



# *Arizona Peace Officer Standards and Training Board*

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

## **MINUTES OF THE JUNE 15, 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 June 15, 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  
Detective Benjamin Cook, Pinal County Sheriff's Office  
Assistant Attorney General John Johnson, representing Attorney General Mark Brnovich  
Ms. Jamie Kelly, Public Member  
Detective Joseph Krajcer, Tempe Police Department  
Deputy Director Joe Profiri, representing Director David Shinn, AZ Department of Corrections  
Rehabilitation & Reentry  
Professor Kevin Robinson, Arizona State University  
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

### Members Absent:

Ms. Leesa B. Weisz, Public Member  
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  
Sean Donegan, Compliance Program Administrator  
Mike Giammarino, Compliance Program Administrator  
Cathy Hawse, Compliance Specialist  
Arlene Heckel, Compliance Specialist  
Robin MacIntire, Compliance Specialist  
Darren Martinez, Compliance Specialist  
Darcy Nichols, Compliance Specialist  
Lynn Pirkle, Budget Analyst  
Greg Redmon, Training Specialist  
Michael Rodriguez, Training Specialist

Rita Mae Schaefer, Administrative Assistant  
Tim Shay, Compliance Specialist  
Sandy Sierra, Executive Assistant  
Aaron Thomas, Training Specialist  
David Toporek, Compliance Specialist  
Rick VanKeuren, Training Specialist  
Dale Wyman, Digital Media 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 Detective Cook 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, nine are here in person and one is participating via telephone/video conferencing. Chief Williams and Ms. Weisz are absent. We still have one vacant Board position.
- Assistant Attorney General Monique Coady is the Independent Advisor for all the final action cases.
- Charging case #8, Lucas C. Bremerman 2022-049, will be tabled and placed on a future agenda.
- Darcy Nichols will be presenting two cases for Mike Deltenre, who is out today.

C. Executive Director's Report

*Matt Giordano, Executive Director*

- Rick VanKeuren, training specialist in Basic Training, has been working tirelessly reformatting our lesson plans. Our lesson plan format was antiquated and caused major headaches when trying to update. Rick took on the project to reformat all 241 lesson plans that span our basic training curriculum. His changes are a big improvement and will make things easier for not only AZPOST staff, but also the academies and instructors.
- Last week PRPA held a demonstration of the annual firearms qualification shoot. Firearms SMEs, Board members and agency heads were invited to the demonstration and some Board members attended. The demonstration went very well and really demonstrated what officers encounter on the streets. We are soliciting feedback from all our SME groups and committee members on the proposed changes and will bring this back to the Board with recommendations on proposed changes to the annual qualification.
- Basic Training has been busy assisting agencies who want to begin their own academies. They have already assisted three different groups who want to begin a basic academy. They attended a meeting with Flagstaff PD last week to discuss the possibility of starting an academy with Coconino Community College.
- Advanced Training has been working with the COPS office to leverage their technology and training for peace officers in Arizona. COPS has a very robust online training portal that includes hundreds of classes. We have added a link on our website that any officer in

the state can click on and have access to these classes. We have vetted 50 of their classes so far and these classes are available for continuing education training hours. The classes are free and very well done.

- Advanced Training Manager Chuck Müller provided 1.5 hours of continuing training on Learned Optimism at last month's AACOP meeting. He received rave reviews from the chiefs that attended the meeting. AZPOST has offered to do a 1.5 hour training session at every quarterly AACOP meeting.
- AZPOST will provide 4 hours of continuing education training at the Law Enforcement Summit in Flagstaff. This year's training will be a presentation by Eric Kowalczyk, who was the PIO for the Baltimore Police Department during the Freddie Grey Riots and he will talk about Planning for The Worst Day.
- The Compliance Unit now has two managers and ten Compliance Specialists. This is the most compliance personnel AZPOST has ever had. Previously each Compliance Specialist was assigned 20-30 agencies, but with the addition of personnel, they will now have 15-16 agencies each. This will allow them to have better communication with their agencies. Cases are now getting to the Board much quicker than they have historically, and that is due to the hard work Compliance is doing.
- The Navajo Department of Public Safety has their own police academy that is not certified by AZPOST. The new chief reached out to us to start the process of repairing relationships. Last month AZPOST staff traveled to Flagstaff to meet with them and we had a very good meeting and shared a lot of really good ideas. They want to work with us and we have offered anything they need to help them get a state approved academy. Most of their officers are not AZPOST certified, so we are more than happy to assist them in any way to get them certified.
- I recently had the opportunity to be a guest on the Law Matters Radio Show in Tucson. It was a great opportunity to share the Board's vision and highlight all the things AZPOST does for Arizona law enforcement.
- The curriculum for the Officer Safety and Wellness Training is complete and PRPA will provide an 8-hour class for two academy classes on June 24<sup>th</sup>. This is the very first class and will be filmed by our Digital Media Unit. Denver will host the next class in July. After this, the class will be pushed out nationally.
- I was asked to be part of a panel for the State Bar of Arizona Conference that will be held June 27<sup>th</sup>. The panel discussion will be on Brady and Beyond.
- Chuck Müller has been working diligently on the 2022-2025 Strategic Plan. The draft is complete and a survey was sent three weeks ago to all agency heads asking for their input on how this will impact their agency. We extended the survey deadline to allow more time as we feel it is important to get their feedback on this. AZPOST has never done a Strategic Plan before, so this is a milestone and something that is very important for our future growth and success. It is always good to have a roadmap of where you want to go. We are hoping to have the final draft to the Board next month.

Chairman Dannels stated he is very impressed with what is being done, from where we were to where we are today, it is very impressive.

#### D. Consent Agenda

Professor Robinson 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 18, 2022.
2. 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:

K. Jacob Walker	2021-176	Tucson Police Department
Toni L. Richardson	2021-229	Phoenix Police Department
Timothy E. Williams	2021-244	AZ Department of Public Safety
Jeffrey R. Silva	2022-008	Mesa Police Department
Ramiro Perez	2022-021	Pima County Sheriff’s Department
Alfred Martinez	2022-038	Marana Police Department
Donald A. Legarreta	2022-061	Mesa Police Department

- E. Review, Discussion and Possible Action on a University of Arizona Waiver pursuant to A.A.C. R13-4-103(G) requesting a restriction of peace officer certification for Applicant Paula Balafas.

Assistant Attorney General Mark Brachtl addressed the Board regarding a University of Arizona Police Department petition requesting a restricted peace officer certification for Applicant Paula Balafas. Applicant Balafas, in her administrative role within the University, will not be required to perform any physical tasks such as those required with the POPAT test. Vice-President Lisa Rulney, University of Arizona, addressed the Board to request that the petition be granted.

Chief Vasquez made a motion that based upon the information submitted by the University of Arizona Business Affairs Section, and pursuant to Rule 13-4-103(G), the Board waive the POPAT test portion in the certification process on Applicant Paula Balafas. The motion was seconded by Ms. Kelly and passed unanimously.

- F. Review, Discussion and Possible Action on Proposed AZPOST 2022/23 Fiscal Year Budget.

Executive Director Giordano presented the 2022/23 fiscal year budget to the Board for approval. This is a unique year because the state’s budget has not yet been approved by the Legislature. Due to the approaching end of the fiscal year, a budget needs to be approved by the Board by July 1. If the state budget is not approved, or if there are any changes that will significantly change our budget, an amended budget will be submitted for the Board’s approval next month. The state’s proposed budget includes a 15% salary adjustment for all Department of Public Safety employees. In keeping with the practice of AZPOST employee’s salary being in parity with DPS salaries, we are asking for a salary adjustment for all AZPOST employees. We have the funding to do this through our current projected revenue and balance on hand.

Ms. Kelly made a motion to accept the 2022-23 AZPOST budget as presented. The motion was seconded by Mr. Johnson (AAG) and passed unanimously.

*Colonel Silbert recused himself from voting on the second motion.*

Deputy Director Profiri made a motion that should the fiscal year 2022/23 state budget include a pay raise for DPS employees, that in keeping with parity, AZPOST employees also receive the same pay increase. The motion was seconded by Ms. Kelly and passed unanimously.

G. Review, Discussion, and Possible Action on Addressing Rule Violations Committed by Peace Officers when their certification is inactive.

Executive Director Giordano stated this is a unique situation that requires clarification from the Board on how to proceed. It involves officers whose certification is considered inactive. When an individual is appointed by an agency, their status in our system shows active. Their status remains active until they separate employment. Once an individual separates employment, their certification status goes inactive. The Board has jurisdiction over an officer's certification when it is active or inactive. The Board does not have jurisdiction over an officer's certification when it has lapsed. An officer's certification lapses when they do not go back to work as a certified peace officer within 36 months after separation. The question now becomes how much oversight does the Board want over an officer's certification when they are in an inactive status. An example is an officer has worked 4 or 5 years for an agency and then decides he wants a career change, he leaves in good standing. After starting a new career and moving on, he commits what would be considered an AZPOST rule violation, he ingests recreationally legal marijuana. Fast forward a few months and he realizes he is not happy in the new career and decides to go back to law enforcement. He goes back to his former agency, the agency agrees to hire him back and then the agency realizes that he used marijuana during the time he was gone. By AZPOST rules, he must wait two years from the last date of use before he can be reappointed. Should the Board open a case against the officer's certification based on the conduct during the inactive period?

Colonel Silbert stated the Board takes a peace officer's certification very seriously. If an individual that has an inactive status commits a rule violation and it is reported to AZPOST, we would take the case, hear it and take action. There is a reason the rule is in place that gives the Board jurisdiction over an inactive certification.

Colonel Silbert made a motion that a substantive policy statement be created to address rule violations committed by peace officers when their certification is inactive. The motion was seconded by Chief Vasquez and unanimously.

H. Final Action Cases:

1. 2021-124 – Connor Orth-Smith – Phoenix Police Department

Assistant Attorney General Gino Duran stated the State wishes to withdraw the Motion to Amend the Complaint. Ms. Cassidy Bacon, attorney representing Mr. Orth-Smith, stated she has no objection to the State withdrawing the Motion. The Motion is withdrawn and the case may proceed to scheduling with the Office of Administrative Hearings, if necessary.

2. 2021-075 – Julian A. Navarrette – Pinal County Sheriff’s Office

The Board considered comments from Assistant Attorney General Gino Duran, who provided a brief overview of the proposed consent agreement. Dennis Fitzsimmons, attorney representing Mr. Navarrette, was available for questions. Deputy Director Profiri made a motion to accept the proposed consent agreement for a 12-month suspension of Mr. Navarrette’s peace officer certification. The suspension shall be in effect retroactively beginning February 20, 2022, and ending March 5, 2022; and prospectively beginning June 20, 2022, and ending May 20, 2023. The motion was seconded by Chief Vasquez and passed unanimously.

3. 2021-123 – Peter J. Guzman – Phoenix Police Department

The Board heard oral argument on the proposed consent agreement from Assistant Attorney General Gino Duran, attorney for the Arizona Peace Officer Standards and Training Board, and Ms. Cassidy Bacon, attorney representing Mr. Guzman. The Board also considered comments from Mr. Guzman.

*Colonel Silbert made a motion to go into executive session to receive confidential legal advice from the Board’s attorney. The motion was seconded by Mr. Johnson (AAG) and passed unanimously.*

*The Board went into executive session at 11:15 a.m. and the regular meeting resumed at 11:53 a.m.*

Professor Robinson left the meeting at this time due to a prior commitment.

Colonel Silbert made a motion to table this matter until July. He also asked that the Board be provided with the agency’s Professional Standards investigation in order to clarify some questions the Board has. The motion was seconded by Mr. Johnson (AAG) and passed unanimously.

4. 2021-141 – Arturo Valenzuela-Rodriguez – Avondale Police Department

The Board considered comments from Assistant Attorney General Gino Duran, who provided a brief overview of the proposed consent agreement. Detective Cook made a motion to accept the proposed consent agreement for a 12-month suspension of Mr. Valenzuela-Rodriguez’s peace officer certification beginning August 3, 2021, and ending August 3, 2022. The motion was seconded by Detective Krajcer and passed unanimously.

5. 2020-111 – Jonathan O. Jackson – Tucson Police Department

The Board considered comments from Assistant Attorney General Mark Brachtel, who provided a brief overview of the proposed consent agreement. Chief Vasquez made a motion to accept the proposed consent agreement for a suspension till lapse of Mr. Jackson’s peace officer certification beginning June 18, 2020, and ending June 19, 2023. The motion was seconded by Ms. Kelly and passed unanimously.

6. 2020-112 – Samuel W. Routledge – Tucson Police Department

The Board considered comments from Assistant Attorney General Mark Brachtel, who provided a brief overview of the proposed consent agreement. Deputy Director Profiri made a motion to accept the proposed consent agreement for a suspension till lapse of Mr.

Routledge's peace officer certification beginning June 18, 2020, and ending June 19, 2023. The motion was seconded by Ms. Kelly and passed unanimously.

7. 2021-083 – Jonathan L. Swanson – Mesa Police Department

The Board considered comments from Assistant Attorney General Mark Brachtel, who provided a brief overview of the proposed consent agreement. Deputy Director Profiri made a motion to accept the proposed consent agreement for an 18-month suspension of Mr. Swanson's peace officer certification beginning May 8, 2021, and ending November 6, 2022. The motion was seconded by Mr. Johnson (AAG) and passed unanimously.

8. 2021-094 – Samuel A. Wood – Apache County Sheriff's Office

The Board considered comments from Assistant Attorney General Mark Brachtel, who provided a brief overview of the proposed consent agreement. Mr. Edmundo Robaina, attorney for Mr. Wood, was available for questions. Colonel Silbert made a motion to accept the proposed consent agreement for a 1-month suspension of Mr. Wood's peace officer certification beginning August 4, 2021, and ending September 2, 2021. The motion was seconded by Chief Vasquez and passed unanimously.

9. 2022-094 – Eli J. Pile – Pinal County Attorney's Office

*Detective Cook recused himself from this case.* The Board considered comments from Assistant Attorney General Mark Brachtel, who provided a brief overview of the proposed consent agreement. Chief Vasquez made a motion to accept the proposed consent agreement for a 6-month suspension of Mr. Pile's peace officer certification beginning April 4, 2022, and ending October 4, 2022. The motion was seconded by Colonel Silbert and passed unanimously.

10. 2021-181 – Christopher Piceno – Flagstaff Police Department

The Board considered comments from Assistant Attorney General Mark Brachtel, who provided a brief overview of the proposed consent agreement. Chief Vasquez made a motion to accept the proposed consent agreement and permanently deny peace officer certification to Mr. Piceno. The motion was seconded by Ms. Kelly and passed unanimously.

11. 2021-169 – Kelsey A. Morris – Avondale Police Department

The Board considered comments from Assistant Attorney General Mark Brachtel, who provided a brief overview of the proposed consent agreement. Colonel Silbert made a motion to reject the proposed consent agreement, which called for an 18-month suspension, and instead revoke Ms. Morris' peace officer certification. Upon advice from counsel, Colonel Silbert amended the motion; he then made a motion to reject the proposed consent agreement. The motion was seconded by Chief Vasquez and passed unanimously.

12. 2021-202 – Pablo H. Youcupicio – Salt River 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 table this case until Mr. Youcupicio's court case has been adjudicated. The motion was seconded by Chief Vasquez and passed unanimously.

13. 2020-110 – David W. Wiley – 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. Deputy Director Profiri made a motion to accept the Findings of Fact and Conclusions of Law and revoke Mr. Wiley's peace officer certification. The motion was seconded by Mr. Johnson (AAG) and passed unanimously.

I. New Charging Cases:1. 2022-062 – Mikisa R. Armenta – Gila River Police Department

The Board considered comments from Compliance Specialist Michele Blanco, who provided a brief overview of the case. Colonel Silbert made a motion to Initiate Proceedings to deny peace officer certification to Ms. Armenta. The motion was seconded by Deputy Director Profiri and passed unanimously.

2. 2022-073 – Jose M. Sanchez Jr. – Oro Valley Police Department

The Board considered comments from Compliance Specialist Michele Blanco, who provided a brief overview of the case. Ms. Kelly made a motion to Initiate Proceedings against Mr. Sanchez's peace officer certification. The motion was seconded by Detective Cook and passed unanimously.

3. 2019-134 – Tremaine A. Jackson – AZ Department of Public Safety

*Colonel Silbert and Mr. Johnson (AAG) recused themselves from this case.* The Board considered comments from Compliance Specialist Richard Bradshaw, who provided a brief overview of the case. Deputy Director Profiri made a motion to Initiate Proceedings against Mr. Jackson's peace officer certification. The motion was seconded by Ms. Kelly and passed unanimously.

4. 2022-065 – Mary E. Rawlins – Gilbert Police Department

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

5. 2021-173 – Jeremy A. Candiotti – Florence Police Department

The Board considered comments from Compliance Specialist William Caldwell, who provided a brief overview of the case. Detective Cook made a motion to Initiate Proceedings to deny peace officer certification to Mr. Candiotti. The motion was seconded by Colonel Silbert and passed unanimously.

6. 2021-190 – Joshua N. Grover – Salt River Pima-Maricopa Indian Community

*Colonel Silbert recused himself from this case.* The Board considered comments from Compliance Specialist William Caldwell, who provided a brief overview of the case. Ms. Kelly made a motion to Initiate Proceedings against Mr. Grover's peace officer certification. The motion was seconded by Commander Figueroa and passed unanimously.



7. 2022-011 – Albert Ahumada Jr. – Tucson 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. Ahumada’s peace officer certification. The motion was seconded by Chief Vasquez and passed unanimously.

8. 2022-049 – Lucas C. Bremerman – Phoenix Police Department

This case was tabled.

9. 2022-085 – Danny F. Rubio – Phoenix Police Department

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

10. 2021-220 – Paul J. Lee – Tucson Police Department

The Board considered comments from Compliance Specialist Cathy Hawse, who provided a brief overview of the case. Detective Krajcer made a motion to Initiate Proceedings against Mr. Lee’s peace officer certification. The motion was seconded by Colonel Silbert and passed unanimously.

11. 2022-056 – Quentin Slaughter – 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. Slaughter’s peace officer certification. The motion was seconded by Ms. Kelly and passed unanimously.

J. Future Agenda Items

Nothing new to add.

K. Adjournment

The meeting was adjourned at 1:00 p.m.