



# *Arizona Peace Officer Standards and Training Board*

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

## **MINUTES OF THE AUGUST 16, 2023, 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 August 16, 2023, 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  
Inspector General John Barcello, representing Director Ryan Thornell, Arizona Department of Corrections Rehabilitation & Reentry  
Commander Matthew Figueroa, Jail Commander, Coconino County Sheriff's Office  
Lt. Colonel Ken Hunter, representing Colonel Jeff Glover, Arizona Department of Public Safety  
Detective Joseph Krajcer, Tempe Police Department  
Division Chief Nicholas Klingerman, representing Attorney General Kris Mayes, Arizona Attorney General's Office  
Chief Chris Vasquez, Eloy Police Department

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

Professor Kevin Robinson, Arizona State University  
Mr. Randy Schoch, Public Member  
Sheriff Doug Schuster, Mohave County Sheriff's Office  
Ms. Leesa B. Weisz, Public Member

### Members Absent:

Detective Benjamin Cook, Pinal County Sheriff's Office

### Staff in Attendance (in person):

Matt Giordano, Executive Director  
Sean Donegan, Deputy Director  
Michele Blanco, Compliance Specialist  
Richard Bradshaw, Compliance Specialist  
William Caldwell, Compliance Specialist  
Mike Deltenre, Compliance Specialist  
Mike Giammarino, Compliance Manager  
Al Grijalva, Compliance Specialist  
Danielle Malone, ADC Compliance Specialist  
Darcy Nichols, Compliance Manager  
Mark Post, Compliance Specialist  
Mike Puente, Training Specialist  
Michael Rodriguez, Training Specialist

Rita Mae Schaefer, Administrative Assistant  
Tim Shay, Compliance Specialist  
Sandy Sierra, Executive Assistant  
Aaron Thomas, Training Specialist  
Dave Toporek, Compliance Specialist  
Rick VanKeuren, Training Specialist  
Lori Wait, Basic Training Manager  
Dale Wyman, Digital Media Specialist

Assistant Attorneys General:

Mark Brachtl  
Joe Dylo  
Diane DeDea

A. Call to Order

Chairman Dannels called the meeting to order at 10:00 a.m. and asked Chief Vasquez to lead everyone in reciting the Pledge of Allegiance. Chairman Dannels thanked Chief Vasquez for his time on the Board and for his 47 year law enforcement career. Chief Vasquez is retiring from the Eloy Police Department at the end of this month.

B. Introductions, Presentations and Announcements

*Matt Giordano, Executive Director*

- Roll-call was taken. Eleven Board members are present, seven are here in person and four are participating via telephone/video conferencing. Detective Cook is absent. The position of large city Chief of Police remains vacant. The office of Boards and Commissions is aware of this vacancy.
- Nick Klingerman, Criminal Division Chief at the Attorney General's Office, was introduced. He will be the proxy for Attorney General Kris Mayes when she is not able to attend a Board meeting.
- Two names can be removed from the consent agenda for training deficiencies. William Nosie and Michael Yaeger have completed their required annual training for 2022.
- Compliance Specialist William Caldwell will present new charging case #7 due to Compliance Specialist Cathy Hawse's absence. He will present charging case #7 immediately after he presents charging case #5.
- Executive Director Giordano congratulated Chief Vasquez on his upcoming retirement. Chief Vasquez has served on the AZPOST Board on two occasions, previously as the Pinal County Sheriff and now as the Eloy Police Chief. He will be greatly missed by staff and his fellow Board members. This is his last Board meeting.

C. Executive Director's Report

*Matt Giordano, Executive Director*

- Several months ago, we had a very lengthy conversation regarding standards related to pre-employment drug use of marijuana. We have been doing additional research on this and also sent a survey to all agency heads to get their opinion. As of this morning, we have received 59 responses. We will close the survey at the end of this week and we are hoping that we receive a few more responses. In September or October, we will present recommendations to the Board relating to rule changes on pre-employment drug use of marijuana.

D. Consent Agenda

Chief Vasquez made a motion to accept the Consent Agenda. The motion was seconded by Lt. Colonel Hunter and passed unanimously.

The following items were approved:

1. Minutes of the Board meeting held on June 21, 2023.
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:

2022-066	Adam W. Sedlmeier	Tucson Police Department
2022-148	Kaylon C. Hall	Mesa Police Department
2022-166	Carlos A. Montoya	Tucson Airport Authority Police Department
2022-201	Daniel Carbajal	Page Police Department
2022-203	Sonja B. Hudson	Oro Valley Police Department
2023-009	Trenton J. Davis	Phoenix Police Department
2023-011	Daniel Villegas Quintero	La Paz County Sheriff’s Office
2023-024	Andrew R. Fritz	Phoenix Police Department
2023-069	Christopher M. Wolf	Phoenix Police Department
2023-070	Jesus J. Artesi	Goodyear Police Department
2023-093	Omar A. Angulo Inocencio	San Luis Police Department
2023-096	Casey B. Wakefield	Goodyear Police Department
2023-101	Austin L. Koller	Flagstaff Police Department
2023-112	Dean A. Flaherty	AZ Department of Transportation – ECD
2023-113	Tyler W. Montefusco	Coconino County Sheriff’s Office

3. Firearms Range and Driving Track Certification. The following facilities were inspected by AZPOST staff and were determined to meet or exceed the current minimum recommendation for an AZPOST approved shooting facility and driving track:

1. Surprise Police Department Outdoor Firearms Range – 19401 W. Deer Valley Road, Surprise, AZ.
2. Surprise Police Department Indoor Firearms Range – 14250 W. Statler Plaza, Surprise, AZ.
3. Southeastern AZ Law Enforcement Training Academy Driving Track - 575 N. Guilio Cesare Avenue, Sierra Vista, AZ.

4. Training Audit Deficiencies. The following individuals are deficient in their required annual training for 2022. The Board shall restrict certified status until the deficiency is corrected:

- Timothy D. Stevens      San Carlos Recreation and Wildlife
- Barry G. Olivar          San Carlos Tribal Police Department

- Dale A. Bodine San Carlos Tribal Police Department

E. Review, Discussion and Possible Action on a Petition from the Greenlee County Sheriff's Office pursuant to A.A.C. R13-4-103(G) for Applicant Ryleigh Skinner.

Assistant Attorney General Mark Brachtl addressed the Board regarding a Greenlee County Sheriff's Office petition for Applicant Ryleigh Skinner. Applicant Skinner, during the hiring process, disclosed that her most recent consumption of marijuana was on May 13, 2022; per AZPOST rules, consumption of marijuana is prohibited within two years of appointment as an officer. Sheriff Tim Sumner, Greenlee County Sheriff's Office, addressed the Board to request that the petition be granted. Ryleigh Skinner also addressed the Board.

Sheriff Schuster made a motion that based upon the petition submitted by the Greenlee County Sheriff's Office and pursuant to A.A.C. R13-4-103(G), the Board grant the petition for waiver on Applicant Ryleigh Skinner. The motion was seconded by Ms. Weisz and passed unanimously.

F. Review, Discussion and Possible Action on a Petition from the Tempe Police Department pursuant to A.A.C. R13-4-103(G) for Applicant Oscar Galindo II.

Assistant Attorney General Mark Brachtl addressed the Board regarding a Tempe Police Department petition for Applicant Oscar Galindo II. Applicant Galindo, during the hiring process, disclosed that his most recent consumption of marijuana was on October 31, 2021; per AZPOST rules, consumption of marijuana is prohibited within two years of appointment as an officer. Chief Kenneth McCoy, Tempe Police Department, addressed the Board to request that the petition be granted. Oscar Galindo II also addressed the Board.

Inspector General Barcello made a motion that based upon the petition submitted by the Tempe Police Department and pursuant to A.A.C. R13-4-103(G), the Board grant the petition for waiver on Applicant Oscar Galindo II. The motion was seconded by Chief Vasquez and passed unanimously.

G. Review, Discussion and Possible Action on a Petition from the Nogales Police Department pursuant to A.A.C. R13-4-103(G) for Applicant Alex Castillo.

Assistant Attorney General Mark Brachtl addressed the Board regarding a Nogales Police Department petition for Applicant Alex Castillo. Applicant Castillo, during the hiring process, disclosed that in January 2023, while he was employed as a detention officer for the Santa Cruz County Sheriff's Office, had sex on duty. Acting Chief Carlos Jimenez, Nogales Police Department, addressed the Board to request that the petition be granted.

Chief Vasquez made a motion to deny the petition submitted by the Nogales Police Department on Applicant Alex Castillo; but after one year, allow Mr. Castillo to petition the Board again. The motion was seconded by Detective Krajcer and passed unanimously.

## H. Final Action Cases:

### 1. 2019-097 – Joel C. Ensley – Superior Police Department

The Board heard oral argument on the Administrative Law Judge’s Decision from Assistant Attorney General Mark Brachtl, attorney for the Arizona Peace Officer Standards and Training Board. Mr. Ensley was not present.

Detective Krajcer made a motion to accept the Administrative Law Judge’s Findings of Fact and Conclusions of Law. The motion was seconded by Sheriff Schuster and passed unanimously. Chief Vasquez then made a motion to revoke Mr. Ensley’s peace officer certification. The motion was seconded by Division Chief Klingerman and passed unanimously.

### 2. 2023-060 – Brayan Barba-Gutierrez – Chandler Police Department

The Board considered comments from Assistant Attorney General Mark Brachtl, attorney for the Arizona Peace Officer Standards and Training Board, who provided a brief overview of the proposed consent agreement. Lt. Colonel Hunter made a motion to accept the proposed consent agreement for a 12-month suspension of Mr. Barba-Gutierrez’s peace officer certification. The suspension shall be in effect beginning February 2, 2023, and ending February 2, 2024. The motion was seconded by Inspector General Barcello and passed unanimously.

### 3. 2023-055 – Ruben R. Villescaz – Gila River Police Department

The Board considered comments from Assistant Attorney General Mark Brachtl, attorney for the Arizona Peace Officer Standards and Training Board, who provided a brief overview of the proposed consent agreement. Mr. Villescaz also addressed the Board. Ms. Weisz made a motion to accept the proposed consent agreement for an 18-month suspension of Mr. Villescaz’s peace officer certification. The suspension shall be in effect beginning April 6, 2023, and ending October 6, 2024. The motion was seconded by Commander Figueroa and passed unanimously.

### 4. 2023-106 – Agustin E. Jara-Rios – Phoenix Police Department

The Board considered comments from Assistant Attorney General Mark Brachtl, attorney for the Arizona Peace Officer Standards and Training Board, who provided a brief overview of the proposed consent agreement. Assistant Attorney General Diane DeDea provided legal advice to the Board.

Lt. Colonel Hunter stated that in the previous case that was just heard, the individual received a 12-month suspension for dishonesty. This case has a 24-month suspension for dishonesty. Why is there a difference? The previous case involved an officer who is actually on duty, serving the public, and lies. This individual received less of a punishment than a person who is in the academy and is not yet a certified peace officer.

Executive Director Giordano stated historically, denials of certification were permanent. Approximately two years ago, we changed the rules. Some previous Board members had concerns about permanently denying certification to young, “immature” applicants, who made a bad decision in the academy. The Board allowed us to place a provision in the rules that allows for temporary denials of certification. The thought being that a

punishment for dishonesty, during the academy, during a very stressful situation, is a two year denial. We believe two years creates enough time and distance for them to come back and reapply. Keeping in mind that just because the Board grants them permission to reapply, it does not mean an agency will actually hire them. The determination for a two year denial stems from prior discussions with the Board. The former DPS Colonel was very clear that during the academy you should be your very best. For an existing officer, there is always the differentiation between pre and post Garrity. Recruits in the academy do not get this same protection. We had to find a bright line rule, so we chose a two year denial. I do not disagree that there does appear to be a little bit of a disparity. We are always willing to take direction from the Board on how to proceed on these types of cases moving forward.

Commander Figueroa stated that if we are only going to suspend sworn officers for one year for lying, we should only suspend recruits for one year for lying. We should be driving our academy staff to be hitting that home with our cadets, that lying in general is wrong. I do not understand why we would do something harsher to a recruit than we would do to someone who has taken an Oath of Office and has been a career police officer.

Assistant Attorney General Brachtel stated that there have been times when the Board has not imposed a 24-month discipline to a recruit for dishonesty. One case involved a recruit whose wife stenciled his name on his t-shirt, and he lied and said he stenciled it. The next day he stepped forward and admitted to academy staff that he did not stencil his t-shirt. The Board took no action on this case. Another case involved a recruit or applicant who was in the ride-along phase in pre-academy and was dishonest about photographing the arrest of an individual. In this case, the Board imposed an 18-month denial of certification.

Division Chief Klingerman stated there are material facts that could distinguish from deviating from a 24-month denial. The subject matter of the lie is what matters. In this situation, we base on the facts of the consent agreement. The consent agreement does not really tell us what the lie was, it just states that he omitted information about whom he notified about his tardiness. A lie about omission during the academy does not seem to rise to the same level as a direct lie by an officer who is on duty. There is more concern about an on duty officer lying to a supervisor. We should hold certified officers to a higher standard than a recruit.

Lt. Colonel Hunter made a motion to reject the proposed consent agreement that would deny peace officer certification to Mr. Jara-Rios for a period of 24 months, after which he may be eligible to reapply for certified status. He proposed to modify the consent agreement and deny peace officer certification to Mr. Jara-Rios for a period of 12 months, instead of the 24-month denial. The motion was seconded by Commander Figueroa and passed unanimously. This modified consent agreement will be presented to Mr. Jara-Rios and brought to the Board at a future meeting.

5. 2022-221 – Abraham Peraza – Cochise County Sheriff's Office  
*Chairman Dannels recused himself from this case, Chief Vasquez was acting chair.* The Board considered comments from Assistant Attorney General Mark Brachtel, attorney for the Arizona Peace Officer Standards and Training Board, who provided a brief overview of the proposed consent agreement. Division Chief Klingerman made a motion to accept

the proposed consent agreement for a 24-month suspension of Mr. Peraza's peace officer certification. The suspension shall be in effect beginning December 15, 2022, and ending December 15, 2024. The motion was seconded by Ms. Weisz and passed unanimously.

6. 2023-032 – Marcel V. Pierre – Glendale Police Department

The Board considered comments from Assistant Attorney General Mark Brachtel, attorney for the Arizona Peace Officer Standards and Training Board, who provided a brief overview of the proposed consent agreement. Chief Vasquez made a motion to accept the proposed consent agreement and deny peace officer certification to Mr. Pierre for a period of 24 months, beginning February 28, 2023, and ending February 28, 2025; after which he may be eligible to reapply for certified status. The motion was seconded by Inspector General Barcello and passed unanimously.

7. 2023-103 – Boubacar Bah – Maricopa County Sheriff's Office

The Board considered comments from Assistant Attorney General Mark Brachtel, attorney for the Arizona Peace Officer Standards and Training Board, who provided a brief overview of the proposed consent agreement, and from Ms. Kathryn Baillie, attorney representing Mr. Bah. Sheriff Schuster made a motion to accept the proposed consent agreement for a 24-hour suspension of Mr. Bah's peace officer certification. The suspension shall be in effect beginning March 14, 2022, and ending March 16, 2022. The motion was seconded by Professor Robinson and passed unanimously.

8. 2023-104 – Joshua A. Leiler – Maricopa County Sheriff's Office

The Board considered comments from Assistant Attorney General Mark Brachtel, attorney for the Arizona Peace Officer Standards and Training Board, who provided a brief overview of the proposed consent agreement, and from Mr. David Wood, attorney representing Mr. Leiler. Inspector General Barcello made a motion to accept the proposed consent agreement for an 80-hour suspension of Mr. Leiler's peace officer certification. The suspension shall be in effect from March 14-18, 2022, and including March 21-25, 2022. The motion was seconded by Chief Vasquez and passed unanimously.

I. New Charging Cases:

1. 2023-061 – Latasha L. Hampton – Tempe Police Department

*Detective Krajcer recused himself from this case.* The Board considered comments from Compliance Specialist Richard Bradshaw, who provided a brief overview of the case; a video was also presented. Commander Figueroa made a motion to Initiate Proceedings against Ms. Hampton's peace officer certification. The motion was seconded by Division Chief Klingerman and passed unanimously.

2. 2023-079 – Daniel J. Rodriguez – Tempe Police Department

*Detective Krajcer recused himself from this case.* The Board considered comments from Compliance Specialist Richard Bradshaw, who provided a brief overview of the case; a video was also presented. AZPOST Training Specialist Mike Puente, who is a Master Defensive Tactics Instructor, provided his assessment to the Board and answered their questions. Division Chief Klingerman made a motion to Initiate Proceedings against Mr. Rodriguez's peace officer certification. The motion was seconded by Sheriff Schuster and failed by a vote of 3-6. Nay votes were recorded for Sheriff Dannels, Lt. Colonel Hunter,

Professor Robinson, Mr. Schoch, Inspector General Barcello, and Ms. Weisz. Detective Krajcer and Sheriff Schuster did not vote. Lt. Colonel Hunter made a motion to close this case with No Action with Agency Discretion. The motion was seconded by Inspector General Barcello and passed with one nay vote recorded for Chief Vasquez.

3. 2023-080 – Alex Kitchens – Tempe Police Department

*Detective Krajcer recused himself from this case.* The Board considered comments from Compliance Specialist Richard Bradshaw, who provided a brief overview of the case; a video was also presented. AZPOST Training Specialist Mike Puente, who is a Master Defensive Tactics Instructor, provided his assessment to the Board and answered their questions. Chief Vasquez made a motion to Initiate Proceedings against Mr. Kitchens' peace officer certification. The motion was seconded by Division Chief Klingerman and failed by a vote of 2-7. Nay votes were recorded for Sheriff Dannels, Commander Figueroa, Lt. Colonel Hunter, Professor Robinson, Mr. Schoch, Inspector General Barcello, and Ms. Weisz. Detective Krajcer and Sheriff Schuster did not vote. Lt. Colonel Hunter made a motion to close this case with No Action with Agency Discretion. The motion was seconded by Inspector General Barcello and passed with two nay votes recorded for Chief Vasquez and Division Chief Klingerman.

4. 2023-051 – Andrew J. Neves – Gilbert Police Department

The Board considered comments from Compliance Specialist Richard Bradshaw, who provided a brief overview of the case; three very short videos were also presented. Inspector General Barcello made a motion to Initiate Proceedings against Mr. Neves' peace officer certification. The motion was seconded by Professor Robinson and passed unanimously.

5. 2023-033 – Charles O. Hendricks – Pima County Sheriff's Department

The Board considered comments from Compliance Specialist William Caldwell, who provided a brief overview of the case. Division Chief Klingerman made a motion to Initiate Proceedings to deny peace officer certification to Mr. Hendricks. The motion was seconded by Chief Vasquez and passed unanimously.

6. 2023-050 – Adrian C. Soto – Santa Cruz County Sheriff's Office

The Board considered comments from Compliance Specialist Al Grijalva, who provided a brief overview of the case. Inspector General Barcello made a motion to Initiate Proceedings against Mr. Soto's peace officer certification. The motion was seconded by Division Chief Klingerman and passed unanimously.

7. 2023-046 – Jeffrey L. Slaton – Salt River Pima-Maricopa Indian Community

The Board considered comments from Compliance Specialist William Campbell, who provided a brief overview of the case. Lt. Colonel Hunter made a motion to Initiate Proceedings against Mr. Slaton's peace officer certification. The motion was seconded by Inspector General Barcello and passed unanimously.

8. 2023-095 – Casey S. Hunter – El Mirage Police Department

The Board considered comments from Compliance Specialist Mark Post, who provided a brief overview of the case. Chief Vasquez made a motion to Initiate Proceedings against



Mr. Hunter's peace officer certification. The motion was seconded by Lt. Colonel Hunter and passed unanimously.

9. 2023-111 – Raymond Ocasio Jr. – Yavapai County Sheriff's Office

The Board considered comments from Compliance Specialist Mark Post, who provided a brief overview of the case. Chief Vasquez made a motion to Initiate Proceedings to deny peace officer certification to Mr. Ocasio. The motion was seconded by Ms. Weisz and passed unanimously.

10. 2023-097 – Brandon Poninski – Goodyear Police Department

The Board considered comments from Compliance Specialist Mark Post, who provided a brief overview of the case. Division Chief Klingerman made a motion to Initiate Proceedings against Mr. Poninski's peace officer certification. The motion was seconded by Detective Krajcer and passed unanimously.

11. 2023-043 – Daniel J. Raiss – Yavapai County Sheriff's Office

*Commander Figueroa recused himself from this case.* Chairman Dannels stepped away for a moment, Chief Vasquez was acting chair. The Board considered comments from Compliance Specialist Mark Post, who provided a brief overview of the case. Lt. Colonel Hunter made a motion to Initiate Proceedings against Mr. Raiss' peace officer certification. The motion was seconded by Inspector General Barcello and passed unanimously.

12. 2023-003 – Bradley M. Ostin – Glendale Police Department

The Board considered comments from Compliance Specialist Tim Shay, who provided a brief overview of the case. Ms. Weisz made a motion to Initiate Proceedings against Mr. Ostin's peace officer certification. The motion was seconded by Division Chief Klingerman and passed unanimously.

13. 2023-040 – Aaron D. Joseph IV – Fort Mojave Tribal Police Department

The Board considered comments from Compliance Specialist David Toporek, who provided a brief overview of the case. Division Chief Klingerman made a motion to Initiate Proceedings against Mr. Joseph's peace officer certification. The motion was seconded by Mr. Schoch and passed unanimously.

J. Future Agenda Items

There are no items to add.

K. Adjournment

The meeting was adjourned at 12:38 p.m.