



## *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 April, May and June 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:**

Officer A engaged in sexually suggestive texting with a minor, possessed nude images of a minor and lied to criminal investigators regarding the sexually suggestive text messages.

Deputy B, while operating a dirt bike on a public roadway, fled from an officer attempting to stop him. He was subsequently located and cited/released. He then submitted a memorandum to his lieutenant which contained a false accounting of the incident.

Officer C submitted false timesheets and received payments totaling \$26,834.21 for hours he did not work.

Deputy D did not have his assigned vehicle serviced in over 40,000 miles. He personally replaced the brake pads on this vehicle and it was later determined that the vehicle's front brake system was damaged. He lied to his supervisor when he denied changing the brake pads on the vehicle.

Deputy E, on two different occasions, arrived for his assigned shift with alcohol in his system.

Officer F, on two different occasions and while off-duty, possessed/used a toxic vapor releasing substance, operated a motor vehicle while under the influence of drugs or intoxicating vapors and was in possession of a dangerous drug and drug paraphernalia.

Officer G failed to complete numerous departmental reports regarding criminal matters, property crimes and vehicle accidents. He failed to respond to the progressive discipline imposed by his supervisor in an attempt to have all his delinquent reports completed.

Officer H, without provocation, pointed his department issued Taser and activated the laser sight on an individual. He lied while under Garrity on two occasions when questioned about the incident.

Lieutenant I lied on numerous occasions to cover up an incident that occurred in 2002. This was discovered during a recent agency mandated background on its officers. When questioned about the incident that occurred in 2002, he continued to be dishonest regarding what had actually transpired.

Officer J repeatedly yelled obscenities at officers who responded to a bar fight. He was instructed not to drive because he appeared intoxicated; but drove away on his personal motorcycle anyway. He was speeding, ran a red light and failed to navigate a curve and overturned his motorcycle. He was cited and pled guilty to DUI.

Officer K failed to properly impound marijuana she seized from a subject. She also filed a false report by stating she found the marijuana on the sidewalk.

Sergeant L, during a random drug testing program, tested positive for the narcotic methadone.

Sergeant M operated a motor vehicle while under the influence of drugs.

### **SUSPENSIONS:**

- An officer exhibited poor judgment and a lack of discretion during several public contacts.
- A deputy was cited for Assault-DV and Disorderly Conduct-DV, he plead guilty to Disorderly Conduct and was sentenced to one year of unsupervised probation.
- A deputy made traffic stops while he was off-duty and on light-duty status.
- An officer pushed a handcuffed subject backwards and administered one dose of pepper spray because the subject was being loud and unruly.
- A deputy, on two separate occasions, gave another deputy two of his prescription only narcotic pills.
- A deputy was involved in an off-duty single vehicle accident while under the influence of alcohol.
- A sergeant got into an argument with his ex-girlfriend and as she attempted to leave he picked her up and pinned her against his vehicle. After he released her and as she was walking away, he struck her in her lower back with an open hand.
- A sergeant shot a deer that he did not have the proper tag for; he then provided false information to Game and Fish investigators regarding who actually shot the deer.
- An officer was involved with and engaged in a financial agreement with a business he knew or should have known as a law enforcement officer was a front for prostitution.
- A sergeant developed personal relationships with three different women he met while on calls for service.

### **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, after completing her regular work hours, consumed alcohol at a local drinking establishment and then proceeded to drive home in her assigned unmarked police vehicle.
- An officer mislead his supervisor as to the nature of his leave and then falsified his timesheet by claiming medical/sick time instead of vacation time.
- An officer was involved with illicit massage parlors that were being investigated as fronts for prostitution.

- An officer entered a female's home without consent or exigent circumstances. An argument ensued and he handcuffed her and gave her a 20-minute lecture. He later submitted a departmental report in which he omitted the details of the arrest.
- An officer, during a one-year period, took a department vehicle home three times per week without permission. He would spend hours at his home and disabled the GPS system to prevent detection. He also used his assigned vehicle for personal reasons. He was dishonest when questioned about the whereabouts of the department vehicle.
- An officer became involved in a criminal investigation involving her former boyfriend. She provided him with information and told him to delete all messages to/from her on his cell phone and to destroy the phone.
- An officer, while off duty, was driving erratically and stopped an individual for no apparent reason. When initiating the stop, he approached the vehicle with his weapon drawn.
- An officer, while off duty, operated a motorcycle while under the influence of alcohol and was involved in a single vehicle accident.
- During a new hire audit, discrepancies were found between an officer's current employment application and two previous employment applications.

**MANDATORY REVOCATIONS:** (felony convictions)

- An officer was convicted on the charge of CIR-Assault Resulting in Substantial Bodily Injury of an Intimate Partner, a Class D Felony Offense.
- A sergeant was convicted of two counts of sexual assault and sentenced to 14 years in prison, both Class 2 Felonies.
- An officer was convicted of one count of Fraudulent Schemes and Artifices a Class 2 Felony and one count of Theft a Class 4 Felony.

**DENIAL OF PEACE OFFICER CERTIFICATION:**

- An applicant falsified his AZ POST Personal History and Application for Certification Form numerous times when applying for various agencies by providing false information relating to illegal drug use.
- A cadet was arrested and booked for domestic violence against his girlfriend.
- An applicant failed to disclose on his employment application and his AZ POST Personal History and Application for Certification Form that he filed a false police report in order to commit fraud and that he stole items from a previous employer.

**DELAY OF PEACE OFFICER CERTIFICATION:**

An applicant gave false and misleading statements to a federal officer; when he reported to his agency that he had contact with a law enforcement officer, he failed to inform his agency about the false and misleading statements.

**NO ACTIONS:**

On April, May and June 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 officer sent sexually suggestive messages via Facebook to a female he met while on duty; he also contacted an underage female via Facebook.
- A recruit arrived for his assigned shift with alcohol in his system.
- An officer drove his marked patrol vehicle at excessive speeds (up to 89 mph) for the road conditions, time of day and local speed limits (25 mph) while pursuing a traffic violator.
- A cadet was found passed out in his vehicle while in the drive-thru lane of a fast food restaurant and was arrested for driving under the influence.
- An officer drove a vehicle while under the influence of intoxicating liquor.
- An officer failed to arrest a suspect on an out of state extraditable felony warrant and on a separate occasion did not maintain control of a handcuffed suspect who escaped while in his custody.
- An officer drove a vehicle while under the influence of intoxicating liquor.
- An officer solicited an act of prostitution.