



Arizona Peace Officer Standards and Training Board

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MINUTES OF THE JANUARY 15, 2020 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 January 15, 2020, at the Arizona Peace Officer Standards and Training Board, located at 2643 E. University Drive, Phoenix, AZ.

Members Present:

Assistant Attorney General Paul Ahler, representing Attorney General Mark Brnovich
Captain Don Bischoff, Jail Commander, Mohave County Sheriff's Office
Ms. Jamie Kelly, Public Member
Chief Tom Kelly, Apache Junction Police Department
Mr. Andrew LeFevre, Faculty Member, Grand Canyon University
Officer Matthew Medina, Prescott Police Department
Colonel Frank Milstead, AZ Department of Public Safety
Chief Alan Rodbell, Scottsdale Police Department
Director David Shinn, AZ Department of Corrections
Ms. Leesa B. Weisz, Public Member

Members Absent:

Sheriff Scott Mascher, Yavapai County Sheriff's Office, Chairman
Sheriff Mark Dannels, Cochise County Sheriff's Office
Deputy Christopher Pittmann, Maricopa County Sheriff's Office

Staff in Attendance:

Matt Giordano, Executive Director
Ben Henry, Deputy Director
Billy Caldwell, Compliance Specialist
Dan Ciernia, Digital Media Supervisor
Mike Deltenre, Compliance Specialist
Marie Dryer, Compliance Program Administrator
Amanda Faust, Compliance Specialist
Arlene Heckel, Compliance Specialist
Mike Orose, Compliance Specialist
Lynn Pirkle, Budget Analyst
Kip Rustenburg, Training Program Administrator
Tammy Schliefer, Administrative Assistant
Sandy Sierra, Executive Assistant
Dave Toporek, Compliance Specialist
Lori Wait, Compliance Specialist

Assistant Attorneys General:

Mark Brachtl

Paul Forshey

A. Call to Order

Acting Chairman Rodbell called the meeting to order at 10:00 a.m. and asked Chief Kelly to lead everyone in reciting the Pledge of Allegiance.

B. Introductions, Presentations and Announcements

Matt Giordano, Executive Director

- Three Board members are not present today; Sheriff Scott Mascher, Sheriff Mark Dannels and Deputy Christopher Pittmann. All Board member positions are now filled. Captain Don Bischoff, jail commander, attended his first meeting last month and Ms. Leesa Weisz, new public member, is attending her first meeting today. Ms. Weisz was previously on the Board from 2011 to 2013 as a representative of the Attorney General's Office. Director David Shinn, AZ Department of Corrections, is also in attendance for the first time since being appointed director in October. We are very happy to have them all here today.
- Richard Yost, Surprise Police Department has completed the required annual training. His name can be removed from the training deficiencies list on the Consent Agenda.
- New Case #1 – Timothy J. Baiardi 19-070 can be removed from the new cases on the agenda; his attorney has informed AZPOST that Mr. Baiardi would like to submit a Consent Agreement for voluntary relinquishment of his peace officer certification.
- Compliance Specialist Steve Jacobs is out on sick leave. Compliance Specialist Lori Wait will be presenting his three cases today; 19-093 Tyler G. Knight, 19-126 Nicholas M. Horn and 19-185 Leslie D. Warren.

C. Executive Director's Report

Matt Giordano, Executive Director

- We have filled the position vacated by Nina O'Connor when she retired in September. Rita Mae Schaefer will be the new Administrative Assistant. She will be assigned to the Training side of the house, but will also be at the front desk assisting with receptionist duties. Her first day will be January 27.
- Steve Enteman, Training Supervisor, resigned on January 3 to pursue his own lobbying/consulting business. We will invite Steve back to a future meeting to present him with a plaque for his years of service at AZPOST. We are in the process of hiring a replacement for him; he is currently in the background process.
- Marie Dryer, Compliance Program Administrator, is also the president of the AZ Chapter of COPS (Concerns of Police Survivors). COPS hosted a blood drive at AZPOST on January 9th; which is also National Law Enforcement Appreciation Day. 19 individuals donated blood.
- The technology upgrades to the Boardroom, classroom and conference room will begin next week. The upgrades will be completed by our February meeting and will make everything more efficient.
- We have partnered with Blue Peak Technology, who is our current vendor for Comprehensive Final Exam (CFE) testing. We are doing away with scantron testing and beginning next month

we are hoping to do a test run with the Phoenix Regional Police Academy and administer the CFE electronically. This will be easier for the students and much more efficient for us. Once we are comfortable with the test run, we will roll this out to all the other academies. Additionally, we will be able to use the new method for lateral candidates who are coming from other states.

- Chief Technology Officer Dan Wilson and his team are doing a phenomenal job with our technology upgrades. This weekend we will be upgrading to new laptops for all of our staff. As part of a State mandate, we are required to move all of our information storage to the Cloud. Thanks to Dan we are at least a year ahead of schedule in doing this.

D. Consent Agenda

Mr. LeFevre made a motion to accept the Consent Agenda, as amended. The motion was seconded by Mr. Ahler (AAG) and passed unanimously.

The following items were approved:

1. Minutes of the Board meeting held on December 18, 2019.
2. Certification Waivers:

Stephen J. Young	Cottonwood Police Department
Anthony G. Path	Lake Havasu City Police Department
Jake M. Grimsrud	Peoria Police Department
Zachary G. Martin	Peoria Police Department
Thomas C. Kron	Pima Community College DPS
Matthew H. Cheek	Sierra Vista Police Department

3. 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:

Merrill T. Jones	17-042	Ft. McDowell Tribal Police Department
Christopher J. Rogers	19-143	Phoenix Police Department
Samantha G. Dungan	19-183	Apache Junction Police Department
Bryan S. Lawrence	19-141	Superior Police Department
Nannette Rathers	19-203	Chandler Police Department

4. Training Audit Deficiencies

Joseph Glowacki	Huachuca City Police Department
Dan Clancy	Maricopa County Sheriff's Office

E. Review, Discussion and Possible Action on a presentation by Dr. Cody Telep, Arizona State University, on the results of the survey regarding potential rule changes

Dr. Cody Telep and Jon Bottema, ASU School of Criminology and Criminal Justice, were the driving force behind the dissemination and data gathering of the AZPOST survey to determine pre-employment drug use standards for peace officer applicants. Two surveys were administered, one to all Arizona law enforcement agency heads and one to ASU students enrolled in the School of Criminology and Criminal Justice Fall 2019 class. Dr. Cody Telep presented the survey results to the Board. A total of 98 agency heads responded to the survey; this is slightly more than a 60% response rate. A total of 1,137 students responded to the survey.

Professor Telep discussed survey findings which highlighted several different areas of pre-employment drug use, along with the views of agency heads on these related areas. Approximately half of the agency heads thought the current standards for experimentation of marijuana which was used legally (with medical card or in a state where legal) were too harsh.

The Professor discussed that the survey covered a comparison of agency head views from a 2013 survey with the 2019 survey. The agency head's opinions on pre-employment applicants who used marijuana legally has changed within the 6-year period. Both surveys asked, regarding marijuana, if the standards should be the same if consumed illegally vs. legally; if an applicant should be required to wait 3 years after legal use to apply and if more than 20 legal uses should disqualify an applicant. Today, agency heads were approximately 25% less supportive of keeping these same strict standards than they were in 2013. The larger concern is that marijuana, that is consumed as an edible, is considered a dangerous drug. Professor Telep discussed the survey findings that 71% of agency heads believed consuming an edible should be treated like any other experimentation with marijuana, and 13% believed it should be treated more leniently than experimentation.

Executive Director Giordano stated we were hoping for clearer direction from the agency heads as far as what changes they would like to see. What AZPOST will do next is digest the entire survey report and come up with several recommendations for the Board to consider and see if we can all come up with a consensus of where we would like to go in the future. He would like to present these recommendations to the Board in the next few months. AZPOST will collaborate with the Board as we move forward in considering any revisions to the current drug standards.

F. Review, Discussion and Possible Action on a Cochise County Sheriff's Office Petition for Waiver pursuant to A.A.C. R13-4-103(G) of the seven-year restriction from A.A.C. R13-4-105(A)(14) for Applicant Austin J. Shaw

Assistant Attorney General Mark Brachtl addressed the Board regarding the Cochise County Sheriff's Office petition for waiver pursuant to A.A.C. R13-4-103(G) of the seven-year restriction from A.A.C. R13-4-105(A)(14) for Applicant Austin J. Shaw. Applicant Shaw admitted to consuming an edible marijuana product in March 2017, in Colorado. Commander Thomas Alinen, Cochise County Sheriff's Office, addressed the Board to request that the petition be granted.

The Board discussed this petition at length due to Mr. Shaw's consumption of marijuana being less than three years ago. Since the Board has granted previous waiver petitions that have been at a

minimum at least three years since the last use, the Board felt it would be best if the agency waited until the three-year timeframe was met to file this petition. The Board gave Commander Alinen the opportunity to discuss this matter with his agency head and address this later (during this meeting) with the Board.

Commander Alinen re-addressed this matter with the Board later in the meeting and asked that the petition be pulled and they will reapply at a later date.

Captain Bischoff made a motion to grant the request to withdraw this petition and bring it back at a later date. The motion was seconded by Mr. LeFevre and passed unanimously.

G. Review, Discussion and Possible Action on a Cochise County Sheriff's Office Petition for determination that two uses of a dangerous drug, over seven years ago, was for experimentation for Applicant Carlos Ferra

Assistant Attorney Mark Brachtl addressed the Board regarding the Cochise County Sheriff's Office petition for determination that two uses of a dangerous drug, over seven years ago, was for experimentation for Applicant Carlos Ferra. Applicant Ferra disclosed that he used a dangerous drug twice, once in 2009 and once in 2012. Commander Thomas Alinen, Cochise County Sheriff's Office, addressed the Board to request that the petition be granted.

Colonel Milstead made a motion to grant the petition for waiver. The motion was seconded by Ms. Weisz and passed with three nay votes recorded for Ms. Kelly, Chief Kelly and Officer Medina.

H. Review, Discussion and Possible Action on a Gila River Police Department Petition for waiver of disqualifying conduct, pursuant to juvenile indiscretion under A.A.C. R13-4-105(D) and A.A.C. R13-4-103(G) for Applicant Jesus Trevizo

Assistant Attorney Mark Brachtl addressed the Board regarding the Gila River Police Department petition for waiver of disqualifying conduct, pursuant to juvenile indiscretion under A.A.C. R13-4-105(D) and A.A.C. R13-4-103(G) for Applicant Jesus Trevizo. Applicant Trevizo self-disclosed several incidents that occurred over ten years ago, with one occurring when he was 15 years of age; he is now 31 years of age. Lt. Robert Tinney, Gila River Police Department, addressed the Board to request that the petition be granted.

Ms. Weisz made a motion to grant the Gila River Police Department's petition for waiver. This includes the waiver of juvenile indiscretion under A.A.C. R13-4-105(D) and the remaining conduct under A.A.C. R13-4-103(G). Based upon the information submitted I believe that the best interests of the law enforcement profession would be served and the public welfare and safety would not be jeopardized by the waiver. The motion was seconded by Captain Bischoff and passed unanimously.

I. Final Action Cases:1. 19-093 – Tyler G. Knight – Maricopa County Sheriff’s Office

The Board considered comments from Compliance Specialist Lori Wait, who provided a brief overview of the case. Mr. Ahler (AAG) made a motion to accept the Findings of Fact and Conclusions of Law and revoke Mr. Knight’s peace officer certification. The motion was seconded by Captain Bischoff and passed unanimously.

J. New Charging Cases:1. 19-070 – Timothy F. Baiardi – Phoenix Police Department

This case was pulled from the agenda at the request of Mr. Baiardi’s attorney.

2. 8-156 – Barkley G. Perry – ASU Police Department

The Board considered comments from Compliance Specialist Mike Deltenre, who provided a brief overview of the case. Captain Bischoff made a motion to **Initiate Proceedings** against Mr. Perry’s peace officer certification. The motion was seconded by Chief Kelly and passed unanimously.

2. 19-197 – Christopher J. Rodden – Yavapai County Sheriff’s Office

The Board considered comments from Compliance Specialist Mike Deltenre, who provided a brief overview of the case. Chief Kelly made a motion to **Initiate Proceedings** against Mr. Rodden’s peace officer certification. The motion was seconded by Colonel Milstead and passed unanimously.

3. 19-126 – Nicholas M. Horn – Tucson Police Department

The Board considered comments from Compliance Specialist Lori Wait, who provided a brief overview of the case. Officer Medina made a motion to close this case with **No Action**. The motion was seconded by Captain Bischoff and passed with one nay vote recorded for Mr. Ahler (AAG).

4. 19-185 – Leslie D. Warren – Pinetop-Lakeside Police Department

The Board considered comments from Compliance Specialist Lori Wait, who provided a brief overview of the case. Colonel Milstead made a motion to **Initiate Proceedings** against Mr. Warren’s peace officer certification. The motion was seconded by Chief Kelly and passed unanimously.

5. 19-137 – Michael N. Cardinal – Bullhead City Police Department

Captain Bischoff recused himself from this case. The Board considered comments from Compliance Specialist Dave Toporek, who provided a brief overview of the case. Chief Kelly made a motion to **Initiate Proceedings** against Mr. Cardinal’s peace officer certification. The motion was seconded by Mr. Ahler (AAG) and passed unanimously.

K. Call to the Public

No one wished to address the Board.

L. Future Agenda Items

Follow-up to the survey results will be provided to the Board in the next few months.

M. Adjournment

The meeting was adjourned at 11:23 a.m.