradshaw's peace officer certification. The motion was seconded by Colonel Silbert and passed unanimously.

13. 2021-177 – Matthew S. Karren – Goodyear Police Department

The Board considered comments from Compliance Specialist Darcy Nichols, who provided a brief overview of the case. Chief Vasquez made a motion to Initiate Proceedings to deny peace officer certification to Mr. Karren. The motion was seconded by Colonel Silbert and passed unanimously.

14. 2021-1707 – Nijaz Subasic – Avondale Police Department

The Board considered comments from Compliance Specialist Darcy Nichols, who provided a brief overview of the case. Ms. Kelly made a motion to Initiate Proceedings to deny peace officer certification to Mr. Subasic. The motion was seconded by Professor Robinson and passed unanimously.

15. 2021-083 – Jonathan L. Swanson – Mesa Police Department

The Board considered comments from Compliance Specialist Darcy Nichols, who provided a brief overview of the case. Colonel Silbert made a motion to Initiate Proceedings against Mr. Swanson's peace officer certification. The motion was seconded by Mr. Johnson (AAG) and passed unanimously.

*Professor Robinson left the meeting at this time due to a prior commitment; a quorum is still present.*

16. 2021-141 – Arturo Valenzuela-Rodriguez – Avondale Police Department

The Board considered comments from Compliance Specialist Darcy Nichols, who provided a brief overview of the case. Chief Vasquez made a motion to Initiate Proceedings against Mr. Valenzuela-Rodriguez's peace officer certification. The motion was seconded by Mr. Johnson (AAG) and passed unanimously.

17. 2021-111 – Greg T. Loveless – Scottsdale Police Department

The Board considered comments from Compliance Specialist Richard Bradshaw, who provided a brief overview of the case. Ms. Kelly made a motion to Initiate Proceedings against Mr. Loveless' peace officer certification. The motion was seconded by Mr. Johnson (AAG) and passed unanimously.

18. 2021-114 – Samuel A. Wood – Apache County Sheriff’s Office

The Board considered comments from Compliance Specialist Richard Bradshaw, who provided a brief overview of the case. Chief Vasquez made a motion to Initiate Proceedings against Mr. Wood’s peace officer certification. The motion was seconded by Mr. Johnson (AAG) and passed unanimously.

19. 2021-005 – Brian M. Petersen – AZ Department of Public Safety

The case was tabled due to lack of a quorum.

H. Future Agenda Items

Nothing new to add.

I. Adjournment

The meeting was adjourned at 12:44 p.m.