



# *Arizona Peace Officer Standards and Training Board*

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

## **MINUTES OF THE FEBRUARY 21, 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 February 21, 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  
Detective Benjamin Cook, Pinal County Sheriff's Office  
Colonel Jeff Glover, Arizona Department of Public Safety  
Division Chief Bill Mundell, representing Attorney General Kris Mayes, Arizona Attorney General's Office  
Professor Kevin Robinson, Arizona State University  
Director Ryan Thornell, Arizona Department of Corrections Rehabilitation & Reentry

### Members Present (via online video/telephone conferencing):

Mr. Randy Schoch, Public Member  
Ms. Leesa B. Weisz, Public Member

### Members Absent:

Commander Matthew Figueroa, Jail Commander, Coconino County Sheriff's Office  
Detective Joseph Krajcer, Tempe Police Department  
Sheriff Doug Schuster, Mohave 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  
Mike Deltenre, Compliance Specialist  
Marissa Escandon, Administrative Assistant  
Mike Giammarino, Compliance Manager  
Alfred Grijalva, Compliance Specialist  
Chuck Miiller, Advanced Training Manager  
Darcy Nichols, Compliance Manager  
Mark Post, Compliance Specialist  
Mike Puente, Training Specialist  
Michael Rodriguez, Training Specialist  
Tim Shay, Compliance Specialist

Sandy Sierra, Executive Assistant  
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 10:00 a.m. and asked Colonel Glover 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; six are here in person and two are participating via telephone/video conferencing. Commander Figueroa, Detective Krajcer and Sheriff Schuster are absent.
- Final action case 2023-006 Michael D. Morris will be tabled and presented at a future meeting.
- Agenda Item J, regarding the annual firearms qualification, will be tabled. Commander Figueroa is not available for today's meeting and he requested this item be placed on the agenda for discussion.

C. Executive Director's Report

*Matt Giordano, Executive Director*

- The 2023 AZPOST Annual Report has been completed. The report is available on our website and will be emailed to all agency heads. The annual report highlights what has transpired in the past year and all the hard work done by all sections of AZPOST staff on a daily basis.
- We will be updating how yearly training audits are conducted. We are changing from paper documents to a new on-line reporting system. This new system will allow us to sample a larger group of officers. In a three-year window, our goal is to audit the training record of every single officer in the state, on a yearly basis, to ensure they are in compliance with annual training requirements. By leveraging technology, training audits will be done quicker and more efficiently.
- The proposed rule updates are in the final stages. Staff will meet with the Department of Corrections Rehabilitation and Reentry to finalize Article 2 of the rules that deals with certified correctional officers. Once Article 2 is finalized, the rules will be presented to the Board at a future meeting for the Board's review and approval, then submitted to the Governor's Regulatory Review Council for its approval.
- The International Association of Directors of Law Enforcement Standards and Training (IADLEST) will hold its annual conference this year in Phoenix. AZPOST is the host agency for the conference, which will be held on June 2-5 at the Arizona Grand Resort in Phoenix. All Board members and staff are invited to attend.

- Attended the following meetings the past month: IADLEST Executive Board Meeting in Washington, DC, Copper Rim Chief’s Meeting in Safford, East Valley Chief’s Meeting in Chandler, Pinal County Law Enforcement Association Meeting in Coolidge, and the monthly Constable Board Meeting.

D. Consent Agenda

Professor Robinson 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 January 17, 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. 2022-011 | Albert Ahumada Jr. | Tucson Police Department                  |
| 2. 2022-168 | Cody A. Davis      | Yavapai-Prescott Tribal Police Department |
| 3. 2023-110 | Ariel C. Edison    | White Mountain Apache Police Department   |
| 4. 2023-117 | Pedro Peña III     | AZ Department of Public Safety            |
| 5. 2023-127 | Jason M. Shelton   | Pima Police Department                    |
| 6. 2023-135 | Shannon K. McGee   | Phoenix Police Department                 |
| 7. 2023-241 | Donnell J. Lindo   | Phoenix Police Department                 |
| 8. 2024-003 | Junior Alvidrez    | Goodyear Police Department                |

3. Firearms Range Certification. The following agency had their indoor firearms range inspected by AZPOST staff. The range met all the requirements of R13-4-116.B.6:

Tempe Police Department Indoor Firearms Range – 8201 S. Hardy Drive, Tempe, AZ

- E. Review, Discussion and Possible Action on a Petition from the Prescott Valley Police Department pursuant to A.A.C. R13-4-105(D) for Applicant Kyle R. Morley.

Assistant Attorney General Mark Brachtl addressed the Board regarding a Prescott Valley Police Department petition for Applicant Kyle Morley. Applicant Morley, during the hiring process, disclosed he sold marijuana four times, when he was in high school. Per AZPOST rules, this is a disqualifying conduct. Assistant Chief Jeremy Martin, Prescott Valley Police Department, addressed the Board to request that the petition be granted. Applicant Kyle Morley also addressed the Board.

Detective Cook made a motion that based upon the petition submitted by the Prescott Valley Police Department and pursuant to A.A.C. R13-4-105(D), the Board grant the petition for waiver on Applicant Kyle R. Morley. The motion was seconded by Division Chief Mundell and passed unanimously.

- F. Review, Discussion and Possible Action on a Petition from the Safford Police Department pursuant to A.A.C. R13-4-105(C) for Applicant Noah Bevens.

Assistant Attorney General Mark Brachtl addressed the Board regarding a Safford Police Department petition for Applicant Noah Bevens. Applicant Bevens, during the hiring process, disclosed he used marijuana, one time, in 2022. Per AZPOST rules, this is a disqualifying conduct. Chief Brian Avila, Safford Police Department, addressed the Board to request that the petition be granted.

Director Thornell made a motion that based upon the petition submitted by the Safford Police Department and pursuant to A.A.C. R13-4-105(C), the Board grant the petition for waiver on Applicant Noah Bevens. The motion was seconded by Colonel Glover and passed unanimously.

- G. Review, Discussion and Possible Action on a Petition from the Kingman Police Department pursuant to A.A.C. R13-4-105(C) for Applicant Patrick Williams.

Assistant Attorney General Mark Brachtl addressed the Board regarding a Kingman Police Department petition for Applicant Patrick Williams. Applicant Williams, during the hiring process, disclosed he consumed marijuana about two times a month for one year (2022). He was residing in Oregon at the time, where marijuana is legal. Per AZPOST rules, this is a disqualifying conduct. Chief Rusty Cooper, Kingman 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 Kingman Police Department and pursuant to A.A.C. R13-4-105(C), the Board grant the petition for waiver on Applicant Patrick Williams. The motion was seconded by Mr. Schoch and passed unanimously.

- H. Review, Discussion and Possible Action on a Petition from the Gila River Indian Community Police Department pursuant to A.A.C. R13-4-105(C) for Applicant Tracey Angeli.

Assistant Attorney General Mark Brachtl addressed the Board regarding a Gila River Indian Community Police Department petition for Applicant Tracey Angeli. Applicant Angeli, during the hiring process, disclosed he consumed a marijuana edible, one time, in April 2023. Per AZPOST rules, this is a disqualifying conduct. Chief Jesse Crabtree, Gila River Indian Community Police Department, addressed the Board to request that the petition be granted. Applicant Tracey Angeli also addressed the Board.

Detective Cook made a motion that based upon the petition submitted by the Gila River Indian Community Police Department and pursuant to A.A.C. R13-4-105(C), the Board grant the petition for waiver on Applicant Tracey Angeli. The motion was seconded by Colonel Glover and passed unanimously.

- I. Review, Discussion and Possible Action on Adopting a Substantive Policy Statement. The subject involves not taking action on former Arizona peace officers, who hold inactive certifications, for the legal use of marijuana; as well as the pre-employment marijuana drug standards for reinstatement.

Executive Director Giordano stated this Substantive Policy Statement was written to clarify the three-year period, after an officer has separated from an agency, when their peace officer certification is inactive. Even though their certification status is considered inactive, their certification is still under the jurisdiction of AZPOST. We have had several applicants who, during this inactive period, used marijuana legally. When they decided they wanted to return to the profession, we were holding them to the same standards as though they were still active officers when they used marijuana. Last month, we asked the Board to count that inactive period as though they were a new applicant. We will now treat them just as we treat a new applicant who used marijuana, whether it is through the petition process or whether we make them wait the 24 months, as the rule currently states. All this Substantive Policy Statement does is explain how we are going to interpret the rule. We are not going to interpret marijuana usage by an inactive officer as disqualifying conduct or disqualifying behavior. This is just a reasonable interpretation of the rules for those few men and women who want to come back to the profession. Currently, as the rule stands, an applicant cannot have used marijuana within two years of the date of appointment. That is disqualifying behavior. When an officer leaves employment, their inactive status lasts for 36 months. So if someone leaves employment and lawfully uses marijuana one time, then decides they want to come back to law enforcement, we treated this as disqualifying behavior because they were still under our jurisdiction and we treated them like an active officer. All we are asking for, and what this Substantive Policy Statement does, is state that we are going to treat you as though you were a new applicant. You still have to have an agency petition on your behalf, but we are not going to hold that as disqualifying behavior.

Professor Robinson made a motion that the Substantive Policy Statement as reflected in this discussion, be adopted and published in accordance with the Arizona Administrative Procedures Act. The motion was seconded by Division Chief Mundell and passed unanimously.

- J. 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.

This matter was tabled until next month.

K. Final Action Cases:

1. 2023-141 – Jason D. Fajardo – Paradise 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. Mr. Fajardo was not present. Professor Robinson made a motion to accept the proposed consent agreement for a 6-month suspension of Mr. Fajardo's peace officer certification. The suspension shall be in effect beginning April 7, 2023, and ending October 7, 2023. The motion was seconded by Director Thornell and passed unanimously.

Professor Robinson inquired as to how Mr. Fajardo learned that he was in violation of AZPOST rules when he worked the off-duty assignment. Division Chief Mundell stated that it seems Mr. Fajardo was not aware that he was not authorized to work off-duty or that he was in violation of the statute. Is there any way to educate officers that when they leave employment, these are the things they are not allowed to do since they are no longer employed by a police agency?

Executive Director Giordano stated we have created a letter that will be going out to all agencies that they can include in the separation packet that states what is no longer allowed per AZPOST rules, now that the person is no longer appointed by a law enforcement agency. We need to make sure there is no misunderstanding. We would like to think that it is common knowledge that an officer understands they cannot work off-duty once they leave an agency, but we have taken it one step further with this letter. We hope the cases presented today will be the last regarding this issue. I have been going to regional meetings around the state talking about this for the last year and a half, hoping to get the word out that an inactive officer cannot work off-duty if they are not appointed to a law enforcement agency. They have no police authority.

2. 2023-115 – Clinton S. Bertola – Mesa 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. Mr. Chad Smith, attorney representing Mr. Bertola, was available to answer any questions. Colonel Glover made a motion to accept the proposed consent agreement for a 36-month suspension of Mr. Bertola's peace officer certification. The suspension shall be in effect beginning June 19, 2023, and ending June 19, 2026; at which time his peace officer certification will lapse. The motion was seconded by Ms. Weisz and passed unanimously.

3. 2023-062 – Eduardo Cruz – Buckeye 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. Mr. Cruz was not present. Colonel Glover made a motion to accept the proposed consent agreement for a 6-month suspension of Mr. Cruz's peace officer certification. The suspension shall be in effect beginning March 6, 2023, and ending September 6, 2023. The motion was seconded by Director Thornell and passed unanimously.

4. 2023-154 – David M. Crandall – El Mirage 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. Ms. Donna McDaniel, attorney representing Mr. Rafferty, was available to answer any questions. Professor Robinson made a motion to accept the proposed consent agreement for an 18-month suspension of Mr. Crandall's peace officer certification. The suspension shall be in effect beginning May 17, 2023, and ending December 13, 2023; and then beginning February 21, 2024, and ending April 25, 2025. The motion was seconded by Division Chief Mundell and passed unanimously.

5. 2023-153 – Christopher M. McDonough – El Mirage Police Department

The Board considered comments from Assistant Attorney General Joe Dyllo, attorney for the Arizona Peace Officer Standards and Training Board, who provided a brief overview of the proposed consent agreement. Ms. Kathryn Baillie, attorney representing Mr. McDonough, was available to answer any questions. Detective Cook made a motion to accept the proposed consent agreement for an 18-month suspension of Mr. McDonough's peace officer certification. The suspension shall be in effect beginning August 17, 2023, and ending February 17, 2025. The motion was seconded by Colonel Glover and passed unanimously.

Ms. Weisz commented about these cases involving officers working off-duty. She stated officers utilize off-duty employment to supplement their income. Recently, it seems that more of these types of cases are coming before the Board, and possibly more will be presented in the future. She stated perhaps the construction companies who are requesting off-duty officers should be verifying that these officers are currently employed by a law enforcement agency and are authorized to work off-duty employment.

Executive Director Giordano stated that in these last two cases, both officers were appointed to an agency. They were lawfully allowed to work off-duty, but circumvented their own agency's rules. That is why the consent agreement they stipulated to is for an 18-month suspension and not a 6-month suspension. These types of cases are a new phenomenon. Although you see officers working a construction job, they are not actually working for the construction company; nine times out of ten they are working for a third party company that hires certified law enforcement officers to work at the construction site. We have been contacted by a number of these third party companies looking for ways to work together to ensure the men and women they are hiring are truly certified officers and they have the authority to work as peace officers in the state. Many of these companies have updated their employment forms requiring documentation that verifies where an officer is employed and what agency they work for. The officer must also sign an acknowledgement stating that should they lateral to another agency, they will inform the company of the new agency they are working for. The third party companies are very interested in making sure that they are truly hiring certified peace officers and are working with us to make sure they can move forward. We are really hoping to eliminate these cases going forward through education and with the cooperation of the third party companies.

6. 2023-006 – Michael D. Morris – Prescott Valley Police Department

This case was tabled.

L. New Charging Cases:

1. 2023-214 – Price A. DAntonio – Payson Valley 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 to deny peace officer certification to Mr. DAntonio. The motion was seconded by Director Thornell and passed unanimously.

2. 2023-240 – Isaiah Dixson – Phoenix Police Department  
The Board considered comments from Compliance Specialist Mike Deltenre, who provided a brief overview of the case. Colonel Glover made a motion to Initiate Proceedings against Mr. Dixson’s peace officer certification. The motion was seconded by Director Thornell and passed unanimously.
3. 2023-237 – Carlos D. Harris – Phoenix Department  
The Board considered comments from Compliance Specialist Mike Deltenre, who provided a brief overview of the case. Director Thornell made a motion to Initiate Proceedings against Mr. Harris’ peace officer certification. The motion was seconded by Division Chief Mundell and passed unanimously.
4. 2024-012 – Marlon D. Hatcher – Phoenix Police Department  
The Board considered comments from Compliance Specialist Mike Deltenre, who provided a brief overview of the case. Division Chief Mundell made a motion to Initiate Proceedings to deny peace officer certification to Mr. Hatcher. The motion was seconded by Colonel Glover and passed unanimously.
5. 2024-001 – Sterling Jessop – Page Police Department  
The Board considered comments from Compliance Specialist Mike Deltenre, who provided a brief overview of the case. Director Thornell made a motion to Initiate Proceedings against Mr. Jessop’s peace officer certification. The motion was seconded by Professor Robinson and passed unanimously.
6. 2023-044 – Virgilio Dodd – Gila County Sheriff’s Office  
The Board considered comments from Compliance Specialist Alfred Grijalva, who provided a brief overview of the case. Professor Robinson made a motion to Initiate Proceedings against Mr. Dodd’s peace officer certification. The motion was seconded by Colonel Glover and passed unanimously.
7. 2023-236 – Samantha D. Webster – Goodyear Police Department  
The Board considered comments from Compliance Specialist Mark Post, who provided a brief overview of the case. Detective Cook made a motion to Initiate Proceedings against Ms. Webster’s peace officer certification. The motion was seconded by Division Chief Mundell and passed with one nay vote recorded for Mr. Schoch.
8. 2023-132 – Ivory I. Crawford – Glendale Police Department  
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 against Mr. Crawford’s peace officer certification. The motion was seconded by Mr. Schoch and passed unanimously.

#### M. Future Agenda Items

The new annual firearms qualification discussion that was tabled today will be placed on the March agenda.



N. Adjournment

The meeting was adjourned at 11:30 a.m.

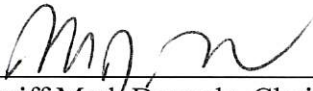
Dated: February 26, 2024



Sandra L. Sierra, Recording Secretary

Minutes approved as written.

Dated: March 20, 2024



Sheriff Mark Dannels, Chairman