



AZ POST

QUARTERLY INTEGRITY BULLETIN

Volume No. 75

Fourth Quarter - 2015



The Arizona Peace Officer Standards and Training Board (AZ POST) is mandated by the legislature to establish and enforce the physical, mental, and moral fitness standards for all peace officers in the state. The Board meets the charge to protect the public by overseeing the integrity of Arizona's law enforcement officers by reviewing cases and taking action against the certification of individuals who violate the AZ POST Rules. The following is a summary of the actions taken by the Arizona Peace Officer Standards and Training Board at its October, November and December 2015, public meetings. These actions are not precedent setting, in the sense that similar cases will end with the same result, because each case is considered on its individual facts and circumstances.

The Board publishes this bulletin to provide insight into the Board's position on various types of officer misconduct. As always, the Compliance Specialist for your agency is available to discuss any matter and to assist you with any questions you might have.

REVOCATIONS:

Officer A failed to investigate, document and/or report allegations of child prostitution and child molestation that had been disclosed to him by the victim. He later provided false information to a different agency and lied under oath to criminal investigators regarding this same victim.

Officer B used heroin on at least two occasions and on multiple occasions illegally obtained prescription narcotics.

Officer C lost or misplaced money seized from a DUI suspect. When the suspect filed a complaint alleging theft of his money, Officer C falsified a property record form by turning in a lesser amount of money than what was actually seized. The investigation revealed that there was money missing and the serial numbers did not match the numbers originally documented.

Officer D claimed overtime he had not worked on two different occasions.

SUSPENSIONS:

- An officer, while on duty, parked his marked patrol car and played cards with a fellow officer.
- An officer was arrested for DUI while off-duty.
- An officer, in a marked patrol vehicle, activated his emergency lights behind a police aide in a golf cart. The aide accelerated and crashed the golf cart. The investigation revealed both parties were "fooling around."
- An officer drove his private vehicle after being advised not to by law enforcement because he had been drinking.
- An officer arrived for work impaired by alcohol.

VOLUNTARY RELINQUISHMENTS:

The scenarios stated here reflect the allegations giving rise to the POST case, but the facts were not proven before the Board.

- An off-duty deputy drove a department ATV while impaired; he crashed it causing injury to his passenger. He was untruthful to his supervisor when questioned about the damage to the ATV.
- An officer provided alcohol to a 15-year old girl, touched her breasts and had her touch his genitals. He was convicted of Contributing to the Delinquency of a Minor with Sexual Motivation.
- An officer exported a thermal imaging scope to Columbia in violation of federal law.
- A deputy falsified his timesheet showing he worked when he did not; he then lied to his supervisors who were looking into the matter.
- An officer ordered uniforms using his uniform allowance. He then canceled the order and presented the receipts for reimbursement.
- A deputy drove to work in a marked vehicle with a BAC greater than .15%.
- An officer, while on duty, was involved in an accident; left the scene without reporting it and attempted to conceal evidence.
- An officer, while on duty, had sex with a domestic violence victim.

DENIAL OF PEACE OFFICER CERTIFICATION:

- An applicant was not truthful on his personal background questionnaire when he failed to disclose that he had stolen items, or committed any crimes, that would be a felony in Arizona.

NO ACTIONS:

On October, November and December 2015, the Board voted to close out the following cases without initiating a Complaint for disciplinary action. This is neither a finding that no misconduct occurred nor a comment that the Board condones the conduct. In fact, the Board's rules are very broad and all misconduct violates one or more of the disciplinary rules. The Board may choose not to initiate a Complaint in a case even though there is misconduct if, considering all the circumstances, including agency discipline, the conduct does not rise to the level requiring a formal administrative proceeding. In many of these cases, the Board makes a statement that the conduct is an important consideration for a future hiring agency. By not taking disciplinary action, the Board leaves the matter to the discretion of an agency head who may choose to consider the officer for appointment. The Board relies on and enforces the statutory requirement of A.R.S. §41-1828.01 that agencies share information about misconduct with each other, even in cases where the Board has chosen not to take additional independent disciplinary action. Additionally, in some of these cases, further information is necessary before a charging decision can be properly made.

- A deputy was the subject of numerous citizen complaints related to unprofessional conduct; he failed to properly document his actions and he used unnecessary and inappropriate levels of force.
- A chief was accused of violating citizens First Amendment Rights to Free Speech during a city council meeting.
- An officer, while on-duty, masturbated in a bathroom.
- A lieutenant failed to take timely action to arrest a sergeant of his own department for domestic violence.
- A 20 year old recruit consumed two beers.
- A recruit lied when he told staff he left his assignment at home, when in fact he never completed it.
- A recruit lied when he told staff his uniform came from the dry cleaners with wrinkles.
- An officer was overzealous and may have used inappropriate force on a citizen.