



Arizona Peace Officer Standards and Training Board

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

MINUTES OF THE MARCH 20, 2024, 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 March 20, 2024, 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
Commander Matthew Figueroa, Jail Commander, Coconino County Sheriff's Office
Colonel Jeff Glover, Arizona Department of Public Safety
Detective Joseph Krajcer, Tempe Police Department
Division Chief Bill Mundell, representing Attorney General Kris Mayes, Arizona Attorney General's Office
Inspector General John Barcello, representing Director Ryan Thornell, Arizona Department of Corrections Rehabilitation & Reentry
Ms. Leesa B. Weisz, Public Member

Members Present (via online video/telephone conferencing):

Mr. Randy Schoch, Public Member
Sheriff Doug Schuster, Mohave County Sheriff's Office

Members Absent:

Detective Benjamin Cook, Pinal County Sheriff's Office
Professor Kevin Robinson, Arizona State University

Staff in Attendance:

Matt Giordano, Executive Director
Sean Donegan, Deputy Director
Michele Blanco, Compliance Specialist
Ryan Clark, Training Specialist
Mike Deltenre, Compliance Specialist
Marissa Escandon, Administrative Assistant
Mike Giammarino, Compliance Manager
Alfred Grijalva, Compliance Specialist
Arlene Heckel, Compliance Specialist
Darcy Nichols, Compliance Manager
Mark Post, Compliance Specialist
Tim Shay, Compliance Specialist
Sandy Sierra, Executive Assistant
Aaron Thomas, Training Specialist

Dave Toporek, Compliance Specialist
Rick VanKeuren, Training Specialist
Lori Wait, Basic Training Manager

Legal Counsel:

Mark Brachtl, Assistant Attorney General
Joe Dylo, Assistant Attorney General
Diane DeDea, Independent Legal Advisor

A. Call to Order

Chairman Dannels called the meeting to order at 10:01 a.m. and asked Ms. Weisz to lead everyone in reciting the Pledge of Allegiance.

B. Introductions, Presentations and Announcements

Matt Giordano, Executive Director

- Roll-call was taken. Nine Board members are present; seven are here in person and two are participating via telephone/video conferencing. Detective Cook and Professor Robinson are absent.
- The positions of large city and small city Chiefs of Police remain vacant on the Board. The office of Boards and Commissions is aware of these vacancies and we will continue to push for these positions to be filled.

C. Executive Director's Report

Matt Giordano, Executive Director

- We are hosting two training classes this week at AZPOST. The Executive Leadership Program is holding week two of its seventh session this week. We also have the REID Interview and Interrogation training in one of our classrooms.
- The Navajo Department of Public Safety has their own basic training academy that has not been certified by AZPOST in years. We met with them almost two years ago to discuss the AZPOST academy certification process. They now have a new academy commander and she recently met with AZPOST staff to discuss recertifying their academy. Most of their officers are not AZPOST certified, so we are more than happy to assist them in any way to get them certified and to recertify their basic training academy.
- The Basic Training Unit conducted Active Assailant Instructor Training in Tucson this month. This is the third training class they have conducted this year. We now have an Active Assailant module in the academy, we have also pushed out curriculum for Active Assailant.
- Attended the following meetings the past month: AACOP Training Committee Meeting to discuss the two conferences AACOP hosts each year. The AACOP Fall Conference will be held this year in Maricopa, instead of Laughlin; Copper Rim Chief's Meeting in Miami, SALEM Meeting in Tucson, and the monthly Constable Board Meeting.

D. Consent Agenda

Sheriff Dannels recused himself from agenda item D.3. – Petition for Applicant Cody Mitchell.

Ms. Weisz made a motion to accept the Consent Agenda. The motion was seconded by Division Chief Mundell and passed unanimously. Ms. Weisz thanked Executive Director

Giordano and staff for placing the marijuana petitions on the consent agenda. These petitions are for applicants whose only disqualifying conduct is legally consuming marijuana more than six months, but within two years of appointment. She stated that placing these petitions on the consent agenda is more efficient and the right thing to do.

The following items were approved:

1. Minutes of the Board meeting held on February 21, 2024.
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. 2022-132	Robert D. Smith	Coconino County Sheriff’s Office
2. 2023-036	William C. Willis	AZ Department of Public Safety
3. 2023-151	Nicholas Z. Nunes	AZ Department of Public Safety
4. 2023-229	Holly M. Rosson	Sahuarita Police Department
5. 2023-245	Michael A. Hammond	Buckeye Police Department
6. 2024-016	Alexander B. Puckett	Maricopa County Sheriff’s Office
7. 2024-026	Robert Pedroza	Avondale Police Department
8. 2024-027	Scott D. Glenn	Mesa Police Department
9. 2024-047	Damien A. Sanchez	Maricopa County Sheriff’s Office
10. 2024-048	Angel M. Vazquez	Maricopa County Sheriff’s Office
11. 2024-049	Corlousky Juarez	Maricopa County Sheriff’s Office

3. Petitions for Waiver pursuant to R13-4-105(C). The Applicant’s only disqualifying conduct is legally consuming marijuana more than six months, but within two years of appointment, in violation of R13-4-105(A)(10):

Applicant Cody Mitchell	Cochise County Sheriff’s Office
Applicant Brandon Ontell	Tohono O’odham Nation Police Department
Applicant Ian Snelson	Pima County Sheriff’s Department
Applicant Jeorge Hershkowitz	Pima County Sheriff’s Department
Applicant Andrew Falenski	Pima County Sheriff’s Department
Applicant Octavio Audry-Cobos	Pima County Sheriff’s Department

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

Assistant Attorney General Mark Brachtl addressed the Board regarding a Mesa Police Department petition for Applicant Daniel Prestage. Applicant Prestage, during the hiring process, disclosed he sold a small amount of marijuana one time, when he was a teenager. Per AZPOST rules, this is a disqualifying conduct. Commander Diana Williams, Mesa 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 Mesa Police Department and pursuant to A.A.C. R13-4-103(G), the Board grant the petition for waiver on

Applicant Daniel Prestage. The motion was seconded by Detective Krajcer and passed unanimously.

- F. Review, Discussion and Possible Action regarding the annual 40 shot (day and nighttime) firearms qualification, which was approved by the Board on May 17, 2023.

Commander Figueroa stated he requested this item be placed on the agenda to allow for discussion. When the proposed new firearms qualification course was presented to the Board for approval last year, he admits he did not look over the proposed changes as carefully as he should have. He instead provided the proposed revisions, which included a video, to his agency's firearms staff for their review and consideration. They in turn presented to him what some of the changes were. His agency began to implement the new qualification prior to it going into effect. They realized that the headshots at the 15 yard line were problematic. He does not fully understand the rationale behind the manipulation that has to be done in regards to a speed reload, then a reload due to an empty magazine exchange, and then having to do another headshot. What they saw during the qualification was that the majority of the shooters were dropping the headshots. The shooters were also starting to stress knowing that by the time they got to the 15 yard line, they were going to drop those headshots. Whether they were experienced shooters or not, many of the missed shots were at the 15 yard line. Some of their most experienced shooters dropped zero shots during the qualification string of fire at the 5 and 7 yard lines, but once they got to the 15 yard line, they dropped the headshots. In talking to those officers, it was determined that stress, and thinking about the headshot and manipulation, that caused them to drop those shots. They had discussions to try and understand the rationale of trying to do a string of fire at the 15 yard line; and trying to understand why this is necessary for a minimum qualification each year. He discussed this with other jail commanders and they seem to be experiencing the same issues. He wanted to bring this up for discussion because he does not want firearms instructors having to deal with remedial training all year round strictly due to firing of headshots at the 15 yard line.

Colonel Glover stated his department's firearms instructors are taking a look at the new qualification course and will be implementing it this spring. The one concern they expressed is the removal of the 25 yard line string of fire. For the Department of Public Safety, because of the large volume of vehicles that troopers pull over, it is the distance that was concerning. He understands that the majority of agencies are probably involved in close range gun battles due to most being in urban settings, but for others, whether it is a county agency or DPS, you may end up having a gunfight that is going to be at a further distance. The headshots were a concern, but for a different reason. From a 15 yard line standpoint, this is more of a precision shot, is this the practice that we want to get into? We really want to focus on the actual center mass, as opposed to trying to do a headshot at that distance. Perhaps an option would be to keep both qualification courses, the original and the new one, and have an agency determine which one to use.

Detective Krajcer stated he spoke with his agency's firearms sergeant, who has been offering the classes in preparation for their duty qualifications. He reported they are basically seeing the same number of officers pass the new qualification as they have in the previous years. The only issue is the version of the nighttime qualification where there are three shots in three seconds. Right now, the officers that are losing points are losing them during the three shots in three seconds. He thinks that now having to manipulate a weight of some type, whether it

be a flashlight or a gun in three seconds, is also causing issues with the qualification. Beyond that, the numbers are pretty much the exact same as in previous years with the old qualification.

Sheriff Schuster stated his department has implemented the new qualification course. When this was proposed last year, he was pretty much against the 15 yard headshot. He recognizes the need for failure drills. People wear body armor at times, so you have to be able to identify that if you are shooting center mass, and that is not effective, you have to possibly take a headshot. The concern is we train center mass, we want to take advantage of the biggest area we can so that we can be accurate in our shooting. One of the major rules of firearms safety is not only knowing your target, but also knowing what is beyond the target. He went through the course with his staff and many individuals were throwing rounds at the headshots. Even though they are in a controlled environment, where is that round going? Is it necessary to do failure drills at the 15 yard line, he does not believe it is, but does believe it is something officers should be aware of. He believes we should take a look at the 15 yard line shoot, because they had many shooters that qualified by missing those headshots.

Inspector General Barcello stated their agency has approximately 80 sworn personnel. He went through the new qualification and liked it, had no issues with it. The feedback from their sworn ranks has been pretty positive. The agency has placed a huge emphasis on training more often and working more with the problem shooters. He has not heard anything negative about this new course, everyone has embraced it and liked it.

Executive Director Giordano stated the modification to the qualification course was done in consultation with firearms master instructors from around the state, and with input from AZPOST staff who are firearms master instructors. The real driving force behind this change was Sgt. Mike Penn from the Phoenix Police Department. Sgt. Penn presented the proposed course when the Board adopted the new qualification last year. Sgt. Penn also compiled all the statistical data analysis on shootings, not only in the Phoenix area or Arizona, but all around the country. What we need to understand is that the annual qualification is a demonstration of proficiency. For any agency who is using this as their annual training in firearms, I believe they are missing the boat. When we started talking about getting rid of the 25 yard line, many of the master instructors felt people still need to have marksmanship. That was the rationale behind the headshots at the 15 yard line. They still need to use marksmanship to hit those shots. The argument from the 15 yard headshot is very similar to the 25 yard line body shot. You still have to put a front site on that target to make sure the rounds are hitting where you are aiming. This is just a one-time a year demonstration of proficiency. We encourage everyone to go out and shoot. DPS troopers should be shooting from a longer distance, because that is what they may encounter, but this can be done through training. Their annual qualification should just be demonstrating proficiency. We did toy with the idea of having two different courses, but we are a state agency and we believe in minimum standard qualifications, so it is best to have just one qualification course. We are not seeing an overwhelming difference with the new qualification. Your good shooters are still shooting well and your bad shooters are still struggling. As stated earlier, I travel around the state and talk to sheriffs and chiefs at the regional meetings and I have specifically brought this issue up at the last five last meetings I have attended. Overwhelmingly, we are getting incredible support. Again, we are not teaching officers to shoot at the head at 15 yards, what we are doing is we are making sure they can practice and demonstrate proficiency with hitting the target where they need to. It is just demonstrating their marksmanship. By no means are we teaching

that that is the first place they should shoot. It is hard enough to hit in a critical incident, but trying to hit the head is going to be much more difficult. That is not what we are teaching, it is just a demonstration of proficiency.

Commander Figueroa stated as an administrator for his organization, he meets with insurance carriers and attorneys and they have these discussions. He also meets with firearms instructors who go to trainings and are talking to other agencies in the East Valley and those agencies are saying the same thing. The larger agencies have no problems providing training to their officers, but sheriff's offices do. They don't have the manpower or the training facilities that are needed. What we are also hearing is people dropping the headshot because they know they will still pass the qualification. Again, why build that into the minimum qualification if we know officers are not even going to try to train for that. They are just going to train to hit the body, because in a real firefight, the mindset is to shoot at the person, not try and see if you can hit them in the head.

Sgt. Mike Penn from the Phoenix Police Department stated that an individual shooter, making a conscious decision to game a test for the sake of convenience, is wrong. We cannot make a plan to address those that will try to take shortcuts. The headshots are only headshots because in taking into consideration those smaller agencies, or those agencies that do not have the funds, we did not want to redesign an entirely new target system. These are transition drills. There may be several reasons that you transition. Your transitions may not necessarily be from the body to the head, they may be from one part of the body to another part of body; which is the point. You aim for the center mass of what is available. What is available may change based upon the suspect's behavior during the gunfight. So you need to be able to transition under stress from one point of aim to another point of aim. With our existing target, it is one shape, of the shape there are two distinguishable parts, the body and the head. That is what lead to the transition between the two. This is not a tactics drill in any way. What it essentially is, is a group of drills based on the curriculum that we teach to all our recruits in the academy. You have to show that you can perform. With the nighttime shooting, the drawing and firing three rounds in three seconds, will be more difficult. The first time somebody goes through this shoot, almost across the board, all three of the headshots are missed and they are late on drawing fire three rounds in three. What we have seen for those who are doing it for the first time, if they do not take a class to prepare for what is going to be different, they will have problems. Going back to the liability issue, I do not think there is any shooting, under any circumstances, where we throw rounds and miss and we are going to be comfortable with the results. That adds more credibility to the necessity to have accuracy across the board statewide, so that we have less of a possibility for that happening. As far as anxiety, I have been trying to figure out how to eliminate shooting anxiety for some time. I do not know that there is a way that we can completely eliminate test anxiety from any test, let alone a shooting test. For detention officers, even in our own agency, we are going through the same problem. I have not had a single detention officer make it through the qualification course, and we have been running it for a long time, where they were successful the first time. Almost all of them have had to go to remedial training. Phoenix has twelve detention officers from among the 2500 people that have to go through the range. There is something about this particular group of shooters that has trouble, period. They also had trouble when we were doing the old qualification course. Whether it is the relationship to the firearm or because they do not go on call-to-call, I do not know what it is, but we are seeing the exact same thing when it comes to detention officers.

Division Chief Mundell inquired if smaller agencies have the funding for additional firearms training so that it is not just an annual event. If not, is AZPOST able to provide funding?

Executive Director Giordano stated as far as AZPOST being able to help financially, that would be problematic based on our current budget structure. There are so many hindrances based on size and staffing levels of each department, that it would be hard for AZPOST, from a state perspective, to provide much assistance. Several years ago, John Stevens from the AG's Office, would teach tactical handgun training to agencies around the state that did not have the manpower or the funds for training. The AG's office would cover all costs; this could be an option.

Chairman Dannels stated this matter is going to be an ongoing discussion. He understands the issue and the reality is, you shoot to survive. He prefers to shoot for center mass, and has done so for over 40 years, throughout his career. He would like to table this matter until after the summer. He asked Sgt. Penn to follow-up with firearms instructors and master instructors from around the state, see what the feedback is, and return and let the Board know what he is hearing. He does question the headshots. He believes we need to relook at this, come back and discuss it further after the summer. He feels this is a healthy discussion and it is a discussion we need to have.

G. Final Action Cases:

1. 2023-111 – Raymond Ocasio Jr. – Yavapai County Sheriff's Office

The Board heard oral argument on the Request for Rehearing from Assistant Attorney General Joe Dylo, attorney for the Arizona Peace Officer Standards and Training Board. Mr. Ocasio was not present. Sheriff Schuster made a motion to deny Respondent's Request for Rehearing and affirm the Board's Decision and Order to permanently deny peace officer certification to Mr. Ocasio. The motion was seconded by Colonel Glover and passed unanimously.

2. 2021-155 – Michael D. Randall – Flagstaff 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; and from Ms. Kathryn Baillie, attorney representing Mr. Randall. Colonel Glover made a motion to accept the proposed consent agreement for a 24-month suspension of Mr. Randall's peace officer certification. The suspension shall be in effect beginning August 12, 2021, and ending August 12, 2023. The motion was seconded by Ms. Weisz and passed unanimously.

3. 2023-102 – Marlyn J. Tinsley – Peoria 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; and from Ms. Kathryn Baillie, attorney representing Mr. Tinsley. Colonel Glover made a motion to accept the proposed consent agreement for a 12-month suspension of Mr. Tinsley's peace officer certification. The suspension shall be in effect beginning June 13, 2023, and ending June 13, 2024. The motion was seconded by Inspector General Barcello. A vote was not taken. After further discussion, Colonel

Glover made a motion to modify the proposed consent agreement to a 9-month and 8-day suspension of Mr. Tinsley's peace officer certification. The suspension shall be in effect beginning June 13, 2023, and ending March 20, 2024. The motion was seconded by Inspector General Barcello and passed unanimously.

4. 2023-136 – Donnie Burnias – Maricopa 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. Mr. Burnias was not present. Detective Krajcer made a motion to accept the proposed consent agreement for a 12-month suspension of Mr. Burnias' peace officer certification. The suspension shall be in effect beginning July 27, 2023, and ending July 27, 2024. The motion was seconded by Colonel Glover and passed unanimously.

5. 2023-065 – Dillon E. Brown – La Paz County Sheriff's Office

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; and from Mr. Chad Smith, attorney representing Mr. Brown. Inspector General Barcello made a motion to accept the proposed consent agreement for a 90-day suspension of Mr. Brown's peace officer certification. The suspension will include 57 days of retroactive suspension time from April 16, 2023, to June 11, 2023. The remainder of the suspension time shall be served beginning March 21, 2024, and ending April 22, 2024. The motion was seconded by Ms. Weisz and passed unanimously.

6. 2022-102 – Eric J. Burke – Phoenix 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; and from Ms. Cassidy Bacon, attorney representing Mr. Burke. Colonel Glover made a motion to accept the proposed consent agreement for a 24-month suspension of Mr. Burke's peace officer certification. The suspension shall be in effect beginning March 21, 2024, and ending February 6, 2026. The 24-month suspension will include credit for the 240-hours of suspension time already served. The motion was seconded by Division Chief Mundell and passed unanimously.

7. 2023-140 – Paul J. Dore Jr. – Maricopa County Sheriff's Office

The Board considered comments from Compliance Specialist Dave Toporek, who provided a brief overview of the case. Mr. Dore was not present. Ms. Weisz made a motion to accept the Finding of Fact and Conclusions of Law and suspend Mr. Dore's peace officer certification for 12 months, beginning March 17, 2023, and ending March 17, 2024. The motion was seconded by Inspector General Barcello. A vote was not taken. After further discussion, Sheriff Schuster made a motion to accept the Findings of Fact and Conclusions of Law and suspend Mr. Dore's peace officer certification for 36 months, beginning March 17, 2023, and ending March 17, 2026; at which time his peace officer certification will lapse. The motion was seconded by Colonel Glover and passed unanimously.

H. New Charging Cases:

1. 2023-163 – Jesse C. Bueno – Tempe Police Department

The Board considered comments from Compliance Specialist Michele Blanco, who provided a brief overview of the case. Division Chief Mundell made a motion to Initiate Proceedings against Mr. Bueno's peace officer certification. The motion was seconded by Inspector General Barcello and passed unanimously.

2. 2023-238 – John G. Knajdl – Phoenix Police Department

The Board considered comments from Compliance Specialist Mike Deltenre, who provided a brief overview of the case. Inspector General Barcello made a motion to Initiate Proceedings against Mr. Knajdl's peace officer certification. The motion was seconded by Colonel Glover and passed unanimously.

3. 2024-009 – Byron O. Salazar – Phoenix Police Department

The Board considered comments from Compliance Specialist Mike Deltenre, who provided a brief overview of the case. Inspector General Barcello made a motion to Initiate Proceedings against Mr. Salazar's peace officer certification. The motion was seconded by Commander Figueroa and passed unanimously.

4. 2023-174 – Joel A. Hight – 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. Colonel Glover made a motion to Initiate Proceedings against Mr. Hight's peace officer certification. The motion was seconded by Ms. Weisz and passed unanimously.

5. 2023-239 – Jesus I. Belloc – 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. Ms. Weisz made a motion to Initiate Proceedings against Mr. Belloc's peace officer certification. The motion was seconded by Division Chief Mundell and passed unanimously.

6. 2023-225 – Todd W. Morrow – Scottsdale Police Department

The Board considered comments from Compliance Specialist Tim Shay, who provided a brief overview of the case; a short video was also presented. Inspector General Barcello made a motion to Initiate Proceedings against Mr. Morrow's peace officer certification. The motion was seconded by Colonel Glover and passed unanimously.

7. 2022-225 – Anthony E. Kirkland – Maricopa County Sheriff's Office

The Board considered comments from Compliance Specialist Dave Toporek, who provided a brief overview of the case. Division Chief Mundell made a motion to Initiate Proceedings against Mr. Kirkland's peace officer certification. The motion was seconded by Inspector General Barcello and passed unanimously.

I. Future Agenda Items

The annual firearms qualification will continue to be monitored in preparation for future discussion.

J. Adjournment

The meeting was adjourned at 12:17 p.m.

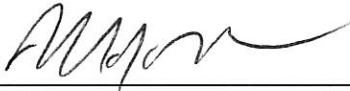
Dated: March 26, 2024



Sandra L. Sierra, Recording Secretary

Minutes approved as written.

Dated: April 17, 2024



Sheriff Mark Dannels, Chairman