



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 October, November and December 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:

Case #16-030. A deputy, during an 8-month period, lied to his supervisor, was arrested for assault/disorderly conduct regarding a domestic violence incident and was involved in a single vehicle collision resulting in an arrest for Extreme DUI.

Case #15-105. An officer, while on-duty, had sexual relations with an in-custody female and then provided false information to cover up not booking her into jail and instead transporting her to her residence.

Case #15-161. An officer had an inappropriate relationship with a 14-year old girl.

Case #15-005. An officer failed to disclose ALL employment history as is required on the AZ POST Personal History and Application for Certification Form. He also violated a signed Notice of Investigation by leaving a telephone message for another officer reference the investigation.

Case #15-128. A deputy provided false information on his AZ POST Personal History and Application for Certification Form. He also was not truthful when he notified police that his girlfriend's vehicle was stolen; when he in fact knew that she disposed of the vehicle in Mexico.

Case #14-176. An officer was not truthful when he falsely accused a fellow officer of attempting to intimidate him by removing his duty weapon and manipulating it while speaking to him. He also violated a Notice of Investigation and was untruthful during a polygraph examination.

Case #15-031. An officer knowingly presented a forged prescription to a pharmacy in an attempt to obtain prescription only narcotic pain medication.

Case #16-052. An officer failed to adequately investigate/process a burglary scene and refused to take a police report involving two small children that tested positive for drugs in their system.

Case #15-121. An officer was dishonest with investigators when he was questioned about his cell phone and denied he had the phone when it was in his possession the entire time.

SUSPENSIONS:

Case #16-042. An officer caused a detainee he was leading into a cell to fall backwards. (6-month suspension)

Case #16-040. A sergeant, while off-duty, was arrested for driving under the influence of intoxicating liquor; the charge was later changed to Extreme DUI. (12-month suspension)

Case #16-017. An officer drove a vehicle while under the extreme influence of intoxicating liquor; with a BAC of .288%. (2-year suspension)

Case #15-006. A deputy pushed his mother-in-law during a verbal argument and caused her to fall to the floor. (18-month suspension)

Case #16-048. An officer secretly recorded a conversation between his wife and another officer and discharged his duty weapon within a residential area. (6-month suspension)

Case #16-144. A commander unlawfully transported/possessed a loaded prohibited weapon while crossing the Canadian border. (6-month suspension)

Case #15-119. An officer unlawfully used the ACJIS system, was associated with an individual from an illicit massage business under investigation by his agency and failed to disclose this information to his supervisor. (3-month suspension)

VOLUNTARY RELINQUISHMENTS:

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

Case #16-141. An officer was untruthful when questioned about wearing his body camera improperly.

Case #16-044. A deputy neglected to complete work assignments, submitted a fraudulent timesheet, and was insubordinate and dishonest to his supervisor.

Case #16-102. A sergeant, while drinking at a bar and heavily intoxicated, inappropriately touched a female in a suggestive manner several times.

Case #16-119. A deputy resigned, and through his attorney advised that he would like to voluntarily relinquish his certification.

Case #16-068. An officer failed to properly impound property for safekeeping and was untruthful when questioned during a post-Garrity interview.

Case #16-029. An officer was involved in a collision, disregarded a direct order, was untruthful to his supervisor and reported for duty while under the influence of his prescription medication.

Case #15-176. A sergeant lied under oath by denying several times that he was properly served by a process server.

Case #15-169. A special agent engaged in an inappropriate relationship with an informant and operator of an illegal gambling establishment.

Case #16-146. An officer coerced a 19-year old male to eat marijuana; the subject was given the choice of eating the marijuana or going to jail.

Case #16-158. An officer made false data entries and reported traffic stops/police contacts that he did not make.

Case #15-157. A trooper was insubordinate, misused state property and gave false testimony.

Case #15-048. A deputy caused physical injury to an in-custody subject by dragging him while he had his hands handcuffed behind his back.

Case #16-105. An officer took food items from a cafeteria without paying for those items and displayed harassing behavior against a female acquaintance.

Case #15-112. An officer utilized the services of an illicit massage parlor known to provide prostitution services.

DENIAL OF PEACE OFFICER CERTIFICATION:

Case #16-114. An applicant failed to disclose on an application that he stole merchandise from a previous employer. He also was untruthful on numerous occasions during two polygraph examinations.

Case #16-038. A cadet committed child abuse when he struck an 8-year old boy multiple times with a belt; causing significant bruising.

Case #16-132. A recruit was observed cheating on a written exam by looking at another recruit's answer sheet and then changing the answers on his sheet.

Case #16-121. An applicant was dismissed from the academy for failing to disclose on numerous applicant questionnaires his previous drug usage and employment theft. He was also dishonest when questioned about these facts.

NO ACTIONS:

On October, November and December 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.

Case #16-093. An officer was insubordinate on two occasions when he worked a special duty job while under special conditions prohibiting him to do so. He also failed to follow a direct order from his sergeant to cancel a job.

Case #16-011. An officer failed to properly clock-in at his regular work terminal; it was also alleged that he neglected his work duties by working out during assigned work time.

Case #16-119. An officer failed to complete requirements of a Work Fitness Evaluation and failed to complete the required follow-up medical examinations as ordered.

Case #16-098. A deputy failed to meet probationary standards by exhibiting poor work performance and misleading a supervisor when questioned about an incident that occurred.

Case #16-109. An officer left his duty rifle (in the locked rifle rack) in his police vehicle, while the car was running and the driver's door was open.

Case #16-100. A deputy made inappropriate remarks to a female during a traffic stop; he also texted her on her personal cell phone to advise her he was in the area of her residence.

Case #16-094. An officer struck a juvenile female in the face after she grabbed at his weapon during a high risk vehicle stop.

Case #16-111. An officer, during a squad briefing, displayed unprofessional and disruptive behavior and refused at least three commands from her supervisor to cease the behavior.