



Arizona Peace Officer Standards and Training Board

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

MINUTES OF THE SEPTEMBER 20, 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 September 20, 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
Detective Benjamin Cook, Pinal County Sheriff's Office
Colonel Jeff Glover, Arizona Department of Public Safety
Division Chief Nicholas Klingerman, representing Attorney General Kris Mayes, Arizona
Attorney General's Office
Mr. Randy Schoch, Public Member
Director Ryan Thornell, Arizona Department of Corrections Rehabilitation & Reentry

Members Present (via online video/telephone conferencing):

Commander Matthew Figueroa, Jail Commander, Coconino County Sheriff's Office
Ms. Leesa B. Weisz, Public Member

Members Absent:

Detective Joseph Krajcer, Tempe Police Department
Professor Kevin Robinson, Arizona State University
Sheriff Doug Schuster, Mohave County Sheriff's Office

Staff in Attendance (in person):

Matt Giordano, Executive Director
Sean Donegan, Deputy Director
Michele Blanco, Compliance Specialist
William Caldwell, Compliance Specialist
Ryan Clark, Training Specialist
Mike Deltenre, Compliance Specialist
Mike Giammarino, Compliance Manager
Alfred Grijalva, Compliance Specialist
Arlene Heckel, Compliance Specialist
Chuck Miiller, Advanced Training Manager
Darcy Nichols, Compliance Manager
Mark Post, Compliance Specialist
Michael Rodriguez, Training Specialist
Rita Mae Schaefer, Administrative Assistant
Tim Shay, Compliance Specialist

Sandy Sierra, Executive Assistant
Dave Toporek, Compliance 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 10:01 a.m. and asked Colonel Glover to lead everyone in reciting the Pledge of Allegiance.

B. Introductions, Presentations and Announcements

Matt Giordano, Executive Director

- Roll-call was taken. Eight Board members are present, six are here in person and two are participating via telephone/video conferencing. Detective Krajcer, Professor Robinson and Sheriff Schuster are absent. The positions of large city and small city Chiefs of Police remain vacant. The office of Boards and Commissions is aware of these vacancies.
- Ryan Clark was introduced. Ryan comes to us from the Phoenix Police Department. Ryan will be working as a Training Specialist in the Basic Training side of the house. He is very highly qualified and is an instructor in all proficiency skills.
- A name can be removed from the consent agenda for voluntary relinquishment of peace officer certification. Colton D. Bussen 2023-143 withdrew his request for a consent agreement. This case will be presented at a future meeting.

C. Executive Director's Report

Matt Giordano, Executive Director

- The Columbian National Police is aiming to create national standards of training and compliance for their national police force. We have been selected as a host agency to provide any assistance they require to help them prepare for this endeavor. They will also be traveling to California and Oregon to tour those POST agencies. We will be hosting them for two days in early October and will also provide a tour of the Phoenix Regional Police Academy where they will learn about scenario based training.
- DPS provided training to AZPOST staff on the Employee Performance Appraisal System (EPAS). We are very thankful for this training and better understanding of EPAS.
- Both of our classrooms are being upgraded by installing new tables that will provide a power source in order to accommodate laptop use.
- Attended the following meetings the past month: Constable Board Meeting in Phoenix, SALEM Meeting in Marana, West Valley and East Valley combined Chiefs Meeting in Scottsdale, NAPA Meeting in Snowflake/Taylor, Child Fatality Review State Team Meeting and attended Chief Vasquez's retirement celebration in Eloy.

D. Consent Agenda

Division Chief Klingerman made a motion to accept the Consent Agenda. The motion was seconded by Colonel Glover and passed unanimously.

The following items were approved:

1. Minutes of the Board meeting held on August 16, 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:
 1. 2022-161 Kristen L. Giesler Phoenix Police Department
 2. 2023-056 Patrick A. Benitez Tucson Police Department
 3. 2023-081 David E. Walter Phoenix Police Department
 4. 2023-125 Landon RT Lawson Mesa Police Department
 5. 2023-137 Karen L. Stephens Payson Police Department
 6. 2023-142 Michael W. Arrata Scottsdale Police Department
 7. 2023-159 Xavier Oropeza Maricopa 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. Cottonwood Police Department POPAT Course - 1801 E. Fir Street, Cottonwood, AZ.
 2. Goodyear Police Department POPAT Course - 11 N. 145th Avenue, Goodyear, AZ.
 3. Surprise Police Department POPAT Course - 13433 W. Foxfire Dr., Surprise, AZ.
 4. Tempe Police Department POPAT Course – 8201 S. Hardy Dr., Tempe, AZ.
 5. Goodyear Police Department Indoor Firearms Range – 11 N. 145th Avenue, Goodyear, AZ.
- E. Review, Discussion and Possible Action on a Petition from the Salt River Pima-Maricopa Indian Community Police Department pursuant to A.A.C. R13-4-103(G) for Applicant Kiara Liberio.

Assistant Attorney General Mark Brachtl addressed the Board regarding a Salt River Pima-Indian Community Police Department petition for Applicant Kiara Liberio. Applicant Liberio, during the hiring process, disclosed that her most recent consumption of non-prescribed Adderall was in 2021; per AZPOST rules, consumption of Adderall without a prescription is prohibited within three years before appointment as a peace officer. Commander Alejandro McDaniel, Salt River-Pima Maricopa Indian Community Police Department, addressed the Board to request that the petition be granted.

Detective Cook made a motion that based upon the petition submitted by the Salt River-Pima Maricopa Indian Community Police Department pursuant to A.A.C. R13-4-103(G), the Board grant the petition for waiver on Applicant Kiara Liberio. The motion was seconded by Ms. Weisz and passed unanimously.

F. Review, Discussion and Possible Action on a Petition from the Round Valley Police Department pursuant to A.A.C. R13-4-103(G) for Applicant Sidney Aragon.

Assistant Attorney General Mark Brachtl addressed the Board regarding a Round Valley Police Department petition for Applicant Sidney Aragon. Applicant Aragon, during the hiring process, disclosed that after the age of 21, he ingested cocaine twice, in 2002/2003; per AZPOST rules, consumption of dangerous drugs more than one time since turning 21 years of age, is prohibited. Chief Dayson Merrill, Round Valley Police Department, addressed the Board to request that the petition be granted.

Ms. Weisz made a motion that based upon the petition submitted by the Round Valley Police Department and pursuant to A.A.C. R13-4-103(G), the Board grant the petition for waiver on Applicant Sidney Aragon. The motion was seconded by Mr. Schoch and passed unanimously.

G. Review, Discussion and Possible Action on Approval of Basic Training Curriculum Revisions and Academy Module Schedules.

Basic Training Manager Lori Wait stated the Basic Training Unit began the process of revising basic training curriculum in February 2022. They have worked tirelessly on this project for the past 19 months. The unit met with academy staff, Recruit Training Officers, Field Training Officers and agency staff from across Arizona. The unit also conducted research at academies in Georgia, New York, Pennsylvania, and Kansas. They revised 136 lesson plans and developed ten additional lesson plans; nine for Active Assailant and one for Pre-Fight Indicators. These revisions are reflective of current local and nationwide conversations regarding police reform and the need for more training. With the Board's approval of the revised lesson plans, the unit will move forward with providing the revisions to academy commanders and hope to implement the new updated curriculum in January 2024.

Executive Director Giordano stated this was a huge undertaking and Lori and her team did a great job with this project. Some of our academies have been testing the updated curriculum and it has been very well received.

Colonel Glover made a motion to approve the 146 Lesson Plan Revisions to the Curriculum for Basic Training as submitted by AZPOST staff. The motion was seconded by Division Chief Klingerman and passed unanimously.

H. Final Action Cases:

1. 2023-156 – Richard M. Brewer – Snowflake-Taylor Police Department

The Board considered comments from Assistant Attorney General Joe Dylo, attorney for the Arizona Peace Officer Standards and Training Board, who provided a brief overview of the proposed consent agreement. AAG Dylo stated an error was made on the suspension dates and an amended consent agreement was sent to Mr. Brewer showing the correct suspension dates. Division Chief Klingerman made a motion to accept the proposed consent agreement for a 12-month retroactive suspension of Mr. Brewer's peace officer certification. The suspension shall be in effect beginning May 16, 2022, and ending May 16, 2023. The motion was seconded by Colonel Glover and passed unanimously.

2. 2022-188 – Jerrod M. Johnston – Pinal County Sheriff’s Office
Detective Cook recused himself from this case. 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. Chad Smith, attorney representing Mr. Johnston. Jerrod Johnston also addressed the Board. Colonel Glover made a motion to accept the proposed consent agreement for a 12-month suspension of Mr. Johnston’s peace officer certification. The suspension shall be in effect beginning September 21, 2022, and ending September 20, 2023. The motion was seconded by Ms. Weisz and passed unanimously.
3. 2023-106 – Agustin E. Jara-Rios – Phoenix 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. Detective Cook made a motion to accept the proposed consent agreement and deny peace officer certification to Mr. Jara-Rios for a period of 12 months, beginning May 31, 2023, and ending May 31, 2024; after which he may be eligible to reapply for certified status. The motion was seconded by Division Chief Klingerman and passed unanimously.
4. 2023-003 – Bradley M. Ostin – 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. Director Thornell made a motion to accept the proposed consent agreement for a 24-month suspension of Mr. Ostin’s peace officer certification. The suspension shall be in effect beginning December 30, 2022, and ending December 30, 2024. The motion was seconded by Division Chief Klingerman and passed unanimously.
5. 2022-163 – Charles A. Santini Jr. – Yuma 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, and from Mr. Chad Smith, attorney representing Mr. Santini. Charles Santini Jr. also addressed the Board. Ms. Weisz made a motion to accept the proposed consent agreement for a 24-month suspension of Mr. Santini’s peace officer certification. The suspension shall be in effect beginning September 2, 2022, and ending September 2, 2024. The motion was seconded by Colonel Glover and passed unanimously.
6. 2023-075 – Tyler J. Newsted – Phoenix Police Department
The Board considered comments from Compliance Specialist Mike Deltenre, who provided a brief overview of the case. Assistant Attorney General Diane DeDea provided legal advice to the Board. Colonel Glover made a motion to accept the Findings of Fact and Conclusions of Law and deny peace officer certification to Mr. Newsted for a period of 24 months, beginning April 19, 2023, and ending April 19, 2025; after which he may be eligible to reapply for certified status. The motion was seconded by Detective Cook and passed unanimously.

I. New Charging Cases:

1. 2023-115 – Clinton S. Bertola – Mesa Police Department

The Board considered comments from Compliance Specialist Alfred Grijalva, who provided a brief overview of the case. Director Thornell made a motion to Initiate Proceedings against Mr. Bertola’s peace officer certification. The motion was seconded by Colonel Glover and passed unanimously.

2. 2023-119 – Alec S. Boston – Avondale Police Department

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

3. 2023-117 – Pedro Pena III – AZ Department of Public Safety

Colonel Glover recused himself from this case. The Board considered comments from Compliance Specialist Arlene Heckel, who provided a brief overview of the case. Division Chief Klingerman made a motion to Initiate Proceedings against Mr. Pena’s peace officer certification. The motion was seconded by Mr. Schoch and passed unanimously.

4. 2023-102 – Marlyn J. Tinsley – Peoria Police Department

The Board considered comments from Compliance Specialist Mark Post, who provided a brief overview of the case; a short video was also presented. Director Thornell made a motion to Initiate Proceedings against Mr. Tinsley’s peace officer certification. The motion was seconded by Colonel Glover and passed unanimously.

J. Future Agenda Items

There are no items to add.

K. Adjournment

The meeting was adjourned at 11:09 a.m.