



AZ POST

INTEGRITY BULLETIN

**Volume No. 96
May-August, 2021**



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 May, June, July, and August 2021 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 own 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 20-187. An officer was dishonest regarding his whereabouts while working an off-duty assignment and submitting timesheets for time he did not work.

Case 18-159. An officer was dishonest with investigators after receiving a notice of investigation and Garrity admonitions.

Case 19-170. A trooper was dishonest in the hiring process with several agencies at different times.

Case 20-036. An officer applied with various police agencies after he resigned from his department. He was dishonest in the hiring process with several agencies.

Case 21-026. An officer was dishonest with investigators after receiving a notice of investigation and Garrity admonitions. .

Case 20-156. An officer delivered multiple strikes to a suspect's face, and head, with a closed fist. The suspect sustained skull and fascial fractures. The agency terminated the officer's employment after determining that the officer's use of force was not objectively reasonable.

Case 21-041. An officer was dishonest with investigators after receiving a notice of investigation and Garrity admonitions.

Case 21-045. An officer was dishonest with investigators after receiving a notice of investigation and Garrity admonitions.

SUSPENSIONS:

Case 20-049. An officer was involved in an off-duty altercation and was subsequently charged with disorderly conduct. The Board accepted a consent agreement for a twelve month suspension.

Case 20-066. A trooper used his work computer to access ACJIS information for personal information. The Board accepted a consent agreement for a twelve month suspension.

Case 20-161. A trooper, while off duty, was arrested for extreme impaired driving. He subsequently pled guilty with a BAC over .20. The Board accepted a consent agreement for a twelve month suspension.

Case 20-173. During a background investigation, an officer, had disclosed that several years earlier, that he had engaged in sexual contact with his then girlfriend, now wife, in his patrol car prior to the start of his shift. The Board suspended the officer's certification for a period of six months.

Case 19-064. A sergeant, while off duty, and at a bar, struck an individual in the face. The patron did not require medical attention. The Board suspended the officer's certification for a period of twelve months.

Case 20-010. A sergeant, while on duty, and while at work, sent inappropriate images of himself to the wife of another. The Board suspended the officer's certification for a period of twelve months.

Case 21-013. A deputy punched a hole in the wall at his residence during an argument with his wife. The incident occurred while the deputy was on an on-duty lunch break. The Board suspended the officer's certification for a period of eight months.

Case 21-008. An officer, while off duty, was arrested for extreme impaired driving. He subsequently pled guilty with a BAC .156. The Board accepted a consent agreement for a twelve month suspension.

Case 20-208. An officer, while off duty, was arrested for extreme impaired driving. He subsequently pled guilty with a BAC .228. The Board accepted a consent agreement for a twelve month suspension.

Case 20-214. An officer, while off duty, was arrested for extreme impaired driving. He subsequently pled guilty with a BAC .198. The Board accepted a consent agreement for a twelve month suspension.

Case 21-051. An officer used physical force without justification during an arrest. The agency concluded that the officer displayed poor control techniques that ultimately caused a concussion and other physical injuries. The Board suspended the officer's certification for a period of eighteen months.

DENIAL OF CERTIFICATION:

Case 20-045. While in a pre-academy, a recruit falsified paperwork, specifically physical training logs. Subsequently, the recruit was dishonest to the training unit about the fitness logs.

VOLUNTARY RELINQUISHMENTS:

The Board accepted the following voluntary relinquishments of peace officer certification. Respondents, without admitting any allegations made against them, permanently relinquished their Arizona peace officer certifications.

Case #21-014

Case #20-013

Case #20-201

Case #20-169

Case #20-148

Case #21-076

Case #20-139

Case #21-098

Case #21-105

Case #21-048

Case #20-149

Case #21-034

Case #21-035

Case #21-069

Case #20-081

NO ACTIONS:

At the May, June, July, and August meetings, 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 #19-178. It was alleged an officer made derogatory statements about his agency and how it was being run. The Board voted to take no action with agency discretion.

Case #19-115. An officer was assisting in an arrest and the suspect was actively resisting and not following commands. The officer struck the suspect in the face with a fist. The Board voted to take no action.