



Arizona Peace Officer Standards and Training Board

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

MINUTES OF THE NOVEMBER 15, 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 November 15, 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
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
Ms. Leesa B. Weisz, Public Member

Members Present (via online video/telephone conferencing):

Commander Matthew Figueroa, Jail Commander, Coconino County Sheriff's Office
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
Director Ryan Thornell, Arizona 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
William Caldwell, Compliance Specialist
Mike Deltenre, Compliance Specialist
Mike Giammarino, Compliance Manager
Alfred Grijalva, Compliance Specialist
Darcy Nichols, Compliance Manager
Mark Post, Compliance Specialist
Mike Puente, Training Specialist
Michael Rodriguez, Training Specialist
Rita Mae Schaefer, Administrative Assistant
Sandy Sierra, Executive Assistant
Dave Toporek, Compliance Specialist

Rick VanKeuren, Training Specialist
Dale Wyman, AZPOST Specialist

Legal Counsel:

Mark Brachtel, 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 10:02 a.m. and asked Division Chief Mundell 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, five are here in person and three are participating via telephone/video conferencing. Detective Cook, Professor Robinson and Director Thornell are absent.
- Administrative Assistant Rita Mae Schaefer will be retiring next month. She is assigned to the Compliance Unit and has been a tremendous asset to AZPOST. Rita Mae will be sorely missed and we wish her the best in all her future endeavors.
- Final action case #6 (2023-117 Pedro Peña Jr.) will be tabled and presented at a future meeting.
- 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 are hoping we can get these positions filled soon.

C. Executive Director's Report

Matt Giordano, Executive Director

- Last week traveled to Sacramento with Deputy Director Sean Donegan to attend the IADLEST Western Regional Meeting. Six western states were represented at the meeting, it is always good to meet with our peers and share ideas and exchange information.
- Advanced Training hosted the second week of the Executive Leadership Program last week. The class was very well attended with students from all over the state. During the course of the class, we conduct two panels to allow the students to engage with city leadership. The first panel we conducted consisted of two city managers and a mayor. This was a very interesting panel because most of us do not understand the relationship that exists between an agency head and a mayor. The second panel we hosted consisted of two city police chiefs and a sheriff. This panel too was extremely interesting and the students asked great questions of the panel.
- This week we are hosting the final Front Line Leadership Class for the year. In total, we have held nine Front Line Leadership Classes this year.
- Basic Training has completed the Active Assailant lesson plans. We recognized there was a deficiency in Basic and Advanced Training for Active Assailant. Basic Training worked with experts from around the state and created a lesson plan program, at the end of this month, in conjunction with the Wickenburg Police Department, there will be a train-the-trainer event at a school in Wickenburg. There will be one more training event before this training is pushed out statewide. There was also a lesson plan prepared for the basic academy curriculum level. We recognized that it was time for us to teach this at the

academy level so that an officer or deputy who just graduated the academy and is called to an Active Assailant situation, is aware of what is expected in that situation.

- I sit on the School Safety Taskforce with the AZ Department of Education. We are very close to pushing out recommendations on how to fill the vacant SRO positions around the state. There is funding for these positions, but due to staffing shortages, agencies are not able to fill the positions.

D. Consent Agenda

Colonel Glover made a motion to accept the Consent Agenda. The motion was seconded by Ms. Weisz and passed unanimously.

The following items were approved:

1. Minutes of the Board meeting held on October 18, 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. 2021-070 | Joseph C. Pacello | Goodyear Police Department |
| 2. 2023-088 | Carlos I. Frisby | Tucson Police Department |
| 3. 2023-105 | Christopher Vogt | Maricopa County Sheriff's Office |
| 4. 2023-191 | Thomas A. Sedlacek Jr. | Maricopa County Sheriff's Office |
| 5. 2023-194 | Samuel J. Weimer | Show Low Police Department |

- E. Review, Discussion and Possible Action on a Petition from the Bullhead City Police Department pursuant to A.A.C. R13-4-103(G) for Applicant Melissa S. Huff.

Assistant Attorney General Mark Brachtl addressed the Board regarding a Bullhead City Police Department petition for Applicant Melissa Huff. Applicant Huff, during the hiring process, disclosed she consumed marijuana in January 2023. She also disclosed she had consumed marijuana 6-8 times since 2021. Per AZPOST rules, consumption of marijuana is prohibited within two years of appointment as an officer. Chief Robert Trebes, Bullhead City Police Department, addressed the Board to request that the petition be granted. Melissa Huff also addressed the Board.

Ms. Weisz made a motion that based upon the petition submitted by the Bullhead City Police Department and pursuant to A.A.C. R13-4-103(G), the Board grant the petition for waiver on Applicant Melissa Huff. The motion was seconded by Colonel Glover and passed unanimously.

- F. Review, Discussion and Possible Action on a Petition from the AZ Game and Fish Department pursuant to A.A.C. R13-4-103(G) for Applicant John McMahan.

Assistant Attorney General Mark Brachtl addressed the Board regarding an AZ Game and Fish Department petition for Applicant John McMahan. Applicant McMahan, during the hiring process, disclosed he consumed mushrooms one time. Per AZPOST rules, consumption of a

dangerous drug, such as mushrooms, is prohibited within seven years of appointment as an officer. Chief Gene Elms, AZ Game and Fish Department, addressed the Board to request that the petition be granted. John McMahan also addressed the Board.

Several Board members expressed concern regarding the seven year restriction of Rule R13-4-1-5(A)(12). Most felt that seven years is a bit excessive. The question was raised as to how the seven year restriction came about. It was determined that it was based on the felony statute of limitations and the rule has been in place for many years. When the rules were modified in 2020, there was no indication from anyone that this rule should be amended. All Board members were in agreement that this issue needs to be researched further and placed on a future agenda for further discussion.

After review of the petition request, 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, Ms. Weisz made a motion that based upon the petition submitted by the AZ Game and Fish Department and pursuant to A.A.C. R13-4-103(G), the Board grant the petition for waiver on Applicant John McMahan. Also, that staff research this matter further and present their findings to the Board in January. The motion was seconded by Division Chief Mundell and passed by a vote of 6-2. Nay votes were recorded for Detective Krajcer and Sheriff Dannels.

G. Review, Discussion and Possible Action on a Petition from the Surprise Police Department pursuant to A.A.C. R13-4-103(G) for Applicant Kaley Lightfoot.

Assistant Attorney General Mark Brachtl addressed the Board regarding a Surprise Police Department petition for Applicant Kaley Lightfoot. Applicant Lightfoot, during the hiring process, disclosed she consumed marijuana, 170 times, over a nine month period (October 2022 to June 2023). Per AZPOST rules, consumption of marijuana is prohibited within two years of appointment as an officer. Chief Benny Piña, Surprise Police Department, addressed the Board to request that the petition be granted. Kaley Lightfoot also addressed the Board.

Ms. Weisz made a motion that based upon the petition submitted by the Surprise Police Department and pursuant to A.A.C. R13-4-103(G), the Board grant the petition for waiver on Applicant Kaley Lightfoot. The motion was seconded by Mr. Schoch and passed with one nay vote recorded for Sheriff Dannels.

H. Final Action Cases:

1. 2023-161 – Bryant J. Brimhall – Greenlee 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. Colonel Glover made a motion to accept the proposed consent agreement for a 12-month suspension of Mr. Brimhall's peace officer certification. The suspension shall be in effect beginning October 30, 2021, and ending October 30, 2022. The motion was seconded by Detective Krajcer and passed unanimously.

2. 2023-078 – Jonathan Portillo-Chavez – 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, and from Mr. Gerald Barrett, attorney representing Mr. Portillo-Chavez. Ms. Weisz made a motion to accept the proposed consent agreement for a 9-month suspension of Mr. Portillo-Chavez's peace officer certification. The suspension shall be in effect beginning November 16, 2023, and ending June 12, 2024. The 9-month suspension includes credit for the 240-hours of suspension time already served. The motion was seconded by Colonel Glover and passed unanimously.

3. 2022-196 – Jose G. Sanchez – Oro Valley 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 Mr. Steven Serbalik, attorney representing Mr. Sanchez. Colonel Glover made a motion to accept the proposed consent agreement for a 36-month suspension of Mr. Sanchez's peace officer certification. The suspension shall be in effect beginning October 28, 2022, and ending October 28, 2025; at which time his peace officer certification will lapse. The motion was seconded by Division Chief Mundell and passed unanimously.

4. 2023-119 – Alec S. Boston – Avondale 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. Colonel Glover made a motion to accept the proposed consent agreement and deny peace officer certification to Mr. Boston for a period of 18-months, beginning June 27, 2023, and ending December 27, 2024; after which he may be eligible to reapply for certified status. The motion was seconded by Division Chief Mundell and passed unanimously.

5. 2023-143 – Colton D. Bussen – Gilbert Police Department

The Board considered comments from Compliance Specialist Richard Bradshaw, who provided a brief overview of the case. Mr. Bussen also addressed the Board. Colonel Glover made a motion to accept the Findings of Fact and Conclusions of Law and deny peace officer certification to Mr. Bussen for a period of 12-months, beginning August 8, 2023, and ending August 8, 2024; after which he may be eligible to reapply for certified status. The motion was seconded by Division Chief Mundell and passed with one nay vote recorded for Commander Figueroa.

6. 2023-117 – Pedro Peña III – AZ Department of Public Safety

This case was tabled.

I. New Charging Cases:

1. 2021-240 – Daniel A. Little – Maricopa County Sheriff's Office

The Board considered comments from Compliance Specialist Richard Bradshaw, who provided a brief overview of the case. Colonel Glover made a motion to Initiate

Proceedings against Mr. Little's peace officer certification. The motion was seconded by Ms. Weisz and passed unanimously.

2. 2023-067 – Pablo V. Camacho – Santa Cruz County Sheriff's Office

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

3. 2023-154 – David M. Crandall – El Mirage Police Department

The Board considered comments from Compliance Specialist Mark Post, who provided a brief overview of the case. Colonel Glover made a motion to Initiate Proceedings against Mr. Crandall's peace officer certification. The motion was seconded by Ms. Weisz and passed unanimously.

4. 2023-153 – Christopher M. McDonough – El Mirage Police Department

The Board considered comments from Compliance Specialist Mark Post, who provided a brief overview of the case. Colonel Glover made a motion to Initiate Proceedings against Mr. McDonough's peace officer certification. The motion was seconded by Ms. Weisz and passed unanimously.

5. 2023-188 – Alberto Cuevas Ortega – Yavapai County Sheriff's Office

The Board considered comments from Compliance Specialist Mark Post, who provided a brief overview of the case. Colonel Glover made a motion to Initiate Proceedings to deny peace officer certification to Mr. Cuevas Ortega. The motion was seconded by Detective Krajcer and passed unanimously.

6. 2023-187 – Alexander R. King – Yavapai County Sheriff's Office

The Board considered comments from Compliance Specialist Mark Post, who provided a brief overview of the case. Colonel Glover made a motion to Initiate Proceedings to deny peace officer certification to Mr. King. The motion was seconded by Ms. Weisz and passed unanimously.

7. 2023-193 – Andrew T. Ulberg – Holbrook Police Department

The Board considered comments from Compliance Specialist Mark Post, who provided a brief overview of the case. Colonel Glover made a motion to Initiate Proceedings to deny peace officer certification to Mr. Ulberg. The motion was seconded by Ms. Weisz and passed unanimously.

J. Future Agenda Items

We will not be holding a meeting in December. Our next meeting will be January 17, 2024. We will provide information to the Board at the January meeting on future rule changes.

K. Adjournment

The meeting was adjourned at 12:08 p.m. Chairman Dannels congratulated Rita Mae on her retirement, thanked his fellow Board members for their service on the Board and thanked staff for all the hard work they do.