



# *Arizona Peace Officer Standards and Training Board*

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

**Amended**  
**MINUTES OF THE JUNE 21, 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 June 21, 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  
Commander Matthew Figueroa, Jail Commander, Coconino County Sheriff's Office  
Lt. Colonel Ken Hunter, representing Colonel Jeff Glover, Arizona Department of Public Safety  
Detective Joseph Krajcer, Tempe Police Department  
Assistant Chief Deputy Bill Mundell, representing Attorney General Kris Mayes, AZ Attorney General's Office  
Professor Kevin Robinson, Arizona State University  
Chief Chris Vasquez, Eloy Police Department

Members Present (via online video/telephone conferencing):

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

Members Absent:

Director Ryan Thornell, AZ Department of Corrections Rehabilitation & Reentry

Staff in Attendance (in person):

Matt Giordano, Executive Director  
Sean Donegan, Deputy Director  
Michele Blanco, Compliance Specialist  
Richard Bradshaw, Compliance Specialist  
Mike Deltenre, Compliance Specialist  
Danielle Deneault, ADCRR Compliance Specialist  
Mike Giammarino, Compliance Manager  
Al Grijalva, Compliance Specialist  
Arlene Heckel, Compliance Specialist  
Darcy Nichols, Compliance Manager  
Mark Post, Compliance Specialist  
Mike Puente, Training Specialist  
Michael Rodriguez, Training Specialist  
Rita Mae Schaefer, Administrative Assistant

Tim Shay, Compliance Specialist  
Sandy Sierra, Executive Assistant  
Dave Toporek, Compliance Specialist  
Rick VanKeuren, Training Specialist  
Dale Wyman, Digital Media Specialist

Assistant Attorneys General:

Mark Brachtl  
Diane DeDea

A. Call to Order

Chairman Dannels called the meeting to order at 10:00 a.m. and asked Commander Figueroa 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, eight are here in person and three are participating via telephone/video conferencing. Director Ryan Thornell is absent. The position of large city Chief of Police remains vacant. The office of Boards and Commissions is aware of this vacancy and are working to fill this position.
- The classrooms and student breakroom area have been painted. A big thank you to Dale Wyman for his assistance and organization of this project.
- We are changing the due date for agenda items for Board meetings. The Board will now receive the meeting material one week prior the Board meeting. This will allow staff more time to collect and review items that will be included in the agenda.

C. Executive Director's Report

*Matt Giordano, Executive Director*

- The Department of Public Safety will no longer be sending recruits to PRPA. DPS will start their own academy and will host their first class this fall.
- The overhaul of the basic academy curriculum project is in the final stages. We are hoping to bring the final project to the Board sometime this fall.
- We previously discussed pre-academy physical fitness standards for new hires that enter an academy. Cadets are failing due to being unfit for the physical requirements of an academy. There is a lot of time and money expended into vetting someone to start an academy and we do not want to lose them due to their inability to pass the physical fitness requirements. Academy staff have also expressed concerns that individuals are being approved by a physician, yet they cannot perform the physical fitness requirements at the academy. We are in the process of surveying all agency heads to solicit feedback on whether or not we should have minimum physical standards for someone to enter an academy.
- The Basic Leadership Academy is going strong. Reviews for this class are outstanding. We are starting to book classes into 2025.
- Attended the following meetings the past month: NAFTA Conference in Phoenix, PCLEA Meeting in Florence, WALETA meeting in Lake Havasu, West Valley Chiefs Meeting in Buckeye and the Constable Board Meeting. Also, sat on interview panels for the Apache Junction Police Department Assistant Chief position and the Miami Police Department Chief position.

D. Consent Agenda

Detective Cook 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 May 17, 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:

2022-155	Oscar Ramirez-Guevara	Phoenix Police Department
2022-160	Casey J. Baker	Tucson Police Department
2022-222	Kaneesha M. Willer	El Mirage Police Department
2023-083	Scotty J. Caley	Bullhead City Police Department
2023-091	Christopher C. Jenkins	Mesa Police Department

3. POPAT Course Certification and Firearms Range Certification. The following facilities were inspected by AZPOST staff and were determined to meet AZPOST standards for physical fitness testing for the POPAT Course and the firearms ranges all meet or exceed the current minimum recommendation for an AZPOST approved shooting facility:

1. Central Arizona College Police Department POPAT Course - 8470 North Overfield Road, Coolidge, AZ.
2. Marana Police Department Firearms Range - 11555 W. Civic Center Drive Suite D, Marana, AZ.
3. Pinal County Sheriff's Office Firearms Range - 26409 East Arizona Farms Road, outside of Florence, AZ.
4. Sedona Police Department Firearms Range - 7700 West State Route 89A, Sedona, AZ.

4. Training Audit Deficiencies. The following individual from the San Carlos Recreation and Wildlife Department is deficient in his required annual training for 2022. The Board shall restrict his certified status until the deficiency is corrected:

Jerrell Wilson

*Agenda item H was taken out of order and presented before agenda item E.*

- E. Review, Discussion and Possible Action on a Petition from the Flagstaff Police Department pursuant to A.A.C. R13-4-103(G) for Applicant Patrick Willaert.

Assistant Attorney General Mark Brachtl addressed the Board regarding a Flagstaff Police Department petition for Applicant Patrick Willaert. Applicant Willaert consumed marijuana

in October 2021, per AZPOST rules, consumption of marijuana is prohibited within two years of appointment as an officer. Deputy Chief Scott Mansfield, Flagstaff Police Department, addressed the Board to request that the petition be granted. Patrick Willaert also addressed the Board.

Commander Figueroa made a motion that based upon the petition submitted by the Flagstaff Police Department and pursuant to A.A.C. R13-4-103(G), the Board grant the petition for waiver on Applicant Patrick Willaert. The motion was seconded by Mr. Schoch and failed by a vote of 4-7. Nay votes were recorded for Sheriff Dannels, Lt. Colonel Hunter, Detective Krajcer, Assistant Chief Deputy Bill Mundell, Professor Robinson, Sheriff Schuster and Chief Vasquez. The petition was denied.

- F. Review, Discussion and Possible Action on a Petition from the Camp Verde Marshal's Office pursuant to A.A.C. R13-4-103(G) for Applicant Casey Dragos.

Assistant Attorney General Mark Brachtl addressed the Board regarding a Camp Verde Marshal's Office petition for Applicant Casey Dragos. Applicant Dragos has been arrested numerous times for criminal conduct. Commander Daniel Jacobs, Camp Verde Marshal's Office, addressed the Board to request that the petition be granted. Casey Dragos also addressed the Board.

Detective Cook made a motion that based upon the petition submitted by the Camp Verde Marshal's Office and pursuant to A.A.C. R13-4-103(G), the Board grant the petition for waiver on Applicant Casey Dragos. The motion was seconded by Commander Figueroa and passed by a vote of 8-3. Nay votes were recorded for Sheriff Dannels, Chief Vasquez and Lt. Colonel Hunter.

- G. Review, Discussion and Possible Action on a Petition from the Payson Police Department pursuant to A.A.C. R13-4-103(G) for Applicant Oscar Molina Teran Jr.

Assistant Attorney General Mark Brachtl addressed the Board regarding a Payson Police Department petition for Applicant Oscar Molina Teran Jr. Applicant Teran, during the hiring process, disclosed that he was arrested in 2009 for committing burglary. Chief Ronald Tischer, Payson Police Department, addressed the Board to request that the petition be granted. Oscar Molina Teran Jr. also addressed the Board.

Professor Robinson made a motion that based upon the petition submitted by the Payson Police Department and pursuant to A.A.C. R13-4-103(G), the Board grant the petition for waiver on Applicant Oscar Molina Teran Jr. The motion was seconded by Ms. Weisz and passed unanimously.

- H. Review, Discussion and Possible Action on providing AZPOST Staff direction on drafting possible changes to AZPOST Administrative Rules in Title 13 Public Safety Chapter 4, including A.C.C. R13-4-105 Minimum Qualifications regarding marijuana and the other drug standards in Rule 105.

Executive Director Giordano stated that due to recent petitions for waiver, the change in the state law regarding the legalization of recreational marijuana and societal views on marijuana,

it was determined that it was time for a discussion on this matter. We have composed a rough draft of a survey we will be sending to all agency heads to get their opinion on what, if any, changes the Board should consider relating to pre-employment marijuana usage. Some things the Board should consider when discussing this matter today are:

- The Board has previously approved petitions for length of time. We had an applicant who used marijuana approximately 18 months before appointment and the Board approved this petition. The following month we had an applicant who used marijuana six months before appointment and the Board approved that petition too. We are trying to get an idea if time is an indication for the Board to approve. If one time use six months ago is okay, what about someone that used 20 times six months ago? Would like feedback from the Board on this.
- If an applicant used marijuana in another state where it is not recreationally or medically legal, is that going to be an issue? We envision seeing this issue occurring as petitions become more common.
- A few months ago, the Board adopted a Substantive Policy Statement on inactive officers. When an officer separates from an agency, their certification becomes inactive for three years, after three years the certification becomes lapsed. During the three years the certification is inactive, the Board still has jurisdiction over that individual's certification. When the Board issued the Substantive Policy Statement, they stated they want to consider the individual's behavior while they are in inactive status. Would marijuana usage during that inactive status be a disqualifier? Or do we hold inactive officers to the same standards as a new hire?

These are just a few things to consider as this matter is discussed further. By no means are we expecting a decision today, we would just like to get feedback on what the Board's thoughts are. We will survey the agency heads and come back at a future meeting with reasonable recommendations for the Board's consideration.

Ms. Weisz stated the Supreme Court ordered that convictions for marijuana use be expunged. This is something that affects what we do moving forward. Expunging someone's conviction means that the conviction goes away. We have a two year requirement in our rules that states an individual has not used marijuana within two years before appointment. That seems like a direct opposition to what the Supreme Court has ruled. What about usage in a state where marijuana use is still illegal? In this situation, do we follow Arizona law or do we follow the law of the state where it is illegal? It would be good to know what other boards and commissions do regarding marijuana use and what other states do.

Sheriff Schuster stated he feels we are in a conundrum. We want to ensure we have good candidates. We are looking at some situations where an individual does not think they are doing anything wrong because it is not illegal in this state. In states where it is illegal and you are knowingly breaking the law, that is a different issue. The key word is knowingly. He stated he is looking forward to hearing from the chiefs and sheriffs on what they think, also looking forward to the discussion. In reality, these young individuals applying for a job do not think they are doing anything wrong.

Lt. Colonel Hunter stated we are considering changing our rules because the state changed the law. We follow Arizona state laws, not the laws of other states.

Executive Director Giordano inquired about inactive officers. What does the Board want to do with inactive officers who use marijuana while they are in inactive status? We have some cases pending where an inactive officer used marijuana once or twice and now wants to come back to law enforcement.

Sheriff Dannels stated there needs to be clarification that when an officer separates from an agency for any reason, that even though they are inactive, they are still under the Board's jurisdiction. Once they are made aware of this but still decide to use marijuana, they should be held to a higher standard.

Detective Krajcer stated if our profession is seeking to get the best possible candidates, the first thing a candidate can do is look at an agency's website and every agency shows what an automatic disqualifier is for that agency. If agencies are looking for responsible individuals to join the profession, using the resources available to them is showing that they are responsible. He believes whatever direction the Board wishes to go, the standard should be the same and across the board for everyone.

Sheriff Dannels stated he believes we have to have standards that meet social and legal expectations. Whatever recommendations we receive from the chiefs, sheriffs and agency heads throughout the state will be very beneficial, he is looking forward to hearing from them. The Board will wait for staff to conduct the survey and looks forward to hearing from everyone at the Law Enforcement Summit next month on this matter.

#### I. Final Action Cases:

##### 1. 2021-131 – Andrew B. Lowery – AZ Department of Public Safety

*Lt. Colonel Hunter recused himself from this case.* The Board heard oral argument on the Administrative Law Judge's Decision from Assistant Attorney General Mark Brachtl, attorney for the Arizona Peace Officer Standards and Training Board and from Mr. Dale Norris, attorney for Mr. Lowery.

After review of the Administrative Law Judge's Decision, consideration of arguments made by the parties, including follow-up questions, legal advice provided by Assistant Attorney General Diane DeDea, and deliberation by the Board, Chief Vasquez made a motion to accept the Administrative Law Judge's Findings of Fact and Conclusions of Law. The motion was seconded by Detective Cook and passed unanimously. Chief Vasquez then made a motion to revoke Mr. Lowery's peace officer certification. The motion was seconded by Detective Cook and passed unanimously.

##### 2. 2021-238 – Malcolm S. Buckner – Phoenix Police Department

*Professor Robinson recused himself 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 Ms. Cassidy Bacon, attorney for Mr. Buckner. Chief Vasquez made a motion to accept the proposed consent agreement for an 18-month suspension of Mr. Buckner's peace officer certification. The suspension shall be in effect beginning October 21, 2021, and ending April 6, 2023. The 18-month suspension will

include credit for 120-hours of suspension time already served. The motion was seconded by Lt. Colonel Hunter and passed unanimously.

3. 2023-016 – Samuel Rodriguez Jr. – 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. Samuel Rodriguez Jr. also addressed the Board. Commander Figueroa made a motion to accept the proposed consent agreement and deny peace officer certification to Mr. Rodriguez for a period of 18 months, beginning December 21, 2022, and ending June 21, 2024; after which he may be eligible to reapply for certified status. The motion was seconded by Chief Vasquez and passed with one nay vote recorded for Lt. Colonel Hunter.

4. 2022-066 – Adam W. Sedlmeier – Tucson 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. The Board also considered comments from Compliance Manager Darcy Nichols, who provided a brief overview of the case. Assistant Attorney General Diane DeDea provided legal advice to the Board. Sheriff Schuster made a motion to accept the proposed consent agreement for a 6-month suspension of Mr. Sedlmeier's peace officer certification. The suspension shall be in effect beginning March 30, 2022, and ending September 30, 2022. The motion failed due to lack of a second. Colonel Hunter made a motion to reject the proposed consent agreement and remand the matter back to staff. The motion was seconded by Sheriff Schuster and passed unanimously.

J. New Charging Cases:

1. 2023-060 – Braylan Barba-Gutierrez – Chandler Police Department

Chairman Dannels stepped away for a moment, Lt. Colonel Hunter was acting chair. The Board considered comments from Compliance Specialist Michele Blanco, who provided a brief overview of the case. Professor Robinson made a motion to Initiate Proceedings against Mr. Barba-Gutierrez's peace officer certification. The motion was seconded by Detective Krajcer and passed unanimously.

2. 2022-196 – Jose G. Sanchez – Oro Valley 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. Sanchez's peace officer certification. The motion was seconded by Detective Cook and passed unanimously.

3. 2022-203 – Sonja B. Hudson – Oro Valley Police Department

The Board considered comments from Compliance Specialist Michele Blanco, who provided a brief overview of the case. Detective Cook made a motion to Initiate Proceedings against Ms. Hudson's peace officer certification. The motion was seconded by Professor Robinson and passed unanimously.

4. 2023-006 – Michael D. Morris – Prescott Valley Police Department  
The Board considered comments from Compliance Specialist Michele Blanco, who provided a brief overview of the case. Lt. Colonel Hunter made a motion to Initiate Proceedings against Mr. Morris' peace officer certification. The motion was seconded by Detective Krajcer and passed unanimously.
5. 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. Chief Vasquez made a motion to Initiate Proceedings to deny peace officer certification to Mr. Newsted. The motion was seconded by Detective Cook and passed unanimously.
6. 2023-078 – Jonathan Portillo-Chavez – Phoenix Police Department  
The Board considered comments from Compliance Specialist Mike Deltenre, who provided a brief overview of the case. Detective Cook made a motion to Initiate Proceedings against Mr. Portillo-Chavez's peace officer certification. The motion was seconded by Sheriff Schuster and passed unanimously.
7. 2022-148 – Kaylon C. Hall – Mesa Police Department  
The Board considered comments from Compliance Specialist Alfred Grijalva, who provided a brief overview of the case; a short video was also presented. Detective Krajcer made a motion to Initiate Proceedings against Mr. Hall's peace officer certification. The motion was seconded by Professor Robinson and passed unanimously.
8. 2022-194 – Derek D. Fraser – AZ Department of Public Safety  
*Lt. Colonel Hunter recused himself from this case.* The Board considered comments from Compliance Specialist Arlene Heckel, who provided a brief overview of the case; two short videos were also presented. Professor Robinson made a motion to Initiate Proceedings against Mr. Fraser's peace officer certification. The motion was seconded by Chief Vasquez and passed unanimously.

K. Future Agenda Items

The Board determined we will not hold a meeting in July; the next meeting will be August 16. Staff will survey all agency heads, chiefs and sheriffs to get their input on a proposed rule change regarding drug standards. Also, staff will provide further information to the Board regarding case 2022-066.

L. Adjournment

The meeting was adjourned at 12:31 p.m.



Dated: June 27, 2023

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Sandra L. Sierra, Recording Secretary

Minutes approved as written.

Dated: August 16, 2023

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Sheriff Mark Dannels, Chairman