



Arizona Peace Officer Standards and Training Board

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

MINUTES OF THE NOVEMBER 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 November 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
Deputy Director John Barcello, representing Director Ryan Thornell, Arizona Department of Corrections Rehabilitation & Reentry
Detective Benjamin Cook, Pinal County Sheriff's Office
Chief Ken Cost, Mesa Police Department
Commander Matthew Figueroa, Jail Commander, Coconino County Sheriff's Office
Chief Araceli Juarez, Somerton Police Department
Detective Joseph Krajcer, Tempe Police Department
Chief Deputy Bill Mundell, representing Attorney General Kris Mayes, Arizona Attorney General's Office
Professor Kevin Robinson, Arizona State University
Mr. Randy Schoch, Public Member
Ms. Leesa B. Weisz, Public Member

Members Present (via online video/telephone conferencing):

Sheriff Doug Schuster, Mohave County Sheriff's Office

Members Absent:

Colonel Jeff Glover, Arizona Department of Public Safety

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
Ryan Clark, Training Specialist
Mike Deltenre, Compliance Specialist
Marissa Escandon, Administrative Assistant
Mike Giammarino, Compliance Manager
Alfred Grijalva, Compliance Specialist
Arlene Heckel, Compliance Specialist
Chuck Miller, Advanced Training Manager

Bob Pinkerton, Training Specialist
Mark Post, Compliance Manager
Tim Shay, Compliance Specialist
Sandy Sierra, Executive Assistant
Mike Thorley, Compliance Specialist
Dave Toporek, Compliance Specialist
Rick VanKeuren, Training Specialist
Lori Wait, Basic Training Manager
Dale Wyman, AZPOST Specialist

Legal Counsel:

Mark Brachtl, Assistant Attorney General
Joe Dylo, Assistant Attorney General
Ben Norris, Independent Legal Advisor

A. Call to Order

Chairman Dannels called the meeting to order at 10:02 a.m. and asked Chief Cost to lead everyone in reciting the Pledge of Allegiance.

Chief Ken Cost introduced himself as the newly appointed representative for the large city chief position. With 30 years of service in the Mesa Police Department, Chief Cost brings extensive law enforcement experience to the Board.

B. Introductions, Presentations and Announcements

Matt Giordano, Executive Director

- Roll-call was taken. Twelve Board members are present; eleven are here in person and one is participating via telephone/video conferencing. Colonel Glover is absent.
- Assistant Attorney General Ben Norris is our Independent Legal Advisor for all final action cases.
- Final Action case 2024-008 Adam Shipley will be tabled and presented at a future meeting.

C. Executive Director's Report

Matt Giordano, Executive Director

- This past month, I represented the Board at several meetings and events, including the PANT Meeting in Cottonwood, the West Valley Chiefs Meeting in Tolleson, the East Valley Chiefs Meeting in Apache Junction, and the WALETA Meeting in Lake Havasu. I also attended the Celebration of Life for Alberto Gutier, the former director of the Governor's Office of Highway Safety, and worked with the governor's committee on Murdered and Missing Indigenous People to develop a training curriculum, which we hope to release in the second quarter of 2025.

D. Consent Agenda

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

The following items were approved:

1. Minutes of the Board meeting held on October 16, 2024.
2. Consent Agreements for Voluntary Relinquishment/Denial of Peace Officer Certification. The following individuals, without admitting to any misconduct, request the Board accept their request to permanently relinquish their Arizona peace officer certification:

1. 2024-078	Dayton O. Boddie	Glendale Police Department
2. 2024-231	Aaron Herder	Colorado River Indian Tribe PD
3. 2024-251	Brandon Mendoza	Maricopa County Sheriff's Office
4. 2024-259	Larry C. Hernandez	Bullhead City Police Department
5. 2024-263	Daryl A. Hall	Sierra Vista Police Department
6. 2024-270	Travis W. Baxley	Gila 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):

1. Applicant Eric Victorino	Coolidge Police Department
2. Applicant Rashad Rhodes	Gila River Police Department
3. Applicant Livan P. Ramos	Nogales Police Department
4. Applicant Jose Renteria	Phoenix Police Department

- E. Review, Discussion and Possible Action on a Petition from the Arizona Department of Liquor Licenses and Control pursuant to A.A.C. R13-4-103(G) requesting a restriction of peace officer certification for Deputy Director Jason Zdilla. Deputy Director Zdilla will be restricted from being assigned any duty likely to result in the need to apply physical force.

Assistant Attorney General Mark Brachtl addressed the Board regarding an Arizona Department of Liquor Licenses and Control petition for a restricted certification for Deputy Director Jason Zdilla. Deputy Director Zdilla will be restricted from being assigned any duty likely to result in the need to apply physical force. Director Ben Henry, Arizona Department of Liquor Licenses and Control, addressed the Board to request that the petition be granted.

Ms. Weisz made a motion that based upon the information submitted by the Arizona Department of Liquor Licenses and Control, and pursuant to Rule 13-4-103(G), the Board grant a restricted peace officer certification to Deputy Director Jason Zdilla. This certification restricts Deputy Director Zdilla from being assigned any duty likely to result in the need to apply physical force. The motion was seconded by Detective Krajcer and passed unanimously.

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

Assistant Attorney General Mark Brachtl addressed the Board regarding a Phoenix Police Department petition for Applicant Ian C. Brannigan. Applicant Brannigan, during the hiring process, disclosed he consumed cocaine on two occasions in 2017. Per AZPOST rules, this qualifies as disqualifying conduct. Commander William Joe, Phoenix Police Department, addressed the Board to request that the petition be granted. Applicant Ian C. Brannigan also addressed the Board.

Detective Cook made a motion that based upon the petition submitted by the Phoenix Police Department and pursuant to A.A.C. R13-4-105(C), the Board grant the petition for waiver on Applicant Ian C. Brannigan. The motion was seconded by Deputy Director Barcello and passed unanimously.

Chief Deputy Mundell took a moment during the meeting to recognize Dave Harvey, formerly with the Phoenix Police Department, as the new law enforcement liaison with the Attorney General's Office. Mr. Harvey was present at today's meeting.

G. Review, Discussion and Possible Action on a Petition from the Pima County Sheriff's Department pursuant to A.A.C. R13-4-105(C) for Applicant Emily Hubbard.

Assistant Attorney General Mark Brachtl addressed the Board regarding a Pima County Sheriff's Department petition for Applicant Emily Hubbard. Applicant Hubbard, during the hiring process, disclosed she consumed someone else's prescription medication in 2023. Per AZPOST rules, this qualifies as disqualifying conduct. Chief Joseph Cameron, Pima County Sheriff's Department, addressed the Board to request that the petition be granted. Applicant Emily Hubbard also addressed the Board.

Ms. Weisz made a motion that based upon the petition submitted by the Pima County Sheriff's Department and pursuant to A.A.C. R13-4-105(C), the Board grant the petition for waiver on Applicant Emily Hubbard. The motion was seconded by Chief Deputy Mundell and passed unanimously.

H. 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.

Chairman Dannels stated he requested this item be added to the agenda for discussion. He asked Executive Director Giordano to provide an update on the implementation and effectiveness of the new annual firearms qualification, which has been in use for over a year now.

Executive Director Giordano explained that nearly three years ago, discussions began about updating the annual qualification, as it had not been significantly revised in almost 20 years. During this process, we collaborated closely with Sgt. Mike Penn, a Firearms Instructor with the Phoenix Police Department. Sgt. Penn conducted extensive research on officer-involved shootings and developed what he considered to be an effective demonstration of proficiency for both recruit officers in the academy and experienced peace officers. He provided the information to us and we round tabled it and provided a demonstration that several Board members attended, shot the course and provided input on. We asked several agencies to pressure test it and then presented the new qualification to the Board in the summer of 2023. The Board unanimously approved the new course.

Initially, there were calls and complaints about the new course, but fast forward and nearly a year later, those calls have stopped. I regularly attend meetings across the state with chiefs and sheriffs, and I make it a point to ask for feedback on the qualification. So far, I've traveled throughout the state and have not received any negative feedback. In fact, most say they love the course and recommend not making any changes.

As part of the research, we conducted a national study of officer-involved shootings to analyze engagement distances. The findings showed that most shootings occur at 15 yards or closer, not beyond 25 yards. It is important to clarify that the annual qualification is not designed to teach officers to take headshots. The purpose of the qualification is to demonstrate proficiency. The headshot requirement at 15 yards is equivalent, in our view, to a body shot at 25 yards. It simply serves to demonstrate an officer's ability to aim at and hit a specific target. Using a smaller target emphasizes the importance of marksmanship. We are not teaching officers to take headshots, we are making them demonstrate their marksmanship.

We chose not to switch to a different targeting system because most agencies purchase their targets in bulk on an annual basis. While we were already making changes to the annual qualification, we wanted to avoid imposing additional financial burdens on agencies by requiring new targets. Sgt. Penn recommended using the head box at the 15-yard line to ensure that officers demonstrate a basic minimum level of marksmanship. So far, the data shows that officers are passing at the same rate as they did with the previous annual qualification. Good shooters continue to perform well, average shooters maintain their performance, and poor shooters still struggle. For us, this indicates that we are fulfilling our responsibility to ensure that officers in the field possess a fundamental understanding of firearms handling and can demonstrate proficiency.

I wanted to provide the Board with some historical perspective to emphasize that this was not a spur-of-the-moment decision. We presented this to the Board for approval, where it received unanimous support, and then implemented it statewide. This has been a project in development since February 2022.

Sheriff Dannels expressed his gratitude to staff for their efforts and dedication on bringing this new qualification to fruition. He believes we are setting a national standard with this significant and positive practical change. As he mentioned a year and a half ago, it is essential to revisit and refine these decisions to ensure continuous improvement. He completed the course and qualified on his first attempt, and he considers himself an average shooter. He wants to make sure everyone has an opportunity to discuss any concerns they may have with the new qualification so we can put it to rest. He understands that there are some concerns that warrant discussion, such as the 15-yard headshot requirement and the lack of a time adjustment for the nighttime element. He asked Captain John Gjerde, who is a firearms instructor for the Cochise County Sheriff's Office, to provide further insight into these issues.

Captain John Gjerde stated he has over 12 years of experience as a firearms instructor. He expressed full agreement with Executive Director Giordano's remarks and shared that the new qualification course has received positive feedback overall, with most participants enjoying it. He noted that the old qualification course was relatively mundane and participants felt it did not offer much value. He mentioned some concerns regarding the 15-yard line segment of the new course. Specifically, he questioned whether labeling it as a "failure to stop" drill—with

two shots to the body and one to the head—might be problematic due to the limited time allowed. He suggested that separating the headshots from this drill might be beneficial to avoid creating a false sense of capability, particularly given the challenge of aiming at a small target, both in daylight and at night. They implemented this qualification at the end of 2023 and have completed three academy classes under the new system. They understand they are working with new shooters, many of whom have no prior formal training in law enforcement. While teaching them the fundamentals, they are also asking them to achieve gunfighting speed within just a few days of picking up a firearm. Expecting recruits to pass a test that demonstrates gunfighting speed so quickly is a significant challenge for beginners.

Commander Matt Figueroa stated that their patrol division recently began using the new qualification and is awaiting feedback and statistical data. Their detention officers have been using the new qualification since last year, and statistics are already available for them. The data reveals that at the 15-yard line, fewer than 50% of detention officers are successfully making headshots. Overall, their officers like the new qualification, particularly the movement and changes incorporated into it. Their concern is the headshot requirement. Specifically, they question the necessity of training for a scenario requiring two rounds to the center and one to the head under stress. Commander Figueroa did agree with Executive Director Giordano that detention officers are not required to complete annual firearms training. If they opt to participate, they can modify the course to exclude headshots.

Detective Ben Cook stated that he recently completed the qualification course. Several personnel from Pinal County have successfully completed the course multiple times this year. His agency does not classify the course as a "failure drill" nor does it incorporate a scenario-based approach. Instead, the course is conducted strictly as an accuracy assessment. The new qualification course has proven to be highly successful within their agency.

Chief Araceli Juarez agrees that shooters who previously struggled will continue to struggle. Those who excelled before are still excelling. Is the new qualification more demanding? Yes it is, and she believes that it should be. Chief Juarez believes the increased demands enhance skills in transitioning and gear management, pushing officers to put in the necessary effort to improve continuously. She stated that the course has been well-received within her agency and throughout Yuma County. Feedback has consistently highlighted the benefits of the movement and magazine changes required by the course, which she believes will help keep officers sharp. Chief Juarez fully supports the changes that were made.

Executive Director Giordano informed the Board that annual training audits will commence at the beginning of the year, providing an excellent opportunity to gather shooting performance data from agencies statewide. He noted that, to his knowledge, no one has appeared before the Board due to an inability to pass the annual firearms qualification.

Sheriff Dannels requested that Executive Director Giordano share the results of the training audits with the Board. He stated the Board has done its due diligence by once again reviewing this matter and taking proactive steps to address it. He believes the new qualification course is enhancing shooting skills for everyone.

- I. Discussion regarding the degree of sanction options, and the factors to consider, related to peace officer misconduct involving dishonesty, as outlined in R13-4-109A. The acts of

misconduct may include untruthfulness in word or deed, both before and after a Garrity admonishment, as well as to peace officer trainees in an academy setting. Following the discussion, the Board may offer administrative guidance to AZPOST staff.

Executive Director Giordano stated he would like to discuss sanction options with the Board to ensure that cases are presented in alignment with the Board's preferences and that appropriate recommendations are provided for potential sanctions. When he became director over six years ago, staff did not provide recommendations. Instead, staff presented the facts, leaving the Board to determine sanctions independently. As the Board has evolved, so have its decisions and the sanctions imposed. In response, a policy was established requiring staff to provide recommendations based on historical cases to promote consistency. This change aims to address disparities in how officers are treated, which can occur depending on the amount of available information or whether the case is directly reported or discovered through other means.

DUIs are among the most consistently adjudicated cases by this Board. Several years ago, the Board determined that they would review any DUI case involving an existing officer with a blood alcohol content (BAC) of .15 or higher, while cases with a BAC below .15 would not be reviewed. This decision appears to align with the extreme DUI statute. Historically, for standard DUI cases—those without a traffic collision or confrontational behavior—the Board has almost always issued a one-year suspension. However, if the case involves aggravating factors, such as a traffic collision or confrontational behavior, the Board has typically increased the suspension by six months for each aggravating factor. Depending on the severity, suspensions in such cases have been adjusted to 18 or 24 months.

I would love to establish that same level of consistency in other types of cases we hear—whether they involve integrity, domestic violence, or other issues. Years ago, it was a well-understood principle that a post-Garrity lie resulted in revocation. If an officer came before the Board for a post-Garrity lie, revocation was almost inevitable. The officer could have a hearing and present mitigating factors, but if the judge determined that the burden of proof was met, revocation was the typical outcome. I believe the Board still adheres to this standard today. However, the gray area arises with the question of “when is a lie a lie?” This is especially true for pre-Garrity lies—instances where an officer or recruit makes a statement that is less than truthful or omits information, but not during an active investigation. The Board has consistently viewed such behavior negatively, but the range of disciplinary actions has varied significantly. When I first got here, a pre-Garrity lie typically resulted in a 12-month suspension. For recruits in the academy, the standard consequence was a permanent denial.

In 2019, a Board member raised concerns about the policy of issuing permanent denials to recruits who made minor misstatements, or "white lies." He argued that such a strict, irreversible consequence—with no opportunity for rehabilitation—was overly harsh. He felt that young individuals in their early 20s, who might make impulsive decisions to be less than truthful with their RTOs at the academy, should not be punished for life. This perspective led to a policy change, introducing temporary denials instead of permanent ones. At that time, the policy imposed 12-month suspensions for pre-Garrity lies by officers and 12-month temporary denials for academy recruits. Later, another Board member challenged this approach, suggesting that academy recruits should be held to a higher standard because their behavior in the academy sets the foundation for their future conduct. Based on this input, the Board revised

the policy to impose a 24-month temporary denial for recruits found to be untruthful during their time in the academy, while officers continued to receive 12-month suspensions for similar offenses.

Approximately eight months later, another Board member pointed out a disparity in the treatment of recruits and officers. During this meeting, a recruit accepted a 24-month temporary denial for dishonesty, while an officer received a 12-month suspension for a comparable infraction. This inconsistency was identified as disparate treatment, and I agreed with the observation. As a result, the Board updated the policy again, standardizing a 24-month suspension for all pre-Garrity dishonesty, regardless of whether the individual was a recruit or an officer. However, we have had differing opinions, and the Board's decisions have varied based on the specific facts of each case, which I fully support because no two cases are ever the same.

My proposal is to handle pre-Garrity dishonesty for both officers and recruits similarly to how we address DUIs. I suggest starting with a 12-month suspension, which can be adjusted based on aggravating or mitigating factors. While mitigating factors may be limited, aggravating factors could justify increasing the suspension to 18 or 24 months. We would then explain the proposed suspension duration based on those factors, which I believe will help establish greater consistency in our approach. It is crucial that we treat all officers equally, whether they are represented by an attorney or not. For instance, even when a terminated officer does not respond to us when we reach out to them, we don't simply recommend revocation. Instead, we assess each case on the alleged misconduct and the evidence we can prove—not on whether the officer engaged with us or expressed remorse.

I would like your feedback on how we can proceed, including what you consider important in creating a consistent process. Currently, determining appropriate suspension times is challenging, partly due to variations in Board decisions. While we discuss and debate cases weekly before I make a final recommendation, the nuances of each case can complicate our ability to present a clear and consistent proposal to the Board. I would like to generate some discussion about how you would like us to proceed. The most challenging scenario for all of us is when we present sanction recommendations, and the Board takes a different direction. While we fully understand that the Board has the discretion to consider our suggestions and choose another path, it would be immensely helpful if, in such instances, you could explain the aggravators, mitigators, and reasoning behind your decision. This feedback would allow us to tailor our future recommendations more effectively to align with the Board's expectations. We fully support your decisions 100%, but having a clearer understanding of your rationale would help us to provide the appropriate recommendations. I would like to hear from the Board—your thoughts on recent cases and the recommendations we have presented. Your input will guide us as we move forward.

Sheriff Dannels emphasized the importance of this discussion, stating that it is a necessary conversation. He understands staff's pain and frustration. Having served on the Board for a decade, he has witnessed changes and heard heartfelt appeals from individuals who sometimes bring their families with them. While the Board is always empathetic, it is our responsibility to ensure fairness for everyone. He recalls a case where the room was packed with supporters for an officer who had lied to a fellow officer during a road rage incident and pulled a gun. It was a clear-cut integrity issue, but the Board was split on how to vote. Ultimately, the chair

made the correct decision to vote for revocation. He agrees with staff on the importance of recommendations and stated we cannot overlook the value of experience or lose sight of the primary responsibility of this Board: holding people accountable. Arizona is known for having some of the toughest POST Boards and standards in the country. No matter your views, personal opinions or sympathies, this Board must do the right thing. I am glad we are having this discussion because, ultimately, the decision to become a police officer is theirs—not ours.

Ms. Weisz stated she echoes what the sheriff said and appreciates and understands where the staff is coming from. With that being said, the Board does not have the consolidated knowledge that staff has for prior sanctions. We have what we can recall from the prior cases that we have heard. If we could receive a document that outlines prior sanctions for dishonesty both pre and post-Garrity; DUIs, .08 to .15, greater than .15, aggravated DUI with children in the car. We have seen those cases before and those tend to get higher sanctions. The same with dishonesty, we have seen different types of lies. Some bigger than others. So there is disparity, because it is a human reaction the violation and the failure to tell the truth. Also, if possible, when the case is being presented that we can hear what the justification is for the recommendation that staff is providing. So if they are recommending a 24 month suspension and it is higher than it normally is, the basis is x y and z. I think that would be helpful. Going specifically back in time to a case where an officer came here and the Board really did a turnabout on the decision based on what she had presented and the failure of her chief or HR department to take action on her lies. She stood here and told us that she did not lie and why. It is very hard for us to look at those kinds of facts and hear her say that she did not lie and she was not terminated on an integrity violation. I am trying to remember what the Board did but it was way different than what staff recommended. That is really hard to do because staff has the accumulative knowledge and we just hear the facts and the suggested recommendation for sanctions. Perhaps a matrix could be developed to clarify the rationale behind recommendations for 18 months versus 24 months, outlining the specific aggravating and mitigating factors that influence these decisions?

Executive Director Giordano explained that in that case, the allegations of untruthfulness were sustained, but the agency allowed the officer to resign in lieu of termination. The officer failed to appear for final action, and the Board initially revoked her certification. However, she later claimed she had not been properly notified that her case was going to final action. To ensure full due process, the case was brought back, and the Board reheard it. Ultimately, you chose to take no action. For us, this was a significant turnaround. Just two months earlier, the Board had revoked her certification, but two months later, when she appeared before you, no discipline was imposed. While this is entirely your prerogative, it creates challenges for us in determining how to proceed moving forward. Labor attorneys observe these meetings, and now we have a precedent where an officer with sustained allegations of untruthfulness received no action from the Board. This raises questions about consistency. How can an attorney, in good conscience, advise their client to accept a 12- or 18-month suspension when another officer in a similar situation faced no consequences? Our goal is to ensure consistency and fairness—not just for law enforcement officers, but also to uphold the community's expectations of their police. It's a difficult balance, but we are committed to following your guidance and doing our best.

We are a strong POST organization, and this Board has a lot of power compared to other states. Unlike many states where legislation dictates what comes before their commissions or boards,

we operate under a broad set of rules that provide this Board with considerable discretion in sanctioning officers. Each state approaches these matters differently, and no two systems are exactly alike. One challenge we have observed is the disparity in how the Board handles cases involving employed officers versus those who are separated from their agencies. For example, when an officer is disciplined but retained by their agency, they may be treated differently by the Board than an officer from another agency who engaged in the same misconduct but was terminated. We are working to address this inconsistency by striving for a more uniform approach. It is also important to emphasize that we operate from a state certification standpoint, not an employment certification standpoint, and we make deliberate efforts to maintain that distinction.

I am not sure if a matrix would be the best approach, but I am happy to include that information after the compliance specialist presents the case. I can present the aggravating and mitigating factors, as we already review them during our weekly meetings when discussing each case. I will take on the responsibility of addressing the Board to explain the rationale behind the staff's recommended sanction.

Chief Deputy Mundell stated a matrix or a similar tool would definitely be helpful, especially for new Board members, who are still getting up to speed by asking questions and navigating cases. For example, in the case last month involving dishonesty post-Garrity, where the decision is final, it would have been useful to have clear guidelines or historical references. This could also serve as valuable training material for new members. Additionally, such a resource would be helpful for cases beyond DUIs, like domestic violence cases. Having historical data on how the Board has handled these types of situations in the past would provide context and consistency. Another concern is the perception of inconsistent enforcement. For instance, the case I just mentioned came to light through media reporting rather than a police agency report, which feels inequitable. Addressing these discrepancies is important, but I'm not sure of the best solution. Having a clear framework would be extremely beneficial for decision-making and ensuring consistency.

Sheriff Dannels stated we all understand the point. Looking back, our approach was much less consistent in the past. Where we are today is a significant improvement—tenfold better than where we've ever been. One challenge we've faced over the years has been the lack of a full Board. For quite some time, we operated without all 13 members, which undoubtedly impacted our effectiveness. Now, with a full 13-member Board, I'm confident we're moving in the right direction. I'm incredibly proud of the progress we've made, but it's important to remember our core responsibility. Our role is to determine, based on the facts and not on personalities, whether someone should or should not be a police officer.

Sheriff Schuster expressed his struggle with some of the decisions made by the Board. As an independent body, we rely on staff recommendations, and I believe our staff does an outstanding job. However, my primary concern is the challenge of maintaining consistency while we inadvertently create inconsistencies. This makes decision-making difficult at times, as we often collaborate and try to determine what we collectively think is best. One solution would be to establish clear standards. For example, if someone lies post-Garrity, we set a standard penalty—such as 12 months for dishonesty in the academy. This standard would serve as a baseline. While it wouldn't mean we always follow it rigidly (otherwise, we wouldn't need a Board), it would provide a consistent starting point. The Board could then decide to uphold,

decrease, or increase the penalty, with the member recommending the deviation explaining their rationale. This approach would help us maintain consistency while allowing for case-by-case discretion. Another issue to address is the lack of awareness about incidents around the state that clearly warrant our attention but never reach the Board. This leaves us in a reactive position, piecemealing our efforts. Is there a way we could implement a more effective reporting system to ensure we have comprehensive knowledge of these cases?

Executive Director Giordano stated he agrees with Sheriff Schuster's point, I find myself in a similar position at the moment. By determining what the standard sanction for an average case should be, and making adjustments as needed, I believe this will serve as a good starting point for establishing consistency. Regarding statewide reporting, I've been grappling with this challenge for six years, and I'm still at a loss for a way to accomplish this. On one extreme, we could require agencies to report all instances of misconduct to us, but the sheer volume of cases would make that unmanageable. It would require significantly more staff and Board members to handle the workload effectively.

J. Final Action Cases:

Professor Robinson left the meeting at this time.

1. 2022-012 – Kevin A. Lamoreaux – Safford 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. Mr. Lamoreaux was not present. Ms. Weisz made a motion to accept the proposed consent agreement for a 24-month suspension of Mr. Lamoreaux's peace officer certification, beginning January 13, 2022, and ending January 13, 2024. The motion was seconded by Deputy Director Barcello and passed unanimously.

2. 2023-235 – Adam J. Barzar – Tucson Airport Authority 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. Mr. Edmundo Robaina, attorney representing Mr. Barzar, was available to answer any questions. Deputy Director Barcello made a motion to accept the proposed consent agreement for a 24-month suspension of Mr. Barzar's peace officer certification, beginning June 21, 2023, and ending June 21, 2025. The motion was seconded by Chief Deputy Mundell and passed unanimously.

3. 2024-085– Jeffrey S. Pokrant – Maricopa Police Department

Detective Cook recused himself from this case. 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. Mr. Pokrant was not present. Chief Juarez made a motion to accept the proposed consent agreement for a 12-month suspension of Mr. Pokrant's peace officer certification, beginning April 1, 2024, and ending April 1, 2025. The motion was seconded by Commander Figueroa and passed unanimously.

4. 2024-163 – Conner D. Epley – 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. Mr. Epley was not present. Chairman Dannels requested legal advice regarding the classification of a felony as designated or undesignated. Assistant Attorney General Brachtl offered clarification on the matter.

Detective Cook made a motion to accept the proposed consent agreement for an 18-month suspension of Mr. Epley's peace officer certification, beginning June 19, 2024, and ending December 19, 2025. The motion was seconded by Deputy Director Barcello and passed unanimously.

5. 2024-086 – Geoffrey M. Gomez – Payson 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. Neither Mr. Gomez nor his attorney was present. Chief Deputy Mundell made a motion to accept the proposed consent agreement for an 18-month suspension of Mr. Gomez's peace officer certification, beginning March 29, 2024, and ending September 29, 2025. The motion was seconded by Deputy Director Barcello and passed unanimously.

6. 2023-217 – Robert V. Villescaz Jr. – Quartzsite 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. Villescaz was not present but submitted a letter for the Board's consideration. Detective Krajcer made a motion to accept the proposed consent agreement for a 3-month suspension of Mr. Villescaz's peace officer certification, beginning November 8, 2023, and ending February 8, 2024. The motion was seconded by Chief Deputy Mundell and passed unanimously.

7. 2024-008 – Adam Shipley – Tempe Police Department

Thus case was tabled.

8. 2024-095 – Ricardy Etienne – Maricopa Police Department

The Board considered comments from Compliance Specialist Arlene Heckel, who provided a brief overview of the case. Mr. Etienne was not present. Detective Cook made a motion to accept the Findings of Fact and Conclusions of Law. The motion was seconded by Chief Deputy Mundell and passed unanimously.

Executive Director Giordano presented the staff's recommendation for disciplinary action, including the rationale and factors supporting a proposed 24-month temporary denial of peace officer certification.

Chief Cost made a motion to accept staff's recommendation to temporarily deny peace officer certification to Mr. Etienne for a period of 24 months, beginning April 12, 2024, and ending April 12, 2026, after which he may be eligible to reapply for certified status. The motion was seconded by Detective Krajcer and passed unanimously.

9. 2024-121 – Michael Y. Uyehara – Maricopa County Sheriff’s Office

The Board considered comments from Compliance Specialist Tim Shay, who provided a brief overview of the case; a short video, taken by police body camera during the incident, was also presented. Mr. Uyehara was not present. Deputy Director Barcello made a motion to accept the Findings of Fact and Conclusions of Law. The motion was seconded by Detective Cook and passed unanimously.

Executive Director Giordano presented the staff's recommendation for disciplinary action, which includes revocation of peace officer certification.

Deputy Director Barcello made a motion to accept staff's recommendation to revoke Mr. Uyehara's peace officer certification. The motion was seconded by Chief Juarez and passed unanimously.

K. New Charging Cases:

1. 2023-192 – Nathaniel R. Clark – Pinal County Sheriff’s Office

Detective Cook recused himself from this case. The Board considered comments from Compliance Specialist William Caldwell, who provided a brief overview of the case. Chief Deputy Mundell made a motion to Initiate Proceedings against Mr. Clark's peace officer certification. The motion was seconded by Chief Cost and passed unanimously.

2. 2024-238 – Warren K. Jackson Jr. – Phoenix Police Department

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

3. 2024-206 – Juan J. Diaz – Superior Police Department

The Board considered comments from Compliance Specialist Alfred Grijalva, who provided a brief overview of the case. Chief Juarez made a motion to Initiate Proceedings against Mr. Diaz's peace officer certification. The motion was seconded by Deputy Director Barcello and passed unanimously.

4. 2024-178 – Tyler D. Johnson – Scottsdale Police Department

Chief Cost recused himself from this case. The Board considered comments from Compliance Specialist Mike Thorley, who provided a brief overview of the case. Chief Deputy Mundell made a motion to Initiate Proceedings against Mr. Johnson's peace officer certification. The motion was seconded by Deputy Director Barcello and passed unanimously.

5. 2024-276 – Melvin J. Secundino – Tohono O’odham Nation Police Department

The Board considered comments from Compliance Specialist Mike Thorley, who provided a brief overview of the case. Deputy Director Barcello made a motion to Initiate Proceedings to deny peace officer certification to Mr. Secundino. The motion was seconded by Chief Deputy Mundell and passed unanimously.

L. Future Agenda Items

Executive Director Giordano announced that there will be no meeting in December. The next meeting is scheduled for January 15, 2025.

M. Adjournment

The meeting was adjourned at 12:23 p.m.

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