



Arizona Peace Officer Standards and Training Board

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

MINUTES OF THE MAY 17, 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 May 17, 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
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
Mr. Randy Schoch, Public Member
Inspector General John Barcello, representing Director Ryan Thornell, AZ Department of Corrections Rehabilitation & Reentry
Chief Chris Vasquez, Eloy Police Department
Ms. Leesa B. Weisz, Public Member

Members Present (via online video/telephone conferencing):

Sheriff Doug Schuster, Mohave County Sheriff's Office

Members Absent:

Commander Matthew Figueroa, Jail Commander, Coconino County Sheriff's Office

Staff in Attendance (in person):

Matt Giordano, Executive Director
Sean Donegan, Deputy Director
Michele Blanco, Compliance Specialist
Richard Bradshaw, Compliance Specialist
William Caldwell, Compliance Specialist
Danielle Deneault, ADCRR Compliance Specialist
Al Grijalva, Compliance Specialist
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

Rick VanKeuren, Training Specialist
Lori Wait, Basic Training Manager
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 Inspector General John Barcello to lead everyone in reciting the Pledge of Allegiance.

B. Introductions, Presentations and Announcements

Matt Giordano, Executive Director

- Eleven Board members are present, ten are here in person and one is participating via telephone/video conferencing. Commander Matt Figueroa 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.
- Alfred (Al) Grijalva was introduced. Al comes to us from the Casa Grande Police Department, he was hired to fill the vacant Compliance Specialist position. We are very happy to have Al on staff, he is doing a phenomenal job.
- New case #3 Kaneesha Willer 2022-222 will be tabled and placed on a future agenda.
- The state budget has been approved and signed by the governor. Last year we transitioned out of CJEF funding into appropriated funding. This year we submitted a budget request and we received substantially less than what we requested. Next year, with the Board's support, I will engage more with the governor's office, as well as the legislature, to make sure we receive at least what we are requesting in our budget proposal. I want to make sure we have the proper funding to continue to provide the best level of service to our law enforcement partners and the community as a whole. This is a very important mission and I want to make sure we are doing it to the best of our abilities.

Sheriff Dannels stated he met with Governor Hobbs last week and discussed AZPOST. He informed her that in all the years that he has been a Board member, this is the most efficient and effective AZPOST has ever been thanks to the staff, director and Board membership. She should be proud of AZPOST. He thanked staff and the Board for the hard work everyone does.

C. Executive Director's Report

Matt Giordano, Executive Director

- Attended the western regional IADLEST conference in Denver that was held May 14-17. It was a very good conference and had representation of 42 states, 30 POST directors and 17 countries. Basic Training Manager Lori Wait and Training Specialist Mike Puente were also in attendance. Mike put on a presentation called the 7 Foundational Principles for Law Enforcement and Policing. He has done this presentation for our ELP and BLA classes all over our state. This class is so successful, some agencies are incorporating this training in their promotional processes. Mike was selected to present this class at the IADLEST conference. He did an outstanding job and the presentation was a rousing success and well received.

- As the West Regional Representative for IADLEST, I have agreed to sponsor and host the 2024 International Association Conference. The conference will be held the first week of June at the Arizona Grand Resort in Phoenix.
- Attended the following meetings the past month: AACOP Meeting in Tucson, ASA virtual meeting, Academy Director’s Meeting, Copper Rim Meeting in Payson, West Valley Chiefs Meeting in El Mirage and the Pinal County Peace Officer Memorial in Florence.

D. Consent Agenda

Chief Vasquez 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 April 19, 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:

2020-186	Mario Palacios	Maricopa Police Department
2022-186	Clarence R. Parchman III	Marana Police Department
2023-026	JeanFrancois Guindon	Mohave County Sheriff’s Office
2023-037	Javier A. Resendiz	Douglas Police Department
2023-042	Sean D. Dalley	AZ Department of Transportation – ECD
2023-052	Kevin M. Manley	Maricopa County Sheriff’s Office

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

Assistant Attorney General Mark Brachtl addressed the Board regarding an El Mirage Police Department petition for Applicant Andrew Palen. Applicant Palen disclosed during the hiring process with El Mirage Police Department that he was arrested in July 2013. Chief Paul Marzocca, El Mirage Police Department, addressed the Board to request that the petition be granted. Andrew Palen also addressed the Board.

Chief Vasquez made a motion that based upon the petition submitted by the El Mirage Police Department and pursuant to A.A.C. R13-4-103(G), the Board grant the petition for waiver on Applicant Andrew Palen. The motion was seconded by Ms. Weisz and passed unanimously.

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

Assistant Attorney General Mark Brachtl addressed the Board regarding a Mesa Police Department petition for Applicant Nehemiah Moore. Applicant Moore consumed marijuana, one time, in October 2022; per AZPOST rules, consumption of marijuana is prohibited within two years of appointment as an officer. Assistant Chief Edward Wessing, 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 Nehemiah Moore. The motion was seconded by Mr. Schoch and passed unanimously.

G. Review, Discussion and Possible Action on a Proposed Firearms Qualification Course Revision for Annual Qualification.

Basic Training Manager Lori Wait addressed the Board to discuss the proposed change to the firearms qualification course. In May 2022, Sgt. Mike Penn with the Phoenix Police Department Firearms Training Unit, reached out to AZPOST staff reference a proposal for a new annual firearms qualification course. Sgt. Penn developed the course based on his research and review of four years of officer involved shootings with the Phoenix Police Department (2018-2021, 120+ shootings) and included body camera footage, distance information, scientific studies on biomechanics provided during Force Science Training, and handgun function. The review also included looking at changes in law enforcement over the last ten years, such as officer involved shooting engagement distances, active shooters, shooting while moving, and the influx of multiple weapon platforms on the street.

In preparation for presenting this proposal to the Board for consideration, AZPOST staff met with the Phoenix Police Department Training Unit for a live demonstration of the proposed annual qualification course. AZPOST staff felt that the proposed course had merit and invited AZPOST Board members and AZPOST Firearms Master Instructors to a second demonstration. Two Board members, along with three of our Firearms Master Instructors, attended this live demonstration. After the demonstration, AZPOST staff compared the proposed annual qualification course to what is actually taught in our basic academy curriculum and concluded that the proposed course captures what is taught during firearms training at our basic academy level. The current qualification course has been in existence since January 2013. There was a slight modification to the course made in 2012 and approved for use in 2013. That modification was moving away from the revolver platform to the semi-auto platform that most agencies were using at the time. In this proposed course, there is a noticeable difference from the current qualification course that we have been shooting since 2013. The proposed qualification course removes the string of fire from the 25 yard line and all strings of fire are now from the 15 yard line forward to the target. The purpose of the current 25 yard line string of fire is an accuracy and marksmanship component, with shots in the body box. The proposed annual qualification course now has the accuracy component from the 15 yard line at a smaller target, which would be the head box. In terms of science, the head box is roughly half the size of the body box. This roughly equates to a body shot from approximately 33 yards, due to the reduced target size. The purpose of the 15 yard line in the proposed course is the same as the 25 yard line in our current course, which is just understanding the concepts of marksmanship. In considering the removal of the 25 yard line string of fire, AZPOST staff researched all 50 states and inquired about their annual qualification courses. Research indicated that 30 of our 50 states currently have a 25 yard line string of fire. Many of the states we researched indicated they too are looking at updating their annual qualification course and are looking very closely at our proposed change. AZPOST staff also solicited feedback from firearms instructors throughout our state, as well as our AZPOST Master Firearms Instructors. The instructors shared their concerns, some of

those concerns are: the removal of the 25 yard line, the speed reload, the time on the strings of fire which some mentioned might be a little bit tight on time, the head shots from the 15 yard line, and also diagonal movement. AZPOST staff vetted these concerns and determined that these are not an impediment to the success of this qualification course. AZPOST staff then focused on the data collected by LEOKA (Law Enforcement Officers Killed and Assaulted) regarding officers who were feloniously/accidentally killed and assaulted in the line of duty. This information is published by LEOKA to help agencies to develop policies to improve officer safety.

Over the past year, Basic Training staff has done extensive research on how to improve the firearms qualification course to adjust to real world concepts. Staff surveyed all Arizona law enforcement agency heads to get their input on this proposed change. Unfortunately only 55 of the 157 agencies responded to the survey. Of the 55 that responded, 49% support a modification to the current qualification course to align with the basic training curriculum. After careful review of all the research data and solicited input, AZPOST staff believes that the proposed qualification course reinforces what is taught in the basic curriculum and it gives officers the best position to test and reinforce their skills to provide them the opportunity to be successful in a deadly force encounter. The proposed course will bring the annual qualification course up to date with the current trends in law enforcement with officer involved shootings and their engagement distances. AZPOST staff recommends Board approval of the proposed qualification courses and supporting documents.

Some of the comments, observations and questions Board members raised are:

- Are most of the agency heads in favor of this change?
- Can agencies pick and choose which course to use? Can agency heads have the latitude to pick and choose?
- The 15 yard headshot movement is a concern.
- Indoor shooting ranges will need to move their training outdoors due to the lateral movement that will be required.
- Time to run the course is a concern.
- Tackle reload should be done during the firing stages and not during the down time.
- If someone does a tactical exchange in place of the speed reload, and still manages to get their shots in time, is that an automatic disqualification?
- Two Board members commented they were in favor of this change, with one stating he attended the demonstration on this new course and really liked it.

Sgt. Penn from the Phoenix Police Department addressed the Board to answer questions and to provide clarification on any concerns they had. Rick VanKeuren, AZPOST Training Specialist and Master Instructor also addressed the Board to answer questions.

Executive Director Giordano stated we have been discussing this change for over a year and feel that it is long overdue. As he attends various law enforcement meetings throughout the state, many of the chiefs and sheriffs are in support of some type of change. We have updated defensive tactics, physical fitness and just about everything. We have not made any major overhauls to firearms qualification in 30 years. We will not find something that will appease all 157 agencies, but we believe this is the best product for now, to make sure the officers we are training annually will be successful. With this proposed change, we feel we are preparing

officers for success in case they have to engage in a gun battle. All concerns we have received have been vetted and we feel confident we can overcome those issues and move forward with this proposal. We would like to avoid having two standards for qualifying, this would be really confusing. Our preference is to have one standard, either the new proposed one or the old one that we are currently using. We have been testing the new course throughout the past year and what we have found is your good shooters will continue to be good shooters and your average and bad shooters will continue to struggle. We have done all our due diligence and feel we have done as much statistical research as we can. We believe this is a good product, but we will defer to the Board on which direction they wish to go.

Detective Cook made a motion to approve the submitted qualification courses titled “40-Shot Daytime Semi-Automatic Qualification Course”, its accompanying Purpose Statement and Definitions Documents and the “40-Shot Nighttime Semi-Automatic Qualification Course”. The motion was seconded by Professor Robinson and passed unanimously.

At the request of Assistant Attorney General Mark Brachtl, a second motion was made to clarify the effective date of the new course.

Professor Robinson made a motion to allow all agencies and academies to either shoot the qualification course that was approved in 2013 or to shoot the newly approved qualification course that will be mandated in January 2024. The current qualification course will expire December 31, 2023. The motion was seconded by Sheriff Dannels and passed unanimously.

H. Final Action Cases:

1. 2023-010 – Garrick R. Soderberg-Hallstrom – Peoria 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. Kathryn Baillie, attorney for Mr. Soderberg-Hallstrom, was available to answer any questions. Chief Vasquez made a motion to accept the proposed consent agreement for an 18-month suspension of Mr. Soderberg-Hallstrom’s peace officer certification. The suspension shall be in effect beginning January 18, 2023, and ending July 18, 2024. The motion was seconded by Ms. Weisz and passed unanimously.

2. 2022-123 – Conner D. Rafferty – Maricopa 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. Kathryn Baillie, attorney for Mr. Rafferty, was available to answer any questions. Colonel Glover made a motion to accept the proposed consent agreement for an 18-month suspension of Mr. Rafferty’s peace officer certification. The suspension shall be in effect beginning April 26, 2022, and ending October 26, 2023. The motion was seconded by Chief Vasquez and passed unanimously.

New Charging Cases:1. 2022-230 – Lee J. Azurin – Mammoth Police Department

The Board considered comments from Compliance Specialist Richard Bradshaw, who provided a brief overview of the case. Detective Cook made a motion to Initiate Proceedings against Mr. Azurin's peace officer certification. The motion was seconded by Colonel Glover and passed unanimously.

2. 2021-167 – Jesus O. Norzagaray – Yuma 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 Initiate Proceedings against Mr. Norzagaray's peace officer certification. The motion was seconded by Detective Cook and passed unanimously.

3. 2022-222 – Kaneesha M. Willer – El Mirage Police Department

This case was tabled.

4. 2022-199 – Michael R. Lanouar – Scottsdale Police Department

The Board considered comments from Compliance Specialist Tim Shay, who provided a brief overview of the case. Colonel Glover made a motion to Initiate Proceedings against Mr. Lanouar's peace officer certification. The motion was seconded by Chief Vasquez and passed unanimously.

5. 2022-221 – Abraham Peraza – Cochise County Sheriff's Office

Chairman Dannels recused himself from this case. Ms. Weisz was acting Chair. The Board considered comments from Compliance Specialist Tim Shay, who provided a brief overview of the case. Detective Krajcer made a motion to Initiate Proceedings against Mr. Peraza's peace officer certification. The motion was seconded by Mr. Schoch and passed unanimously.

6. 2023-032 – Marcel V. Pierre – Glendale Police Department

The Board considered comments from Compliance Specialist Tim Shay, who provided a brief overview of the case. Sheriff Vasquez made a motion to Initiate Proceedings to deny peace officer certification to Mr. Pierre. The motion was seconded by Colonel Glover and passed unanimously.

7. 2023-011 – Daniel Villegas Quintero – La Paz County Sheriff's Office

The Board considered comments from Compliance Specialist Tim Shay, who provided a brief overview of the case. Professor Robinson made a motion to Initiate Proceedings to deny peace officer certification to Mr. Quintero. The motion was seconded by Detective Cook and passed unanimously.

I. Future Agenda Items

The issue of a possible rule change regarding pre-employment drug standards will be placed on next month's agenda for discussion. Also, next month we will discuss whether or not to hold a July meeting.

J. Adjournment

The meeting was adjourned at 11:44 a.m.