



Arizona Peace Officer Standards and Training Board

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MINUTES OF THE DECEMBER 16, 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 December 16, 2020, at the Arizona Peace Officer Standards and Training Board, located at 2643 E. University Drive, Phoenix, AZ.

Members Present (in person):

Captain Don Bischoff, Jail Commander, Mohave County Sheriff's Office
Sheriff Mark Dannels, Cochise County Sheriff's Office
Chief Tom Kelly, Apache Junction Police Department

Members Present (via online video/telephone conferencing):

Assistant Attorney General John Johnson, representing Attorney General Mark Brnovich
Ms. Jamie Kelly, Public Member
Mr. Andrew LeFevre, Faculty Member, Grand Canyon University
Officer Matthew Medina, Prescott Police Department
Deputy Director Joe Profiri, representing Director David Shinn, AZ Department of Corrections
Deputy Director Ken Hunter, representing Colonel Heston Silbert, AZ Department of Public Safety
Ms. Leesa B. Weisz, Public Member

Members Absent:

Sheriff Scott Mascher, Yavapai County Sheriff's Office, Chairman

Staff in Attendance (in person):

Matt Giordano, Executive Director
Ben Henry, Deputy Director
Dan Ciernia, Digital Media Supervisor
Amanda Faust, Training Program Administrator
Mike Orose, Compliance Program Administrator
Sandy Sierra, Executive Assistant
David Toporek, Compliance Specialist
Lori Wait, Training Specialist
Dale Wyman, Digital Media Specialist

Staff in Attendance (via online video conferencing):

William Caldwell, Compliance Specialist
Mike Deltenre, Compliance Specialist
Cathy Hawse, Compliance Specialist
Steve Jacobs, Compliance Specialist

Assistant Attorneys General:

Mark Brachtl (via online video conferencing)

Jennifer LaRoque (in person)

Jeanne Galvin (in person)

Byron J. Babione (via online video conferencing)

Stephanie Elliott (via online video conferencing)

A. Call to Order

Acting Chairman Dannels 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

- Roll Call was taken. Ten Board members are present today, three are here in person and seven are participating via telephone/video conferencing. Sheriff Scott Mascher is absent and Sheriff Dannels will chair today's meeting.
- Assistant Attorney General Jeanne Galvin will provide legal advice to the Board on two final action cases – Joshua D. Tuffly 18-113 and Michael D. Maya 19-115.
- Assistant Attorneys General Byron Babione and Stephanie Elliott will be the attorneys for the Taylor Barlow matter, which will be held in executive session.

C. Executive Director's Report

Matt Giordano, Executive Director

- Since the passing of Proposition 207, we have partnered with AACOP, ASA and AZ HIDTA to host a discussion panel that will include a representative from Colorado POST who is an expert in recreational marijuana. The panel will be held at AZPOST and livestreamed to law enforcement officers and prosecutors around the state. We are looking at late January or early February for this to happen.
- Was selected by IADLEST to participate in an Officer Safety and Wellness Initiative. The goal is to create this training at the academy level and possibly creating advanced officer training.
- Was also selected by IADLEST as a representative for a Technical Advisory Group in relation to recruiting the next generation of officer and deputies. This will be a one year project.
- The first class of the Basic Leadership Program graduated on November 20. We had 33 officers and one civilian supervisor attend this class from 26 different agencies. We solicited feedback from those attending the class and it was overwhelmingly positive.

D. Consent Agenda

Mr. Johnson recused himself from this agenda item.

Captain Bischoff made a motion to accept the Consent Agenda. The motion was seconded by Chief Kelly and passed unanimously.

The following items were approved:

- 1. Minutes of the Board meeting held on November 18, 2020.
- 2. Certification Waivers:

James Adams	Tombstone Marshal's Office
Matthew Beryl	Surprise Police Department
Andrew Gomez	Scottsdale Police Department
Chad Graybeal	Lake Havasu Police Department
John Hillman	AZ Attorney General's Office
William Seltzer	La Paz County Sheriff's Office
Peter Tran	AZ Attorney General's Office

- 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:

Anthony D. Armour	19-226	Phoenix Police Department
Donald D. Bartlett	20-058	Coconino County Sheriff's Office
Melissa A. Myers	20-054	Phoenix Police Department
Ronald CJ Armbruster	20-176	Tucson Police Department

E. Pending Litigation

Captain Bischoff made a motion to go into executive session pursuant to A.R.S. §38-431.03(A)(4), to discuss, instruct and consult with its attorneys regarding litigation and settlement discussions in Taylor Barlow v State of Arizona United States District Court CV20-01358. The motion was seconded by Chief Kelly and passed unanimously. The Board went into executive session at 10:12 a.m. Assistant Attorneys General Byron J. Babione and Stephanie Elliott provided legal advice to the Board.

The regular meeting resumed at 10:35 a.m. Roll Call was taken once again and Officer Medina was now present via online video conferencing.

Mr. Johnson abstained from voting on this matter.

Ms. Weisz made a motion to reject the settlement offer. The motion was seconded by Chief Kelly and passed unanimously.

F. Review, Discussion and Possible Action on a Mesa Police Department Petition for a waiver pursuant to A.A.C. R13-4-103(G) for Applicant Julio Vargas

Assistant Attorney General Mark Brachtl addressed the Board regarding the Mesa Police Department petition for waiver pursuant to A.A.C. R13-4-103(G) for Applicant Julio Vargas. Applicant Vargas ingested one edible marijuana gummy, one time, when he was 15 years of age. Commander Jeff Cutler, Mesa Police Department, addressed the Board to request that the petition be granted.

Captain Bischoff made a motion that based upon the information submitted by the Mesa Police Department, and pursuant to Rule 13-4-103(G), the Board grant the request for waiver for Applicant Julio Vargas. The motion was seconded by Ms. Weisz and passed unanimously.

G. Review, Discussion and Possible Action on a Chandler Police Department Petition for a waiver pursuant to A.A.C. R13-4-103(G) for Applicant Dallin Bacon

Assistant Attorney General Mark Brachtl addressed the Board regarding the Chandler Police Department petition for waiver pursuant to A.A.C. R13-4-103(G) for Applicant Dallin Bacon. Applicant Bacon disclosed during the hiring process that he smoked leaf marijuana, three times in a one-week period, in 2018. Lt. Melissa Deanda, Chandler Police Department, addressed the Board to request that the petition be granted.

Captain Bischoff made a motion that based upon the information submitted by the Chandler Police Department, and pursuant to Rule 13-4-103(G), the Board grant the request for waiver for Applicant Dallin Bacon. The motion was seconded by Ms. Weisz and passed unanimously.

H. Review, Discussion and Possible Action on a Chandler Police Department Petition for a waiver pursuant to A.A.C. R13-4-105(C) for Applicant Daniel Butler

Assistant Attorney General Mark Brachtl addressed the Board regarding the Chandler Police Department petition for waiver pursuant to A.A.C. R13-4-105(C) for Applicant Daniel Butler. Applicant Butler disclosed that he ingested leaf marijuana at least five times, but less than ten times since he turned 21 years of age. Lt. Melissa Deanda, Chandler Police Department, addressed the Board to request that the petition be granted.

Captain Bischoff made a motion that based upon the information submitted by the Chandler Police Department, and pursuant to Rule 13-4-105(C), the Board grant the request for waiver for Applicant Daniel Butler. The motion was seconded by Chief Kelly and passed unanimously.

I. Review, Discussion and Possible Action on a Peoria Police Department Petition for a waiver pursuant to A.A.C. R13-4-103(G) for Applicant Terrance Judd

Assistant Attorney General Mark Brachtl addressed the Board regarding the Peoria Police Department petition for waiver pursuant to A.A.C. R13-4-103(G) for Applicant Terrance Judd. Applicant Judd disclosed that while in the Marine Corps when he was 19-21 years of age, he used steroids numerous times. He also injected fellow marines with steroids. Chief Art Miller, Peoria Police Department, addressed the Board to request that the petition be granted.

Ms. Weisz made a motion that based upon the information submitted by the Peoria Police Department, and pursuant to Rule 13-4-103(G), the Board grant the request for waiver for Applicant Terrance Judd. The motion was seconded by Captain Bischoff and passed with two nay votes recorded for Chief Kelly and Mr. Johnson (AAG).

J. Final Action Cases:1. 18-113 – Joshua D. Tuffly – AZ Department of Public Safety

Mr. Johnson (AAG) and Deputy Director Hunter recused themselves from this case. The Board considered comments from Assistant Attorney General Mark Bracht; who provided a brief overview of the State's Motion to Deem. Mr. Tuffly was available via online video conferencing but did not address the Board.

Captain Bischoff made a motion to accept the State's Motion to Deem and revoke Mr. Tuffly's peace officer certification. The motion was seconded by Chief Kelly and passed unanimously.

2. 19-115 – Michael D. Maya – Phoenix Police Department

Mr. Johnson (AAG) recused himself from this case. The Board considered comments from Assistant Attorney General Mark Bracht; who provided a brief overview of the case and the terms of the proposed Consent Agreement, and from Ms. Cassidy Bacon, attorney for Mr. Maya.

Chief Kelly made a motion to close this case with no further action. The motion was seconded by Ms. Weisz and passed unanimously.

K. New Charging Cases:1. 20-022 – Matthew D. Glass – Scottsdale Police Department

The Board considered comments from Compliance Specialist William Caldwell, who provided a brief overview of the case. Ms. Kelly made a motion to Initiate Proceedings against Mr. Glass's peace officer certification. The motion was seconded by Chief Kelly and passed unanimously.

2. 20-024 – Todd J. Ferrin – Phoenix 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 to deny peace officer certification to Mr. Ferrin. The motion was seconded by Chief Kelly and passed unanimously.

3. 20-026 – Eric S. Fulton – Phoenix 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 to deny peace officer certification to Mr. Fulton. The motion was seconded by Ms. Weisz and passed unanimously.

4. 20-027 – Drake E. Haigh – Phoenix 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 to deny peace officer certification to Mr. Haigh. The motion was seconded by Mr. LeFevre and passed unanimously.

5. 20-025 – Woodrow L. Hoover – Phoenix 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 to deny peace officer certification to Mr. Hoover. The motion was seconded by Chief Kelly and passed unanimously.

6. 20-030 – Darin L. Hood – Phoenix Police Department

The Board considered comments from Compliance Specialist Mike Deltenre, who provided a brief overview of the case. Chief Kelly 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 Ms. Kelly.

7. 20-012 – Edward S. Penski – Tucson Police Department

The Board considered comments from Compliance Specialist Cathy Hawse, who provided a brief overview of the case. Captain Bischoff made a motion to Initiate Proceedings against Mr. Penski’s peace officer certification. The motion was seconded by Ms. Weisz and passed unanimously.

8. 19-222 – Danny J. McFarland – Somerton Police Department

The Board considered comments from Compliance Specialist Steve Jacobs, who provided a brief overview of the case. Deputy Director Hunter made a motion to Initiate Proceedings against Mr. McFarland’s peace officer certification. The motion was seconded by Captain Bischoff and passed unanimously.

9. 20-088 – Joseph A. Turitto – Somerton Police Department

The Board considered comments from Compliance Specialist Steve Jacobs, who provided a brief overview of the case. Captain Bischoff made a motion to Resolve in the Future. The motion was seconded by Chief Kelly and passed unanimously.

10. 20-082 – Victor S. Bernal – Buckeye Police Department

The Board considered comments from Compliance Specialist David Toporek, who provided a brief overview of the case. Captain Bischoff made a motion to close this case with No Action with Agency Discretion. The motion was seconded by Chief Kelly and passed unanimously.

L. Future Agenda Items

The goals for 2021 and the 2020 Annual Report will be presented to the Board at the February meeting.

M. Adjournment

The meeting was adjourned at 12:07 p.m.