



AZ POST

QUARTERLY INTEGRITY BULLETIN

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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 January, February and March 2016, 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:

Deputy A violated a Written Notice of Investigation by retaliating against persons participating in an administrative investigation. He also, while under Garrity, gave false and misleading information.

Officer B, while on duty, inappropriately hugged and kissed a community college student employee. He also was untruthful during a post-Garrity interview.

Deputy C attempted to sell his personal rifle to a third party through another deputy; this other deputy was later accused and arrested for assisting drug and human traffickers. Deputy C was also untruthful during criminal, internal (post-Garrity) and polygraph interviews.

Deputy D submitted a vacation request and told the sergeant (not his supervisor) that he was unable to reach his supervisor to get the request approved; when in fact, his supervisor had previously denied the vacation request.

Sergeant E submitted false time sheets and received payment of \$27,189 for hours he did not work.

Officer F shoplifted several items by removing them from their packaging and placing them in his pant pockets. He then selected other items from the store and proceeded to the register where he paid for all but those items in his pockets. When questioned by police about his employment, he lied and informed the officer he was unemployed.

Officer G applied to several agencies and was not honest and forthright on her POST Personal History Form regarding past drug usage and suspension of her driver's license.

Officer H provided false and misleading information on his POST Personal History Form regarding past drug usage.

Officer I used excessive force when assisting with restraining a handcuffed suspect. He also deliberately stepped on and broke the suspect's glasses. He then lied to criminal and professional standards investigators before and after Garrity.

Officer J submitted false time sheets and received payment for 135.5 hours he did not work.

Officer K committed theft of medical marijuana from a shipping company where he was employed. He was also in possession of a narcotic drug for sale. He lied to investigators regarding the reason he took the medical marijuana home.

Officer L used excessive force on six different occasions towards six different suspects when he was either arresting or assisting another officer in restraining a suspect.

SUSPENSIONS:

- A deputy working an off-duty assignment fondled and kissed a female while in the public's view.
- An officer violated department policy when he failed to follow orders and directives during a pursuit.
- An officer conducted an unauthorized undercover operation and failed to document pertinent information relating to an arrest of an individual resulting from this undercover operation.

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 officer, on two separate occasions, used unreasonable force and was untruthful regarding one of the incidents. He was also untruthful to investigators and his supervisor regarding a different matter.
- A sergeant was associated with a business that was engaged in acts of prostitution.
- An officer became involved in a physical relationship with an inactive confidential informant.
- A deputy mislead and gave false statements to his supervisors regarding an industrial claim where he received unauthorized treatments for a year beyond the required time.
- A reserve deputy was involved in a standoff where he informed officers he would kill himself and any officers that responded. The situation ended peacefully, but the deputy failed to report the incident to his supervisors.
- An officer was the subject of 5 internal investigations for untruthfulness relating to 7 different occasions.
- An officer falsified applications for peace officer certification by omitting the fact that he sold and transferred marijuana years prior.
- A sergeant provided false information and lied to his supervisor when he reported he had given specific instructions to a subordinate when in fact he had not.
- A sergeant hit his son several times because he got an F on his school progress report. He also lied when questioned about the incident.

DENIAL OF PEACE OFFICER CERTIFICATION:

- An applicant falsified his POST Personal History and Application for Certification Form.

NO ACTIONS:

On January, February and March 2016, 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.

- An agent touched a female agent inappropriately by tickling and poking her in her side.
- An officer failed to report an accident involving his patrol vehicle.
- An officer did not properly operate his patrol vehicle while in emergency mode and exceeded the speed limit.
- An officer engaged in physical altercations with her estranged girlfriend.
- A lieutenant failed to disclose undetected criminal behavior as a juvenile during her background for peace officer certification and used her department issued cell phone for personal reasons.
- An officer failed to submit paperwork, failed to return customer service calls and did not follow department policies and procedures regarding cattle inspections.
- An officer and his wife became involved in a heated argument that turned physical. Due to differing accounts as to who the aggressor was and no injuries to either party, charges were declined by the prosecutor's office.
- An academy recruit lied when he stated he had a flat tire and would be late. The real reason he was late was because he forgot his recruit hat at home and went back to retrieve it.