



Arizona Peace Officer Standards and Training Board

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

MINUTES OF THE MAY 18, 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 May 18, 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
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
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
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
Richard Bradshaw, Compliance Specialist
William Caldwell, Compliance Specialist
Mike Deltenre, Compliance Specialist
Sean Donegan, Compliance Program Administrator
Mike Giammarino, Compliance Program Administrator
Arlene Heckel, Compliance Specialist
Darren Martinez, Compliance Specialist
Darcy Nichols, Compliance Specialist
Mike Puente, Training Specialist
Greg Redmon, Training Specialist
Michael Rodriguez, Training Specialist
Rita Mae Schaefer, Administrative Assistant
Tim Shay, Compliance Specialist
Sandy Sierra, Executive Assistant
David Toporek, Compliance Specialist
Dale Wyman, Digital Media Specialist

Assistant Attorneys General (in person):

Mark Brachtl

Gino Duran

Elizabeth Campbell

A. Call to Order

Chairman Dannels called the meeting to order at 10:00 a.m. and asked Chief Williams to lead everyone in reciting the Pledge of Allegiance.

Chief Williams wanted to thank all the agencies who assisted in the apprehension of Nicholas Cowan, the suspect who shot a Phoenix Police Officer and was the subject of a manhunt for more than three days. She is very grateful to all the agencies that worked to apprehend him.

B. Introductions, Presentations and Announcements

Matt Giordano, Executive Director

- Roll Call was taken. Twelve Board members are present and in person. We still have one vacant Board position for a sheriff from a large county.
- Newly appointed Board member Detective Joseph Krajcer was introduced. Detective Krajcer has been with the Tempe Police Department for over 21 years and came highly recommended. We are extremely fortunate that he was appointed to serve on the Board.
- Assistant Attorney General Elizabeth Campbell is the Independent Advisor for all the final action cases.
- Final Action case #1 - Connor Orth-Smith 2021-124 and Charging case #5 – Jacob A. Komenda 2021-018 will be tabled and placed on a future agenda.
- Darren Martinez and Tim Shay have joined AZPOST as new Compliance Specialists. Darren was formerly with the Tempe Police Department and Tim retired from the Phoenix Police Department. We are very excited to have both of them onboard.

C. Executive Director's Report

Matt Giordano, Executive Director

- There are two classes being held at AZPOST this week – Empathy Based Interrogation and Field Training Leadership (FTL), both classes run for five dates. Thank you to Darcy Nichols and Heather Lappin who started the FTL project to assist FTOs; NAFTA certification is provided to those who successfully complete the class.
- AZPOST hosted an Academy Commander's Meeting last month at the Maricopa County Sheriff's Office Training Center.
- The Basic Leadership Academy (BLA) class will hold ten sessions this year. The 2023 class schedule has been filled and we are currently taking reservations for 2024. This is a very popular class.
- Prop 207 funding is to be used by agencies to reimburse academies for their successful graduates, AZPOST will no longer provide academy reimbursements. We are waiting on the state budget to be finalized in order to know whether AZPOST will be provided appropriated funding to pay for academy reimbursement.
- With the recent new hires in the Compliant Unit, we now have ten Compliance Specialists assigned to Compliance. This is the most Compliance Specialists ever hired at AZPOST.
- As of today, the state budget has not been finalized. We will present the AZPOST 2022/23 budget for the Board's approval next month. We are still waiting for the bill to be signed

that will remove us from CJEF funding and provide us with appropriated funding. We hope the state budget is finalized soon.

- Attended the Partners Against Narcotics Trafficking (PANT) meeting and the NARTA graduation.

D. Consent Agenda

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

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

The following items were approved:

1. Minutes of the Board meeting held on April 20, 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:

Nicholas E. Friebel	2021-033	Tucson Police Department
John C. Larson	2021-117	Buckeye Police Department
Cameron D. Lebbon	2021-208	Peoria Police Department
Javier M. Pina	2022-029	Avondale Police Department
Maiya A. Gomez	2022-063	Yuma Police Department
Arthur D. Magana-Perez	2022-076	Maricopa County Sheriff’s Office

E. Review, Discussion and Decision on Adoption of a Notice of Supplemental Rulemaking for R13-4-111 and R13-4-114.

At the February 10, 2022, meeting, the Board approved revisions to R13-4-111 and R13-4-114. The revisions in R13-4-111 will eliminate the distinction between Continuous and Proficiency Training and will increase annual training hours from 8 to 12 hours for ALL peace officers. AZPOST will no longer certify training, the agencies will determine their training needs and will ensure each officer receives the required 12 hours of annual training. The revisions in R13-4-114 will eliminate the standards for Advanced Training Instructors and agencies will determine Advanced Training needs for their agencies and utilize selected instructors to facilitate this training without having to obtain AZPOST approval. Staff is asking permission to move forward with these proposed rule changes and submit them to the Secretary of State’s Office.

Ms. Kelly made a motion to adopt the Notice of Supplemental Proposed Rulemaking, as proposed, and file it with the Office of the Secretary of State. The motion was seconded by Mr. Johnson (AAG) and passed unanimously.

- F. Review, Discussion, and Possible Action on requesting the Arizona Attorney General to render a formal written opinion.

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

Assistant Attorney General Mark Brachtl is our in-house counsel. He provides legal opinions, but these are informal. We would like to get an official formal legal opinion from the Arizona Attorney General's Office on certification status. Elected sheriffs, per our rule, become certified when they are elected and do not have to go through the certification process. That rule does not apply to everyone in the agency. We would like to get a formal opinion on how these rules should be interpreted so we can give clear and consistent advice to all our partner agencies.

Ms. Weisz made a motion that the Board grant permission to the executive director to seek a formal legal opinion, on the Board's behalf, from the Arizona Attorney General's Office. The motion was seconded by Chief Williams and passed unanimously.

G. Final Action Cases:

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

This case was tabled.

2. 2021-215 – Harvey A. Callaway – Tucson Police Department

The Board considered comments from Assistant Attorney General Gino Duran, who provided a brief overview of the proposed consent agreement. Chief Williams made a motion to accept the proposed consent agreement for an 18-month suspension of Mr. Callaway's peace officer certification. The suspension shall be in effect beginning June 21, 2019, and ending December 22, 2020. The motion was seconded by Chief Vasquez and passed unanimously.

3. 2021-194 – Paul D. South – South Tucson Department of Public Safety

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. South's peace officer certification. The suspension shall be in effect beginning September 24, 2021, and ending September 24, 2022. The motion was seconded by Professor Robinson and passed unanimously.

4. 2021-111 – Greg T. Loveless – Scottsdale Police Department

Ms. Weisz made a motion to go into executive session to hear confidential medical information. The motion was seconded by Mr. Johnson (AAG) and passed unanimously.

The Board went into executive session at 10:28 a.m. and the regular meeting resumed at 10:53 a.m.

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 Mr. Steve Serbalik, attorney representing Mr. Loveless.

After review of the consent agreement, consideration of arguments made by the parties, including follow-up questions, and deliberation by the Board, Professor Robinson made a motion to revoke Mr. Loveless' peace officer certification. The motion was seconded by Chief Williams and passed unanimously.

5. 2021-145 – Elliana J. Cabrera – Gila County Sheriff's Office

The Board considered comments from Assistant Attorney General Mark Brachtel, who provided a brief overview of the proposed consent agreement. Kathryn Baillie, Ms. Cabrera's attorney, was available if the Board had any questions. Ms. Kelly made a motion to accept the proposed consent agreement for a 12-month suspension of Ms. Cabrera's peace officer certification. The suspension shall be in effect beginning August 11, 2021, and ending August 11, 2022. The motion was seconded by Chief Vasquez and passed unanimously.

6. 2021-170 – Nijaz Subasic – Avondale 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 Mark Brachtel, attorney for the Arizona Peace Officer Standards and Training Board and from Mr. Subasic, who represented himself. Ms. Weisz made a motion to accept the Administrative Law Judge's Findings of Fact and Conclusions of Law. The motion was seconded by Deputy Director Profiri and passed unanimously. Ms. Weisz made a motion to deny peace officer certification until September 22, 2022, after which date applicant may reapply for certified status. The motion was seconded by Professor Robinson and passed with one nay vote recorded for Colonel Silbert.

7. 2021-216 – Adam C. Shoun – Tucson Police Department

The Board considered comments from Compliance Specialist Mike Deltenre, who provided a brief overview of the case and explained to the Board that this is a mandatory revocation case. Colonel Silbert made a motion to revoke Mr. Shoun's peace officer certification. The motion was seconded by Chief Williams and passed unanimously.

8. 2020-206 – Tyler J. Goddard – 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 Williams made a motion to accept the Findings of Fact and Conclusions of Law and revoke Mr. Goddard's peace officer certification. The motion was seconded by Chief Vasquez and passed unanimously.

9. 2021-005 – Brian M. Petersen – 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. Chief Vasquez made a motion to accept the Findings of Fact and Conclusions of Law and revoke Mr. Petersen's peace officer certification. The motion was seconded by Ms. Kelly and passed unanimously.

H. New Charging Cases:

1. 2022-039 – Adrian M. Antone – Gila River 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. Antone’s peace officer certification. The motion was seconded by Commander Figueroa and passed unanimously.
2. 2021-104 – Naritha M. Demps – Maricopa 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 Ms. Demps’ peace officer certification. The motion was seconded by Deputy Director Profiri and passed unanimously.
3. 2022-013 – Leo Thompson Jr. – White Mountain Apache 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. Thompson’s peace officer certification. The motion was seconded by Mr. Johnson (AAG) and passed unanimously.
4. 2021-004 – Brian K. Ellsworth – Thatcher Police Department
The Board considered comments from Compliance Specialist William Caldwell, who provided a brief overview of the case. Professor Robinson made a motion to Initiate Proceedings against Mr. Ellsworth’s peace officer certification. The motion was seconded by Colonel Silbert and passed unanimously.
5. 2021-018 – Jacob A. Komenda – Mesa Police Department
This case was tabled.
6. 2021-133 – Michael A. Phillips – Florence Police Department
The Board considered comments from Compliance Specialist William Caldwell, who provided a brief overview of the case. Chief Vasquez made a motion to Initiate Proceedings against Mr. Phillips’ peace officer certification. The motion was seconded by Chief Williams and passed unanimously.
7. 2022-057 – Miguel Diaz – Phoenix 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. Diaz’s peace officer certification. The motion was seconded by Ms. Kelly and passed unanimously.
8. 2020-191 – Abbas A. Hajaig – 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. Professor Robinson made a motion to Initiate Proceedings against Mr. Hajaig’s peace officer certification. The motion was seconded by Deputy Director Profiri and passed unanimously.

9. 2021-106 – Roberto Reyes Jr. – El Mirage 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. Reyes. The motion was seconded by Professor Robinson and passed unanimously.

I. Future Agenda Items

The July meeting will be held on July 20th at AZPOST.

J. Adjournment

The meeting was adjourned at 12:21 p.m.