



Arizona Peace Officer Standards and Training Board

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

MINUTES OF THE AUGUST 17, 2022 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 17, 2022, 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
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
Rehabilitation & Reentry
Professor Kevin Robinson, Arizona State University
Colonel Heston Silbert, AZ Department of Public Safety
Chief Chris Vasquez, Eloy Police Department

Members Present (via online video/telephone conferencing):

Detective Joseph Krajcer, Tempe Police Department
Sheriff Doug Schuster, Mohave County Sheriff's Office
Ms. Leesa B. Weisz, Public Member
Chief Jeri Williams, Phoenix Police Department

Staff in Attendance (in person):

Matt Giordano, Executive Director
Michele Blanco, Compliance Specialist
Richard Bradshaw, Compliance Specialist
William Caldwell, Compliance Specialist
Sean Donegan, Compliance Program Administrator
Mike Giammarino, Compliance Program Administrator
Cathy Hawse, Compliance Specialist
Arlene Heckel, Compliance Specialist
Robin MacIntire, Compliance Specialist
Darren Martinez, Compliance Specialist
Darcy Nichols, Compliance Specialist
Mike Puente, Training Specialist
Greg Redmon, Training Specialist
Michael Rodriguez, Training Specialist
Rita Mae Schaefer, Administrative Assistant
Sandy Sierra, Executive Assistant

Aaron Thomas, Training Specialist
Dave Toporek, Compliance Specialist
Dale Wyman, Digital Media Specialist

Assistant Attorneys General (in person):

Mark Brachtl
Gino Duran
Monique Coady

A. Call to Order

Chairman Dannels called the meeting to order at 10:00 a.m. and asked Mr. Johnson (AAG) to lead everyone in reciting the Pledge of Allegiance.

B. Introductions, Presentations and Announcements

Matt Giordano, Executive Director

- Roll Call was taken. All thirteen Board members are present, nine are here in person and four are participating via telephone/video conferencing.
- Assistant Attorney General Monique Coady is the Independent Advisor for all the final action cases. This will be Ms. Coady's last meeting at AZPOST; she has accepted a position with the Coconino County Attorney's Office and will be moving to Flagstaff. A big thanks to Ms. Coady for her assistance the past year, she will be missed.
- Final action case #2 - Christopher Del Pozzo, will be moved and will be presented as the last case on today's agenda.
- Staff members from California POST are attending today's meeting. California passed legislation to allow their POST the authority to decertify peace officers. Their staff wanted to observe one of our board meetings and also discuss the different nuances of the decertification process.

C. Executive Director's Report

Matt Giordano, Executive Director

- On behalf of the Board, I like to meet with chiefs and sheriffs throughout the state to learn what is going on with their respective jurisdictions. Last month I was able to spend a day in Nogales meeting with Sheriff Hathaway and staff from the Santa Cruz County Sheriff's Office. It was great to have a good discussion with them, recognizing that issues that are important to agencies in Northern Arizona might be different from issues that are important to agencies in Southern Arizona.
- I also like to attend regional meetings that the sheriffs and chiefs hold in their counties. Last month I went to Payson and spent some time with the agencies from Gila County. It was a good opportunity for both sides to share information and let them know what is going on at AZPOST and getting their input on what they need from us.
- I attended the East Valley and West Valley Chief's meeting in Scottsdale last week. These meetings are a great way to discuss what is going on with all the different police chiefs in the valley.
- We are partnering with the Boulder Crest Foundation to provide training. Boulder Crest presented a Struggle Well Training Program at the Law Enforcement Summit in Flagstaff this past July. Struggle Well teaches participants the science of Posttraumatic Growth vs Posttraumatic Stress. The program was very well received. Tucson PD is pushing this training to all its officers. I discussed with Chief Kasmir the possibility of pushing this

training statewide to all law enforcement officers. Advanced Training Manager Chuck Miiller is in Tucson this week attending the training and getting ideas on how we can make this training available statewide.

- The Officer Safety and Wellness Training class was taught at PRPA this past June and in Denver in July. The two classes served as a pilot program and after some modifications, we will start to push the class out nationally in the very near future.
- The AACOP Annual Conference will be held in Laughlin starting September 13, 2022. AZPOST training will be offered to participants attending the conference.

Chief Williams commended Executive Director Giordano for traveling around the state to meet with different agencies to discuss what is happening in their jurisdictions and what, if anything, AZPOST can do. She stated while we may all be law enforcement agencies, we are all very different. She wanted to applaud Executive Director Giordano’s efforts and is very thankful that we are finally pushing employee and officer wellness.

D. Consent Agenda

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

Ms. Kelly made a motion to accept the Consent Agenda. The motion was seconded by Professor Robinson and passed unanimously.

The following items were approved:

1. Minutes of the Board meeting held on July 20, 2022.
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:

Harmony C. Hazelett	Phoenix Police Department
Bryan C. Watson	El Mirage Police Department
Steven D. Behie	Phoenix Police Department
Anthony P. French	Pima Community College DPS
Kelsey A. Morris	Avondale Police Department
Christopher J. Long	Bisbee Police Department
Charles B. Scott	Pinal County Sheriff’s Office
Brianna Fisher	Oro Valley Police Department
Peter J. Hernandez	AZ Department of Public Safety
Brandon C. Cosmann	Mesa Police Department
Humberto E. Lopez Torres	Salt River Police Department

E. Review, Discussion and Possible Action on Adopting a Substantive Policy Statement concerning the medical examination process enumerated in R13-4-107.

AZPOST Compliance Specialists frequently review medical records, call doctors to clarify medical information, and receive questions from law enforcement agencies asking for clarification about the medical examination process. AZPOST rules state there has to be a pre-

employment medical screening and that we have to train those Board approved doctors. What we have encountered in the last few years is that doctors do not agree with each other on the results. We receive calls from agencies stating their doctor states the person meets standards, but the AZPOST approved doctor states they do not. This has become very problematic. We are proposing a Substantive Policy Statement on the medical examination process. A Substantive Policy Statement does not change the rule, it only clarifies how we interpret the rules. With this policy statement, we interpret the rules to state that we will still continue to train the doctors, the doctors will work with the agencies and the applicant, and they will decide based on the job duties of a basic peace officer, if that person meets standards or does not meet standards. AZPOST will no longer review medical records to determine if the person meets standards, it is for the medical professional to determine this. The agency has the ability to hire any doctor that is AZPOST approved and if the doctor signs off that the individual meets standards, we are good with that. Agencies will still do a pre-employment medical screening, but AZPOST will not get the records anymore to review and determine if the individual meets standards. In the case of an applicant that a medical professional has determined does not meet standards, an agency will still have the option to petition the Board for a waiver.

Deputy Director Profiri made a motion that the Substantive Policy Statement concerning the medical examination process in Rule 13-4-107, as reflected in this discussion, be adopted and published in accordance with the Arizona Administrative Procedures Act. The motion was seconded by Colonel Silbert and passed unanimously.

F. Final Action Cases:

1. 2022-077 – Anthony L. Ammon – Tucson 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. Professor Robinson made a motion to accept the proposed consent agreement for an 18-month suspension of Mr. Ammon's peace officer certification. The suspension shall be in effect beginning April 3, 2022, and ending October 3, 2023. The motion was seconded by Chief Vasquez and passed unanimously.

2. 2020-193 – Christopher J. Del Pozzo – Phoenix Police Department

This case was taken out of order and presented as the last case of the day.

Chief Williams recused herself from this case. 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. The Board also considered comments from Mr. Del Pozzo. Colonel Silbert made a motion to reject the proposed consent agreement and remand this matter back to staff. The motion was seconded by Detective Cook and passed with one nay vote recorded for Commander Figueroa.

3. 2020-157 – William E. Gallego – Tucson Police Department

The Board considered comments from Assistant Attorney General Gino Duran, attorney for the Arizona Peace Officer Standards and Training Board, who provided a brief overview of the proposed consent agreement, and from Mr. Josh Hamilton, attorney representing Mr. Gallego. The Board also considered comments from Mr. Gallego. A

short video was also presented. Colonel Silbert made a motion to reject the proposed consent agreement and dismiss the complaint in this matter. The motion was seconded by Chief Vasquez and passed with one nay vote recorded for Mr. Johnson (AAG).

4. 2021-123 – Peter J. Guzman – Phoenix Police Department
Chief Williams recused herself from this case. The Board heard oral argument on the proposed consent agreement from Assistant Attorney General Gino Duran, attorney for the Arizona Peace Officer Standards and Training Board, and Ms. Cassidy Bacon, attorney representing Mr. Guzman. Chief Vasquez made a motion to accept the proposed consent agreement for an 18-month suspension of Mr. Guzman’s peace officer certification. The retroactive suspension dates will be for time already served and the prospective suspension dates shall be in effect beginning August 23, 2022, and ending December 2, 2023. The motion was seconded by Detective Cook and passed unanimously.
5. 2022-039 – Adrian M. Antone – Gila River Police Department
The Board considered comments from Compliance Specialist Michele Blanco, who provided a brief overview of the case. Professor Robinson made a motion to accept the Findings of Fact and Conclusions of Law and revoke Mr. Antone’s peace officer certification. The motion was seconded by Commander Figueroa and passed unanimously.
6. 2021-104 – Naritha M. Demps – Maricopa Police Department
The Board considered comments from Compliance Specialist Michele Blanco, who provided a brief overview of the case. Ms. Weisz made a motion to accept the Findings of Fact and Conclusions of Law and revoke Ms. Demps’ peace officer certification. The motion was seconded by Chief Vasquez and passed unanimously.
7. 2019-134 – Tremaine A. Jackson – AZ Department of Public Safety
Colonel Silbert and Mr. Johnson (AAG) recused themselves from this case. The Board considered comments from Compliance Specialist Richard Bradshaw, who provided a brief overview of the case. Ms. Kelly made a motion to accept the Findings of Fact and Conclusions of Law and revoke Mr. Jackson’s peace officer certification. The motion was seconded by Professor Robinson and passed unanimously.
8. 2022-013 – Leo Thompson Jr. – White Mountain Apache Police Department
The Board considered comments from Compliance Specialist Richard Bradshaw, who provided a brief overview of the case. Professor Robinson made a motion to accept the Findings of Fact and Conclusions of Law and revoke Mr. Thompson’s peace officer certification. The motion was seconded by Chief Vasquez and passed unanimously.
9. 2021-004 – Brian K. Ellsworth – Thatcher Police Department
The Board considered comments from Compliance Specialist William Caldwell, who provided a brief overview of the case. Colonel Silbert made a motion to accept the Findings of Fact and Conclusions of Law and revoke Mr. Ellsworth’s peace officer certification. The motion was seconded by Deputy Director Profiri and passed unanimously.
10. 2021-133 – Michael A. Phillips – Florence 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 accept the Findings

of Fact and Conclusions of Law and revoke Mr. Phillips' peace officer certification. The motion was seconded by Commander Figueroa and passed unanimously.

11. 2021-243 – Michael Carbajal – AZ Department of Public Safety

Colonel Silbert recused himself from this case. Chief Vasquez stepped away during this case. The Board considered comments from Compliance Specialist Arlene Heckel, who provided a brief overview of the case. Deputy Director Profiri made a motion to accept the Findings of Fact and Conclusions of Law and suspend Mr. Carbajal's peace officer certification for 12 months, beginning April 20, 2022, and ending April 21, 2023. The motion was seconded by Mr. Johnson (AAG) and passed unanimously.

12. 2020-191 – Abbas A. Hajaig – AZ Department of Public Safety

Colonel Silbert recused himself from this case. The Board considered comments from Compliance Specialist Arlene Heckel, who provided a brief overview of the case. Commander Figueroa made a motion to accept the Findings of Fact and Conclusions of Law and revoke Mr. Hajaig's peace officer certification. The motion was seconded by Ms. Kelly and passed unanimously.

G. New Charging Cases:

1. 2022-015 – Jose-Luis X. Duarte – Tohono O'odham Nation Police Department

The Board considered comments from Compliance Specialist Michele Blanco, who provided a brief overview of the case. Chief Vasquez made a motion to Initiate Proceedings against Mr. Duarte's peace officer certification. The motion was seconded by Mr. Johnson (AAG) and passed unanimously.

2. 2021-154 – Christopher M. Pantin – Central AZ College Police Department

Mr. Johnson (AAG) recused himself from this case. The Board considered comments from Compliance Specialist William Caldwell, who provided a brief overview of the case. Detective Cook made a motion to Initiate Proceedings against Mr. Pantin's peace officer certification. The motion was seconded by Ms. Kelly and passed unanimously.

3. 2021-198 – Spencer-Kalani P. Stant – Salt River Police Department

The Board considered comments from Compliance Specialist William Caldwell, who provided a brief overview of the case. Professor Robinson made a motion to Initiate Proceedings against Mr. Stant's peace officer certification. The motion was seconded by Ms. Weisz and passed unanimously.

4. 2021-089 – Manuel D. Castro – Nogales Police Department

Mr. Johnson (AAG) recused himself from this case. The Board considered comments from Compliance Specialist Cathy Hawse, who provided a brief overview of the case. Detective Cook made a motion to Initiate Proceedings against Mr. Castro's peace officer certification. The motion was seconded by Ms. Weisz and passed unanimously.

5. 2022-106 – Raymond C. Pyle – Sierra Vista Police Department

Sheriff Dannels recused himself from this case. Colonel Silbert was acting Chair. The Board considered comments from Compliance Specialist Cathy Hawse, who provided a brief overview of the case. Sheriff Schuster made a motion to Initiate Proceedings against

Mr. Pyle's peace officer certification. The motion was seconded by Commander Figueroa and passed unanimously.

6. 2022-102 – Eric J. Burke – Phoenix Police Department

Chief Williams recused herself from this case. The Board considered comments from Compliance Specialist Darren Martinez, who provided a brief overview of the case. Commander Figueroa made a motion to Initiate Proceedings against Mr. Burke's peace officer certification. The motion was seconded by Ms. Kelly and passed unanimously.

7. 2022-115 – Jonathan L. Calderon – Buckeye Police Department

The Board considered comments from Compliance Specialist Darcy Nichols, who provided a brief overview of the case. Colonel Silbert made a motion to Initiate Proceedings against Mr. Calderon's peace officer certification. The motion was seconded by Sheriff Schuster and passed unanimously.

8. 2022-100 – Anthony R. Alvarez – Yuma Police Department

The Board considered comments from Compliance Specialist David Toporek, who provided a brief overview of the case. Professor Robinson made a motion to Initiate Proceedings to deny peace officer certification to Mr. Alvarez. The motion was seconded by Ms. Kelly and passed unanimously.

H. Future Agenda Items

Nothing new to add.

Sheriff Dannels expressed his appreciation to Chief Williams for her service. Chief Williams thanked the Board and stated it was a true honor to have served on the AZPOST Board.

I. Adjournment

The meeting was adjourned at 11:52 a.m.