



Arizona Peace Officer Standards and Training Board

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MINUTES OF THE FEBRUARY 17, 2021 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 February 17, 2021, 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
Sheriff David Rhodes, Yavapai County Sheriff's Office
Professor Kevin Robinson, Arizona State University
Colonel Heston Silbert, AZ Department of Public Safety
Chief Jeri Williams, Phoenix Police Department

Members Present (via online video/telephone conferencing):

Assistant Attorney General John Johnson, representing Attorney General Mark Brnovich
Deputy Director Joe Profiri, representing Director David Shinn, AZ Department of Corrections
Ms. Leesa B. Weisz, Public Member

Members Absent:

Ms. Jamie Kelly, Public Member
Officer Matthew Medina, Prescott Police Department

Staff in Attendance (in person):

Matt Giordano, Executive Director
Ben Henry, Deputy Director
Dan Ciernia, Digital Media Supervisor
Mike Deltenre, Compliance Specialist
Amanda Faust, Training Program Administrator
Mike Orose, Compliance Program Administrator
Rita Mae Schaefer, Administrative Assistant
Sandy Sierra, Executive Assistant
David Toporek, Compliance Specialist
Lori Wait, Training Specialist
Dale Wyman, Digital Media Specialist

Staff in Attendance (via online video conferencing):

William Caldwell, Compliance Specialist
Cathy Hawse, Compliance Specialist
Steve Jacobs, Compliance Specialist

Assistant Attorney General:

Mark Brachtl (in person)

A. Call to Order

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

B. Introductions, Presentations and Announcements

Matt Giordano, Executive Director

- Sheriff Dannels was appointed Chair of the AZPOST Board by Governor Ducey on February 16, 2021. We are really glad and looking forward to working with Chairman Dannels in his new role.
- Chairman Dannels introduced three new Board Members. Yavapai County Sheriff David Rhodes was appointed to fill the position vacated by Sheriff Scott Mascher. Phoenix Police Chief Jeri Williams was appointed to fill the position vacated by Chief Alan Rodbell and Professor Kevin Robinson, from ASU, was appointed to fill the position vacated by Andrew LeFevre, from Grand Canyon University.
- Roll Call was taken. Eight Board members are present today, five are here in person and three are participating via telephone/video conferencing. Ms. Kelly and Officer Medina are absent.
- There are two cases that are being tabled today – Brandon D. Baeuerlen 19-106 and Rene Algara 19-170. Also, with only eight Board members present, if there is more than one recusal the case will have to be tabled.

C. Executive Director's Report

Matt Giordano, Executive Director

- We have partnered with APAAC and HIDTA to host a training session on Prop 207. With the legalization of recreational marijuana in the state, this has caused a lot of concerns and questions from our law enforcement community; as well as our prosecutorial community. We will conduct a virtual training session with three Subject Matter Experts (SMEs) that will present this training virtually from AZPOST on March 2, 2021. As of yesterday, we had over 800 individuals registered; the training is only open to sworn peace officers, current prosecutors and agency legal advisors. I wish to thank our partners at APAAC and HIDTA for their cooperation and willingness to engage in this worthwhile training, also big thanks to our Training Unit who now have to figure out how to navigate this training virtually for over 800 individuals. This is what our new reality looks like, we will be doing a lot more virtual training.
- Mandy Faust and her team have been working diligently to redo our entire basic academy curriculum. Our plan is to present an overview of what the new curriculum looks like at next month's meeting. We will ask for the Board's feedback, and if the curriculum is approved, we will push this out to all our academy commanders. An academy commander's meeting is already scheduled sometime in March or April to update them on the changes. We are looking to give the academy commanders 6-8 months to train their instructors, in conjunction with us, on how to present the new training. We hope to bring this new curriculum on-line either this summer or in early 2022. We will see approximately 100 new hours added to the curriculum; with the majority of these hours in defensive tactics and use of force. A preview of what you

will see next month, and one thing I am very proud and excited to push out, is the 7 Fundamental Principles for Policing and Use of Force. Just like the Firearms Principles that were drilled into your head at every stage of the academy, we are going to do the same with Policing and Use of Force. The 7 Principles are: Guardian Mindset, Position, Emotional Control, De-escalation/Communication, Duty to Intervene, Duty to Render Aid/Duty to Report and Overall Professionalism. Recruits will receive these principles in all phases of the academy. As we build our Field Training Program, Basic Leadership Academy and Advanced Leadership Program, you will see the same themes throughout. What we found when we were looking at redoing these programs is that there wasn't continuity. What we were teaching academy recruits wasn't always what we were teaching in basic leadership or advanced leadership. Now you will see that across the spectrum. From the recruits in the academy to the executives, everyone will have the same training, at different levels, but the same ideas and principles to make sure that from top to bottom everyone knows what they are responsible for.

- The legislature is in full swing and police reform is still at the forefront of everyone's minds. A few bills we are tracking are HB 2787, which is reference occupational licenses and prior criminal activity. This bill could potentially affect hiring agencies, as well as AZPOST regarding certification. HB 2384, is reference AZPOST Board membership. This bill would add two additional public members to the Board. HB 2462, is reference review board training. Anyone who sits on a civilian oversight committee for police departments, which would include AZPOST, would require levels of training to sit on a police oversight board.
- Since last month, I attended various meetings to include the Yavapai County PANT Meeting, which was virtual; AACOP General Membership Meeting and the East Valley Chief's Meeting.
- The Digital Media Unit, in conjunction with the AZ Commission for the Deaf and Hard of Hearing, has been working on a 1.5 hour continuing training class to provide new and relevant information in support of recommended best practices for peace officers when working with the deaf, deafblind, hard of hearing, persons with speech difficulties and those who experience combined vision and hearing loss. This training will be released later this week.
- Leesa Weisz has generously volunteered to test the new E-Reader, starting with today's meeting. As you know, we provide you with hundreds of pages of material each month for the meeting. In an attempt to be more efficient and more cost effective, we purchased an E-Reader and we will download the meeting material each month directly to the E-Reader. The E-Reader allows you to write notes directly on the screen. We will test the E-Reader for 2-3 months and get feedback from Ms. Weisz. If all goes well, we will purchase E-Readers for the entire Board.

D. Review, Discussion and Possible Action on a Navajo Police Department Request for Time Extension to Complete Training Deficiencies.

The Navajo Nation was hit extremely hard by Covid-19; they were shut down and were not allowed to leave the reservation. As we started to do our training audits, we recognized they would have challenges in year 2020. We conduct training audits one year after, so in 2020 we started doing training audits for year 2019. Right now as we begin 2021, we will start doing the training audits for year 2020. Every peace officer must have 8 hours of continuing training each year and 8 hours of proficiency training every three years. This request from the Navajo Police

Department is a waiver for 6 additional months for continuing training, not proficiency training, but continuing training for calendar year 2020. I believe that giving a 6-month extension is a reasonable request, based on the situation they have experienced with Covid-19. We are still working with them for their 2018 and 2019 training audits as well.

Chief Philip Francisco, Navajo Police Department, addressed the Board to request that the extension be granted. He explained the difficulties encountered due to the pandemic and the difficulties they have had in keeping up with training. Staff turnover has also been a problem along with a large number of retirements.

Colonel Silbert inquired about Navajo PD not being cross certified or AZPOST certified. Is there a desire for them to all be AZPOST certified again? There was a period of time where there was some disagreement as to whether or not they would be AZPOST certified.

Executive Director Giordano stated that in 2018 the Navajo Nation started their own police academy outside of being certified by AZPOST. To date they have hosted 3 or 4 academy classes. When those graduates complete the academy, they are not certified by AZPOST. However, they have upwards of 200 AZPOST certified peace officers in their agency that are still looking to continue their certification with AZPOST through training and all the requirements that we impose upon them. However, he believes they are not sending anyone to an accredited AZPOST approved academy.

Chief Francisco stated the academy they have is not an AZPOST approved academy. It is a satellite of the Indian Police Academy which is up at FLETC. This academy is what is required for them to be law enforcement on the Navajo Nation and with BIA. At the end of their academy, they must also receive a federal commission card. They do want to maintain AZPOST certification for their officers who are currently AZPOST certified. The Navajo Police Department covers Arizona, New Mexico, Utah and the BIA; Arizona law enforcement is only a part of the big picture. An Arizona approved academy is not what is best for their whole department.

Colonel Silbert made a motion to accept the 6-month waiver for 2020. The motion was seconded by Chief Williams and passed unanimously.

E. Consent Agenda

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

The following items were approved:

1. Minutes of the Board meeting held on January 20, 2021.

2. Certification Waivers:

Jake A. Arcamo	Paradise Valley Police Department
Bryan Clark	Scottsdale Police Department
Danny Donovan	Scottsdale Police Department
Taylor Hanssen	AZ Department of Public Safety
Elliot S. Johnson	Scottsdale Police Department

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:

Jeremiah H. Darger	16-141	Colorado City Marshal’s Office
Justin L. Keeling	18-151	Globe Police Department
Wence Arevalo	19-248	Glendale Police Department
Seth S. Castillo	20-094	Phoenix Police Department
Jeffrey D. Thompson	21-012	Gilbert Police Department

F. Review, Discussion and Possible Action on a Douglas Police Department Petition for a waiver pursuant to A.A.C. R13-4-103(G) for Applicant Sean C. Hahn

Assistant Attorney General Mark Brachtl addressed the Board regarding the Douglas Police Department petition for waiver pursuant to A.A.C. R13-4-103(G) for Applicant Sean C. Hahn. Applicant Hahn, in 2018 when he was 19 years of age, consumed marijuana. Chief Kraig Fullen, Douglas Police Department, addressed the Board to request that the petition be granted.

Chief Williams made a motion to grant the request for waiver for Applicant Sean C. Hahn. The motion was seconded by Sheriff Rhodes and passed unanimously.

G. Review, Discussion and Possible Action on a Glendale Police Department Petition for a waiver pursuant to A.A.C. R13-4-103(G) for Applicant Cole Philbrook

Assistant Attorney General Mark Brachtl addressed the Board regarding the Glendale Police Department petition for waiver pursuant to A.A.C. R13-4-103(G) for Applicant Cole Philbrook. Applicant Philbrook worked for a private security contractor when he was 19 years of age. His supervisor at that time ordered him and his subordinates to commit time theft. After an investigation into the matter, Applicant Philbrook was exonerated. Commander Richard Bradshaw, Glendale Police Department, addressed the Board to request that the petition be granted.

Professor Robinson made a motion to grant the request for waiver for Applicant Cole Philbrook. The motion was seconded by Colonel Silbert and passed unanimously.

H. Review, Discussion and Possible Action on a Mesa Police Department Petition for a waiver pursuant to A.A.C. R13-4-103(G) for Applicant Adriana M. Rhine

Assistant Attorney General Mark Brachtl addressed the Board regarding the Mesa Police Department petition for waiver pursuant to A.A.C. R13-4-103(G) for Applicant Adriana M. Rhine. Applicant Rhine was 19 years of age when she used her older sister's personal information to obtain an Arizona driver's license. Commander Jeffrey Cutler, Mesa Police Department, addressed the Board to request that the petition be granted.

Professor Robinson made a motion to grant the request for waiver for Applicant Adriana M. Rhine. The motion was seconded by Sheriff Rhodes and passed unanimously.

I. Review, Discussion and Possible Action on an Apache Junction Police Department Petition for a waiver pursuant to A.A.C. R13-4-103(G) for Applicant Cole Miller

Assistant Attorney General Mark Brachtl addressed the Board regarding the Apache Junction Police Department petition for waiver pursuant to A.A.C. R13-4-103(G) for Applicant Cole Miller. Applicant Miller consumed two forms of marijuana during his first semester in college, in 2017. Lieutenant Jeffrey Kirkham, Apache Junction Police Department, addressed the Board to request that the petition be granted.

Sheriff Rhodes made a motion to grant the request for waiver for Applicant Cole Miller. The motion was seconded by Chief Williams and passed unanimously.

J. Review, Discussion and Possible Action on a Florence Police Department Petition for a waiver pursuant to A.A.C. R13-4-103(G) for Applicant Emma Grajeda

Assistant Attorney General Mark Brachtl addressed the Board regarding the Florence Police Department petition for waiver pursuant to A.A.C. R13-4-103(G) for Applicant Emma Grajeda. Applicant Grajeda consumed two edible marijuana products in 2017. Chief Bruce Walls, Florence Police Department, addressed the Board to request that the petition be granted.

Colonel Silbert made a motion to grant the request for waiver for Applicant Emma Grajeda. The motion was seconded by Professor Robinson and passed unanimously.

K. Review, Discussion and Possible Action on a Snowflake-Taylor Police Department Petition for a waiver pursuant to A.A.C. R13-4-105(C) for Applicant Jason Myers

Assistant Attorney General Mark Brachtl addressed the Board regarding the Snowflake-Taylor Police Department petition for waiver pursuant to A.A.C. R13-4-105(C) for Applicant Jason Myers. Applicant Myers consumed psychedelic and other drugs 24 years ago, when he was 20 years of age. Chief Robert Martin, Snowflake-Taylor Police Department, addressed the Board to request that the petition be granted.

Chief Williams made a motion to deny the petition by the Snowflake-Taylor Police Department on Applicant Jason Myers. The motion was seconded by Colonel Silbert and passed unanimously.

L. Review, Discussion and Possible Action on a Arizona Game and Fish Department Petition for a waiver pursuant to A.A.C. R13-4-103(G) for Applicant Sabrina Odorcic

Assistant Attorney General Mark Brachtl addressed the Board regarding the AZ Game and Fish Department petition for waiver pursuant to A.A.C. R13-4-103(G) for Applicant Sabrina Odorcic. Applicant Odorcic consumed one Adderall tableted in 2018, when she was celebrating her birthday. Chief Gene Elms and Major Lainie Antolik, AZ Game and Fish Department, addressed the Board to request that the petition be granted.

Chief Williams made a motion to deny the petition by the AZ Game and Fish Department on Applicant Sabrina Odorcic. The motion was seconded by Professor Robinson and passed by a 5-3 vote. Nay votes were recorded for Mr. Johnson (AAG), Sheriff Rhodes and Ms. Weisz.

M. Final Action Cases:

1. 20-133 – Irma E. Estrada – Tucson Police Department

The Board considered comments from Compliance Specialist Cathy Hawse; who provided a brief overview of the case. Sheriff Rhodes made a motion to revoke Ms. Estrada's peace officer certification. The motion was seconded by Professor Robinson and passed unanimously.

2. 20-153 – Erik M. Pearson – Phoenix Police Department

Chief Williams recused herself from this case. The Board considered comments from Compliance Specialist Steve Jacobs; who provided a brief overview of the case. Professor Robinson made a motion to revoke Mr. Pearson's peace officer certification. The motion was seconded by Sheriff Rhodes and passed unanimously.

N. New Charging Cases:

1. 20-084 – Dallas C. Rextrew – Pinal County Sheriff's Office

The Board considered comments from Compliance Specialist William Caldwell, who provided a brief overview of the case. Colonel Silbert made a motion to close this case and Resolve in the Future. The motion was seconded by Professor Robinson and passed unanimously.

2. 20-107 – Sean Pena – Phoenix Police Department

Chief Williams recused herself from this case. The Board considered comments from Compliance Specialist Mike Deltenre, who provided a brief overview of the case. Colonel Silbert made a motion to Initiate Proceedings against Mr. Pena's peace officer certification. The motion was seconded by Sheriff Rhodes and passed unanimously.

3. 20-059 – Anthony J. Shantz – Coconino County Sheriff’s Office
The Board considered comments from Compliance Specialist Mike Deltenre, who provided a brief overview of the case; a short video was also presented. Professor Robinson made a motion to Initiate Proceedings against Mr. Shantz’s peace officer certification. The motion was seconded by Chief Williams and passed unanimously.
4. 19-106 – Brandon D. Baeuerlen – AZ State Parks
This case was tabled.
5. 20-187 – David J. Carson – AZ Game and Fish Department
The Board considered comments from Compliance Specialist Steve Jacobs, who provided a brief overview of the case. Chief Williams made a motion to Initiate Proceedings against Mr. Carson’s peace officer certification. The motion was seconded by Professor Robinson and passed unanimously.
6. 20-049 – Weston V. Akalski – La Paz County Sheriff’s Office
The Board considered comments from Compliance Specialist David Toporek, who provided a brief overview of the case; a short video was also presented. Colonel Silbert made a motion to Initiate Proceedings against Mr. Akalski’s peace officer certification. The motion was seconded by Chief Williams and passed unanimously.
7. 19-170 – Rene Algara– AZ Department of Public Safety
This case was tabled.
8. 20-033 – Eli Max – La Paz County Sheriff’s Office
The Board considered comments from Compliance Specialist David Toporek, who provided a brief overview of the case. Sheriff Rhodes made a motion to Initiate Proceedings against Mr. Max’s peace officer certification. The motion was seconded by Professor Robinson and passed unanimously.

O. Future Agenda Items

There are no new items to add.

P. Adjournment

The meeting was adjourned at 11:55 a.m.