



## *Arizona Peace Officer Standards and Training Board*

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

### **MINUTES OF THE MAY 21, 2025, 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 21, 2025, at the Arizona Peace Officer Standards and Training Board, located at 2643 E. University Drive, Phoenix, AZ.

#### Members Present (in person):

Detective Yvette Bro, Phoenix Police Department  
Detective Benjamin Cook, Pinal County Sheriff's Office  
Chief Ken Cost, Mesa Police Department  
Jail Commander Matthew Figueroa, Coconino County Sheriff's Office  
Colonel Jeff Glover, Arizona Department of Public Safety  
Chief Araceli Juarez, Somerton Police Department  
Chief Deputy Bill Mundell, representing Attorney General Kris Mayes, Arizona Attorney General's Office  
Professor Kevin Robinson, Arizona State University  
Director Ryan Thornell, Arizona Department of Corrections Rehabilitation & Reentry

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

Sheriff Doug Schuster, Mohave County Sheriff's Office  
Ms. Leesa B. Weisz, Public Member

#### Members Absent:

Sheriff Mark Dannels, Cochise County Sheriff's Office, Chairman  
Mr. Randy Schoch, Public Member

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

Matt Giordano, Executive Director  
Sean Donegan, Deputy Director  
Michele Blanco, Compliance Specialist  
Rich Bradshaw, Compliance Specialist  
William Caldwell, Compliance Specialist  
Mike Deltenre, Compliance Specialist  
Marissa Escandon, Administrative Assistant  
Mike Giammarino, Compliance Manager  
Alfred Grijalva, Compliance Specialist  
Arlene Heckel, Compliance Specialist  
Brandon Keomaka, ADCRR Compliance Specialist  
Chuck Miller, Advanced Training Manager  
Robert Pinkerton, Training Specialist

Mike Puente, Training Specialist  
Mark Post, Compliance Manager  
Mike Rodriguez, Training Specialist  
Tim Shay, Compliance Specialist  
Sandy Sierra, Executive Assistant  
Mike Thorley, Compliance Specialist  
Dave Toporek, Compliance Specialist  
Rick VanKeuren, Training Specialist  
Lori Wait, Basic Training Manager  
Dale Wyman, AZPOST Specialist

Legal Counsel:

Mark Brachtel, Assistant Attorney General  
Joe Dylo, Assistant Attorney General  
Ben Norris, Independent Legal Advisor

A. Call to Order

Acting Chairman Ken Cost called the meeting to order at 10:04 a.m. and asked Detective Bro to lead everyone in reciting the Pledge of Allegiance.

B. Introductions, Presentations and Announcements

*Matt Giordano, Executive Director*

- Roll-call was conducted. Eleven Board members are present: nine attending in person and two are participating via telephone/video conferencing. Mr. Schoch and Sheriff Dannels are absent.
- Assistant Attorney General Ben Norris is our Independent Legal Advisor for all final action cases.
- New case 2024-199 Zachary W. Hyde will be tabled and presented at a future meeting.

C. Executive Director's Report

*Matt Giordano, Executive Director*

- Basic Training Manager Lori Wait graduated from the Northwestern School of Police Staff and Command. We are very excited for Lori on this major accomplishment.
- Continue to work with the governor's committee on Murdered and Missing Indigenous People to develop statewide training. We hope to roll out this training in the near future.
- Attended the following meetings in the past month: HIDTA Drug Commander's Meeting; Sheriff's Association Meeting; 2025 Peace Officer Memorial; I offered the assistance of AZPOST to the AZ Justice Project related to eyewitness and victim identification; and I also conducted a few media interviews related to the marijuana rule change that will be in effect in September.
- We changed the annual qualification last year. We did have a couple of master instructors that had concerns with the staging. They felt the 2023 AQ sequence of firing made the 15 yard line shots to the head box harder for instructors to accurately call. We are proposing a change to this and will conduct a soft launch of the new course starting June 1.
- We have been looking at alternatives to the POPAT (Peace Officer Physical Aptitude Test). There have been several injuries involving individuals running this course, and many argue that it is no longer relevant or applicable. We have been gathering data for two years to determine what alternatives we have. The Mesa Police Department has an alternative

course that works very well. (A short video was shown demonstrating this new course). We will agendize this matter for further discussion at a future meeting and will bring it back to the Board for consideration. We would like to use this new course as a graduation requirement.

#### D. Consent Agenda

Detective Cook moved to approve the Consent Agenda. The motion was seconded by Director Thornell and carried unanimously.

The following items were approved:

1. Minutes of the Board meeting held on April 16, 2025.
2. Consent Agreements for Voluntary Relinquishment/Denial of Peace Officer Certification. The following individuals, without admitting to any misconduct, request the Board accept their request to permanently relinquish their Arizona peace officer certification:

- |             |                    |                                  |
|-------------|--------------------|----------------------------------|
| 1. 2024-225 | Michael P. Brodie  | Navajo Division of Public Safety |
| 2. 2024-298 | Jorge Bautista     | Yuma Police Department           |
| 3. 2025-068 | Sam Cocone Phoenix | Police Department                |
| 4. 2025-104 | Tiffany A. Tallman | Navajo Division of Public Safety |

3. Petitions for Waiver pursuant to R13-4-105(C). The Applicant's only disqualifying conduct is legally consuming marijuana more than six months, but within two years of appointment, in violation of R13-4-105(A)(10):

- |                               |                           |
|-------------------------------|---------------------------|
| 1. Applicant Julian Garcia    | Phoenix Police Department |
| 2. Applicant Colton Henderson | Phoenix Police Department |
| 3. Applicant Tyler Johnson    | Phoenix Police Department |

- E. Review, Discussion and Possible Action on a Petition from the Phoenix Police Department pursuant to A.A.C. R13-4-105(C) for Applicant Nathan Kiningham.

*Detective Bro recused herself from this matter.*

Assistant Attorney General Mark Brachtl addressed the Board regarding a petition submitted by the Phoenix Police Department on behalf of Applicant Nathan Kiningham. During the hiring process, Applicant Kiningham disclosed that he consumed marijuana when he was 20 years old. Under Arizona law, you must be 21 years old to legally consume marijuana. Additionally, such consumption is considered disqualifying conduct under AZPOST rules. Commander William Jou of the Phoenix Police Department also addressed the Board, requesting approval of the petition. Applicant Nathan Kiningham provided statements to the Board as well.

Director Thornell moved that, based on the petition submitted by the Phoenix Police Department and in accordance with A.A.C. R13-4-105(C), the Board approve the waiver for

Applicant Nathan Kiningham. The motion was seconded by Chief Deputy Mundell and passed unanimously.

F. Final Action Cases:

1. 2024-117 – Edward Carnes – Phoenix Police Department

*Detective Bro recused herself from this case.* The Board heard oral argument on the Administrative Law Judge (ALJ) Decision dated March 24, 2025, from Assistant Attorney General Joe Dylo, attorney for the Arizona Peace Officer Standards and Training Board. Mr. Dylo recommended that the Board adopt the ALJ Decision as to Findings of Fact and Conclusions of Law. Mr. Steven Serbalik, attorney for Mr. Carnes, Lt. Ben Leuschner of the Phoenix Police Department and Mr. Carnes also addressed the Board. After further discussion, Mr. Serbalik recommended that the Board adopt the ALJ Decision as to Findings of Fact and Conclusions of Law, but asked that the Board consider the situation in totality and take no action with agency discretion. If the Board does take action, he asked that it be a retroactive suspension for the 120 hours of suspension time Mr. Carnes already served.

Ms. Weisz moved to adopt the Findings of Fact and Conclusions of Law in the March 24, 2025, Administrative Law Judge Decision. The motion was seconded by Chief Deputy Mundell and passed unanimously.

Assistant Attorney General Joe Dylo then presented staff's recommendation for discipline: a twelve-month suspension of peace officer certification.

The question was raised as to how a six month or three month suspension would impact Mr. Carnes. If discussions were held with the Phoenix Police Department regarding Mr. Carnes' position with the agency in the event that the Board imposed a suspension?

Lt. Ben Leuschner of the Phoenix Police Department is the president of the Phoenix Police Sergeant and Lieutenant's Association. He stated that it is unclear whether the Phoenix Police Department would permit a sergeant to serve in a non-enforcement role. The interim chief explained to him that he could not make any commitments, as the situation is hypothetical.

*Colonel Glover arrived at 10:43 a.m., during the discussion of this case.*

Mr. Serbalik requested that the Board consider imposing a retroactive suspension rather than one moving forward.

Ms. Weisz asked staff to discuss the recommendation of a 12-month suspension. Executive Director Matt Giordano discussed the range of disciplinary action for DUI cases, noting that these are among the most consistently handled cases by the Board.

After additional arguments by the parties, including follow-up questions, legal advice provided by Independent Legal Advisor Ben Norris, and deliberation by the Board, Detective Cook made a motion to suspend Mr. Carnes' peace officer certification for a period of twelve (12) months, beginning May 21, 2025, and May 21, 2026. The motion

was seconded by Colonel Glover and passed with one nay vote recorded for Chief Deputy Mundell. The 12-month suspension will include credit for the 120-hours of suspension time already served.

2. 2024-041 – Mercedes Hernandez – Apache Junction Police Department

The Board considered comments from Assistant Attorney General Joe Dylo, attorney for the Arizona Peace Officer Standards and Training Board, who presented a brief summary of the proposed consent agreement. Ms. Samantha Caplinger, attorney representing Ms. Hernandez, also addressed the Board and recommended the Board accept the proposed consent agreement. Ms. Hernandez was present and provided statements to the Board as well.

Detective Bro moved to approve the proposed consent agreement, imposing a 30-month suspension of Ms. Hernandez's peace officer certification, beginning February 2, 2024, and ending August 2, 2026. The motion was seconded by Professor Robinson and passed unanimously.

3. 2024-269 – Jose M. Hernandez – Mesa Police Department

*Chief Cost recused himself from this case.* Colonel Glover was acting chair. The Board considered comments from Assistant Attorney General Joe Dylo, attorney for the Arizona Peace Officer Standards and Training Board, who presented a brief summary of the proposed consent agreement. Mr. Hernandez was not present.

Professor Robinson moved to approve the proposed consent agreement, imposing a 12-month suspension of Mr. Hernandez's peace officer certification, beginning October 8, 2024, and ending October 8, 2025. The motion was seconded by Chief Juarez and passed unanimously.

4. 2023-238 – John G. Knajdl – Phoenix Police Department

*Detective Bro recused herself from this case.* The Board considered comments from Assistant Attorney General Mark Brachtel, attorney for the Arizona Peace Officer Standards and Training Board, who presented a brief summary of the proposed consent agreement. Mr. Jess Lorona, attorney representing Mr. Knajdl, also addressed the Board and recommended the Board accept the proposed consent agreement. Mr. Knajdl was not present.

Colonel Glover moved to approve the proposed consent agreement, imposing a 12-month suspension of Mr. Knajdl's peace officer certification, beginning November 15, 2023, and ending November 15, 2024. The motion was seconded by Commander Figueroa and passed unanimously.

5. 2024-295 – Carlos Lopez – Yuma 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 presented a brief summary of the proposed consent agreement. Mr. Lopez was not present.

Chief Juarez moved to approve the proposed consent agreement, imposing a 12-month suspension of Mr. Lopez's peace officer certification, beginning October 24, 2024, and

ending October 24, 2025. The motion was seconded by Colonel Glover and passed unanimously.

6. 2025-039 – Ethan D. Wade – Bullhead City Police Department

The Board considered comments from Assistant Attorney General Mark Brachtel, attorney for the Arizona Peace Officer Standards and Training Board, who presented a brief summary of the proposed consent agreement. Mr. Wade was not present.

Professor Robinson moved to approve the proposed consent agreement, imposing a 12-month suspension of Mr. Wade's peace officer certification, beginning February 7, 2025, and ending February 7, 2026. If during this period of suspension Respondent violates the terms of probation, and the Court designates his conviction as a felony, the Board may take additional action on Respondent's peace officer certification. The motion was seconded by Chief Deputy Mundell and passed unanimously.

7. 2024-255 – Ricky F. Garcia Diaz – Pima County Sheriff's Department

The Board considered comments from Compliance Specialist Richard Bradshaw, who presented a brief summary of the case. Mr. Garcia Diaz addressed the Board. Sgt. James Brown of the Pima County Sheriff's Department also addressed the Board. Detective Bro moved to accept the Findings of Fact and Conclusions of Law. The motion was seconded by Colonel Glover and passed unanimously.

Detective Bro moved to accept staff's recommendation to permanently deny peace officer certification to Mr. Garcia Diaz. The motion was seconded by Colonel Glover and passed with two nay votes recorded for Detective Cook and Commander Figueroa.

G. New Charging Cases:

1. 2024-199 – Zachary W. Hyde – Tempe Police Department

This case was tabled.

2. 2025-075 – Jeremy Jamal Powell – Gilbert Police Department

The Board considered comments from Compliance Specialist Richard Bradshaw, who provided a brief summary of the case. Colonel Glover moved to initiate proceedings against Mr. Powell's peace officer certification. The motion was seconded by Chief Deputy Mundell and passed unanimously.

3. 2025-101 – Gary G. Stockton – Phoenix Police Department

*Detective Bro recused herself from this case.* The Board considered comments from Compliance Specialist Mike Deltenre, who provided a brief summary of the case. Professor Robinson moved to initiate proceedings against Mr. Stockton's peace officer certification. The motion was seconded by Chief Cost and passed unanimously.

4. 2024-296 – Jesse E. Barrios Garate – AZ Department of Corrections Rehabilitation & Reentry

The Board considered comments from Compliance Specialist Brandon Keomaka, who provided a brief summary of the case. Chief Deputy Mundell moved to initiate

proceedings to deny peace officer certification to Mr. Barrios Garate. The motion was seconded by Chief Juarez and passed unanimously.

5. 2024-324 – Jose Angel Negrón – Phoenix Police Department

*Detective Bro recused herself from this case.* The Board considered comments from Compliance Specialist Mike Thorley, who provided a brief summary of the case. Chief Juarez moved to initiate proceedings against Mr. Negrón's peace officer certification. The motion was seconded by Colonel Glover and passed unanimously.

H. Future Agenda Items

There are no items to add.

I. Call to the Public

Mark Spencer addressed the Board regarding the chief of the Surprise Police Department having Rebecca Massey removed from a Surprise City Council Meeting, then having her arrested.

J. Adjournment

The meeting was adjourned at 12:01 p.m.