



## *Arizona Peace Officer Standards and Training Board*

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### **MINUTES OF THE APRIL 21, 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 April 21, 2021, at the Arizona Peace Officer Standards and Training Board, located at 2643 E. University Drive, Phoenix, AZ.

#### Members Present (in person):

Officer Matthew Medina, Prescott Police Department  
Sheriff David Rhodes, Yavapai County Sheriff's Office  
Professor Kevin Robinson, Arizona State University  
Colonel Heston Silbert, AZ Department of Public Safety  
Chief Chris Vasquez, Eloy Police Department  
Chief Jeri Williams, Phoenix Police Department

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

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  
Deputy Director Joe Profiri, representing Director David Shinn, AZ Department of Corrections  
Ms. Leesa B. Weisz, Public Member

#### Members Absent:

Sheriff Mark Dannels, Cochise County Sheriff's Office, Chairman

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

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

Staff in Attendance (via online video conferencing):

William Caldwell, Compliance Specialist  
Mike Deltenre, Compliance Specialist  
Cathy Hawse, Compliance Specialist  
Arlene Heckel, Compliance Specialist

Assistant Attorney General:

Mark Brachtl (in person)

A. Call to Order

Acting Chairman Silbert called the meeting to order at 10:00 a.m. and asked Professor Robinson to lead everyone in reciting the Pledge of Allegiance.

B. Introductions, Presentations and Announcements

*Matt Giordano, Executive Director*

- Roll Call was taken. Eleven Board members are present, six are here in person and five are participating via telephone/video conferencing. Sheriff Dannels is absent. Colonel Silbert will be acting chair today.
- Sean Donegan began employment this week. Sean retired from the Phoenix Police Department after more than 26 years of service. He will take over handling of the facility, public records and other duties previously held by Mike Giammarino. Mike was promoted to Program Administrator and he will spearhead the new database misconduct project.
- The rules that were approved last year are now in effect.
- New cases 21-007 Raymond P. Hernandez and 21-014 Jonathan R. Clements will be pulled from today's agenda. Mr. Hernandez has signed a consent agreement for voluntary relinquishment of his peace officer certification and Mr. Clements's case will be on a future agenda.
- Today is Administrative Professional's Day. Special thanks and recognition to Sandy Sierra, Lynn Pirkle, Tammy Schliefer, Rita Mae Schaefer and Lesley Moosman for all they do. We will be hosting a lunch today to celebrate our administrative professionals.

C. Executive Director's Report

*Matt Giordano, Executive Director*

- CJEF funding continues to fluctuate. We are still slightly below our normal projected monthly average, but we are still in good financial position. In the governor's proposed budget, we will be receiving additional appropriated funding this year. If we do receive these funds and the CJEF funding holds, we will be fine moving into fiscal year 2022.
- We continue to host our Basic Leadership Academy. We will host a session in Cottonwood and plan to host this class in other parts of the state. The class has been very well received. This week we are hosting the first edition of the Field Training Leadership Class in one of our classrooms. The class name was changed from Field Training Officer because we all recognize that the field training officer is the first level of real leadership in an agency and we want to make sure we are providing that message. Next week we will host our first Executive Leadership Class. This class will only be hosted at AZPOST due to having various instructors teaching this class, it would be very difficult to have them travel around the state in order to teach the class.

- We met with members of the Mexican Consulate regarding the new Consular Identification Card. We will be working with them to push out training statewide in relation to the new card.
- Working with the AACOP Training Committee to finalize training for the Law Enforcement Summit in Flagstaff and the Annual Conference in Laughlin.
- We have redone the landscaping in the front of the AZPOST building. We previously had grass which used a tremendous amount of water each month. We replaced the grass with rock and this will be a cost saving for us, as well as it looks much cleaner.
- In June, training staff will begin traveling around the state to the various academies to begin teaching the Defensive Tactics updates for the new curriculum. The new curriculum will go into effect January 1, 2022; however, any academy that has a class that will graduate after January 1, 2022, should be using the new curriculum.
- As a follow-up to Sheriff Rhodes’ request, contacted Chief Francisco of Navajo DPS regarding his agency’s training deficiencies. Chief Francisco stated his agency did have issues in 2018 and 2019 with completing the required training. We provided him with our Sharefile system information where they can obtain online video training and also provided him with our third party remote training vendors that our listed on our website. We have provided them with resources that will allow them to obtain training to meet their annual training requirements. Steve Jacobs, the Compliance Specialist assigned to them, has also been working tirelessly to assist them.

D. Consent Agenda

Chief Williams 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 March 17, 2021.
2. Certification Waivers:

Perry E. Miller	AZ Game and Fish Department
Kevin Callahan	Buckeye Police Department
Jake McMains	Buckeye Police Department
Juan Rubio	Buckeye Police Department
Andrew Wright	Buckeye Police Department
Raynaldo Yopez	Buckeye Police Department
Emily E. Blum	Casa Grande Police Department
Estella Candelaria	Chandler Police Department
Jacob Masterson	Chandler Police Department
Hugh Clinton	Maricopa County Sheriff’s Office
Lorenzo Ikner	Mesa Police Department
Brandon Knuth	Mesa Police Department
Noah Johnson	Queen Creek Police Department
Kyle Shollock	Scottsdale Police Department
Brandon Montano	Yuma 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:

Tanner L. Johnston	21-046	Flagstaff Police Department
Timothy C. Woods	20-182	Phoenix Police Department
Pamela A. Zielin	21-016	Phoenix Police Department
Alexander Pina	21-049	Tempe Police Department
Jason L. Dambeck	20-190	Maricopa County Sheriff's Office
Raymond P. Hernandez	21-007	Tucson Police Department

- E. Review, Discussion and Possible Action on the Board's practices regarding off-duty DUIs (Driving Under the Influence). Topics may include agency reporting requirements, what actions the Board should take on an officer's certification, and the Board's position and direction to staff regarding future cases.

Executive Director Giordano stated this is a topic that has been discussed many times throughout the years. The current practice is agencies are not required to report DUIs to AZPOST if that employee does not separate employment. That is the way the statute is written. Oftentimes, agencies do terminate an employee and at that time, AZPOST is notified of the DUI. The Board's position has been, and the position that is currently in use, is for a DUI less than extreme, with no extenuating circumstances, to take no action. These cases are not brought to the Board, they are closed administratively. If it involves extreme DUI or extenuating circumstances, these cases are brought to the Board. We are open to the direction of the Board. If the Board would like to change the current practice, we are open to this and anything the Board decides. This item was placed on the agenda and now is the time to discuss and let us know how to proceed.

Chief Williams stated that the Board was provided with plenty of historical information to show how this topic has flipped, ebbed and flowed. After reading the material provided, it seems that larger agencies like Phoenix PD can have people off for a longer period of time without impacting operations. Smaller agencies with fewer employees could have issues with employees who would still be working and if they are off, it could be problematic. She believes we should leave it the way it is and allow the agency head to make the decision on what he/she wants to do with DUIs. Discipline is so vast when it comes to DUIs. In Phoenix, the standard discipline for DUIs is a suspension of 120 hours; if there are aggravating circumstances, it could be a 240 hour suspension or termination. Since that divide is so wide, she does not want to cripple smaller agencies that do not have the operational process that Phoenix has.

Colonel Silbert stated over the past couple of years his agency determined it would terminate someone for a DUI. He does not believe that termination is the answer for every agency. For DPS, for what their mission is, what their roots are as the Highway Patrol, they felt that was something that was necessary. One of the issues brought up today is aggravating circumstances that might lead to AZPOST taking action. If a person's alcohol level is .08 and they are not involved in a collision, we retain them. But if their alcohol level is .08 and they get into a collision, then we are going to discipline them more harshly or terminate them and send the case to AZPOST. The cause was the very same, it is the outcome that is the reason we are sending it forward. That is something the Board needs to consider. He does not want to dictate what he feels is right for his agency is right for very other agency. He believes the rationale as to why a

case comes to AZPOST does have to be examined. Another issue to consider is what an agency's policy is on hiring someone who has had a DUI. All agencies will hire someone who has had a DUI, but some agencies may have a two year, three year or a five year wait, there is discretion.

Sheriff Rhodes stated this is a policy based on a negative outcome bias. An individual commits an act and because something bad happened, they end up before the certification board; but if nothing bad happened, they do not. This leads to incredible disparity in the disciplinary process across the state and incredible distrust among the public. He believes law enforcement should be held to a higher standard. He does not believe we should take away agency discretion; however, this is a licensing board so this is separate from agency discipline. Reading through the timeline and history prepared by staff, it is obvious that it has been hard for everyone to get their mind wrapped around this matter; each time this conversation comes up it is difficult to resolve. Whenever the Board changes, opinions change. This means law enforcement has a hard time understanding what to expect or what to expect in a few years from now when there are new members on this Board. This cannot be resolved in one discussion, one agenda item and one meeting. He believes that in order to examine this further, other stakeholders should be involved and an endeavor should be made to make this as consistent as can be and not leave it up to the shifting winds of different Boards.

Chief Williams stated she believes Sheriff Rhodes is stating we need more research and some options for the Board to consider. She believes we should convene a panel of community members and law enforcement to look at what some options could be as far as reporting requirements to AZPOST. She agrees that this is a licensing issue and that is the charge of the Board.

Executive Director Giordano stated he agrees with Sheriff Rhodes that sometimes our policies do create disparate treatment. He likes consistency and believes that our constituents like consistency. The statewide officer misconduct database that will be created next fiscal year will include a reporting mechanism and we will be looking to create consistency on reporting. All misconduct will come to AZPOST and we will see it regardless of the facts and circumstances. This will ensure we are providing a consistent overview for someone's certification as a peace officer in the State of Arizona.

Colonel Silbert stated he believes we do need to convene a subgroup/panel and bring in some of the departments from around the state. Sometimes we lose sight of the fact that there are small police departments around the state and what that impact is going to be on the small agencies.

Chief Vasquez stated everyone on this panel has seen the aftermath of a DUI and what that caused; everyone has probably at one point delivered a death message as a result of a DUI. A decision will not be reached today, but he would like to see a subcommittee of this group and other departments come together and develop guidelines as to what can be brought before this Board. Just because someone did not get caught, did not get in a wreck or hurt someone else, they still did something wrong, that danger was still out there. He believes a subcommittee should be formed to establish policy or guidelines so the Board can address these cases.

Executive Director Giordano stated he will discuss this matter with Sheriff Dannels and come back next month with an agenda action item to establish a subcommittee to address the concerns raised today.

F. Review, Discussion and Possible Action on a Request from the AZ Attorney General’s Office to use CJEF Funds to purchase office furniture for the office of the advocate attorney for AZPOST.

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

Executive Director Giordano stated that AZPOST has two attorneys assigned to us from the Attorney General’s Office (AGO). Mark Brachtl is our in-house attorney and has an office at AZPOST and also has a satellite office at the AGO. The second attorney, who will begin employment on June 1, will be housed at the AGO and have a satellite office at AZPOST. The AGO is requesting to use existing and available CJEF Funds (Criminal Justice Enhancement Funds) to furnish the office of the incoming attorney, who will represent AZPOST. The funds to purchase furniture would come from existing vacancy savings that have accrued from the FY21 ISA (Interagency Service Agreement). Currently, there is \$24,900.00 in vacancy savings. Of these funds, \$4,766.77 would be used to furnish the office of the incoming attorney for AZPOST.

Colonel Silbert stated this is an unusual request and not one that he has seen before. DPS also has Assistant Attorneys General assigned to them and they have not provided funding for this type of expenditure. He feels since it is the AGO’s choice to house the second attorney in their building, they should purchase the necessary furniture.

Assistant Attorney General Mark Brachtl stated other agencies have provided this type of funding for their attorney; he also explained the renovations that are being completed in order to provide offices for the new attorneys being hired.

Colonel Silbert made a motion to deny the request from the Arizona Attorney General’s Office. The motion was seconded by Deputy Director Profiri; the motion did not pass due to a tie vote. Chief Williams made a motion to grant the request from the Arizona Attorney General’s Office. The motion was seconded by Chief Vasquez and passed with two nay votes recorded for Colonel Silbert and Deputy Director Profiri.

G. Final Action Cases:

1. 20-005 – Alex M. Gryglewski – Salt River Police Department

The Board considered comments from Compliance Specialist William Caldwell; who provided a brief overview of the case. Ms. Kelly made a motion to revoke Mr. Gryglewski’s peace officer certification. The motion was seconded by Officer Medina and passed unanimously.

2. 20-077 – Nathaniel T. Miller – Surprise Police Department

The Board considered comments from Compliance Specialist Arlene Heckel; who provided a brief overview of the case. Sheriff Rhodes made a motion to revoke Mr. Miller’s peace officer certification. The motion was seconded by Chief Williams and passed unanimously.

3. 20-078 – Courtney L. Hicks – Surprise Police Department

The Board considered comments from Compliance Specialist Arlene Heckel; who provided a brief overview of the case. Professor Robinson made a motion to revoke Ms. Hicks’ peace officer certification. The motion was seconded by Chief Vasquez and passed unanimously.

H. New Charging Cases:

1. 20-036 – Patrick W. Martinez – Mammoth 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. Martinez’s peace officer certification. The motion was seconded by Sheriff Rhodes and passed unanimously.
2. 20-093 – Freddie W. Nehrmeier – Hayden Police Department  
The Board considered comments from Compliance Specialist William Caldwell; who provided a brief overview of the case. Chief Williams made a motion to Initiate Proceedings against Mr. Nehrmeier’s peace officer certification. The motion was seconded by Officer Medina and passed unanimously.
3. 19-225 – Daniel B. Jones – Phoenix Police Department  
*Chief Williams and Mr. Johnson (AAG) recused themselves from this case.* The Board considered comments from Compliance Specialist Mike Deltenre, who provided a brief overview of the case. Ms. Weisz made a motion to Initiate Proceedings against Mr. Jones’ peace officer certification. The motion was seconded by Sheriff Rhodes and passed unanimously.
4. 20-178 – Brandon M. Warren – Jerome and Clarkdale Police Departments  
*Sheriff Rhodes recused himself from this case.* The Board considered comments from Compliance Specialist Mike Deltenre, who provided a brief overview of the case. Professor Robinson made a motion to Initiate Proceedings against Mr. Warren’s peace officer certification. The motion was seconded by Chief Vasquez and passed unanimously.
5. 21-007 – Raymond P. Hernandez – Tucson Police Department  
This case was pulled from the agenda.
6. 20-111 – Jonathan O. Jackson – Tucson Police Department  
The Board considered comments from Compliance Specialist Cathy Hawse, who provided an overview of the case. This case, along with cases 20-112 and 20-113 are connected to the same incident. Chief Williams stated this is a tough case, most Board members have had instances where individuals die in custody; sometimes the necessary tools are not available to get someone safely into custody without having the end result happen, due to different substances and other things in the individual’s system. The Board discussed options and if more information would be helpful. After a lengthy discussion on what options were best, and whether to address this matter now or later, it was decided not to table this case and proceed forward. Sheriff Rhodes made a motion to Initiate Proceedings against Mr. Jackson’s peace officer certification. The motion was seconded by Chief Vasquez and passed unanimously.

7. 20-112 – Samuel W. Routledge – Tucson Police Department  
The Board considered comments from Compliance Specialist Cathy Hawse, who provided a brief overview of the case. Chief Williams made a motion to Initiate Proceedings against Mr. Routledge’s peace officer certification. The motion was seconded by Professor Robinson and passed unanimously.
8. 20-113 – Ryan J. Starbuck – Tucson Police Department  
The Board considered comments from Compliance Specialist Cathy Hawse, who provided a brief overview of the case. Chief Vasquez made a motion to Initiate Proceedings against Mr. Starbuck’s peace officer certification. The motion was seconded by Professor Robinson and passed unanimously.
9. 20-062 – Robert D. Valenzuela – Tombstone Marshal’s Office  
*Mr. Johnson recused himself from this case.* The Board considered comments from Compliance Specialist Cathy Hawse, who provided a brief overview of the case. Chief Williams made a motion to close this case and Resolve in the Future. The motion was seconded by Sheriff Rhodes and passed unanimously.
10. 20-066 – Michael J. Blute – AZ Department of Public Safety  
*Colonel Silbert recused himself from this case.* Sheriff Rhodes was acting chair. 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. Blute’s peace officer certification. The motion was seconded by Chief Williams and passed unanimously.
11. 20-173 – Charles B. Scott – Gila River Police Department  
The Board considered comments from Compliance Specialist Arlene Heckel, who provided a brief overview of the case. Chief Williams made a motion to Initiate Proceedings against Mr. Scott’s peace officer certification. The motion was seconded by Chief Vasquez and passed with three nay votes recorded for Officer Medina, Sheriff Rhodes and Colonel Silbert.
12. 21-014 – Jonathan R. Clements – Globe Police Department  
This case was tabled.
13. 20-150 – Ronald A. Kerzaya – Tempe Police Department  
The Board considered comments from Compliance Specialist Steve Jacobs, who provided a brief overview of the case; a short video was also presented. Professor Robinson made a motion to Initiate Proceedings against Mr. Kerzaya’s peace officer certification. The motion was seconded by Sheriff Rhodes and passed unanimously.
14. 21-026 – Timothy J. Thomas – Navajo County Sheriff’s Office  
The Board considered comments from Compliance Specialist Steve Jacobs, who provided a brief overview of the case. Chief Vasquez made a motion to Initiate Proceedings against Mr. Thomas’ peace officer certification. The motion was seconded by Ms. Weisz and passed unanimously.



15. 21-013 – Paul M. Karsky – Mohave 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. Karsky’s peace officer certification. The motion was seconded by Chief Williams and passed unanimously.

16. 20-215 – Ernest J. Severson – Mohave 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 close this case with No Action with Agency Discretion. The motion was seconded by Ms. Kelly and passed with two nay votes recorded for Chief Williams and Chief Vasquez.

I. Future Agenda Items

Executive Director Giordano will discuss with Sheriff Dannels the possibility of establishing a subcommittee to research what steps the Board should take regarding DUIs.

Board meetings will go back to in-person attendance starting in May. Board members may still participate virtually if they so wish.

J. Adjournment

The meeting was adjourned at 12:34 p.m.