



AZ POST
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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 some of the actions taken by the Arizona Peace Officer Standards and Training Board at its **January and February 2011**, 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. Having said that, this 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.

January and February 2011

CASE NO. 1

FRAUDULENT SCHEMES

Officer A sought and obtained a number of benefits by exploiting his status as a peace officer. During a three year period, he solicited over \$2,000.00 in discounts for motel rooms; plus numerous cash loans from local citizens and businesses totaling \$128,500.00. The stories he told some of the lenders to secure the loans were false. He never paid the discounted bill of nearly \$3,000.00 that he owed for staying at the motel and he only paid back small proportions of the borrowed money. When Officer A was provided Garrity admonitions and interviewed about these issues by internal affairs, he made false statements claiming to have paid his motel bills. An independent administrative law judge (ALJ) of the Office of Administrative Hearings presided over a hearing on the POST Complaint. The ALJ found that Officer A had committed fraud schemes in violation of A.R.S. §13-2310, and misfeasance in office. The Board adopted the Findings and revoked his peace officer certification.

CASE NO. 2

DUI and ALCOHOL AT OFF-DUTY JOB

Deputy B arrived in his personal vehicle to start an off-duty traffic control job. He was dressed in uniform. As he got out of his vehicle he stumbled and fell, got up and fell again. Other officers called paramedics who determined there was no medical issue. He was simply intoxicated. Deputy B was taken to a nearby DUI van and given two Intoxilyzer breath tests which averaged a .231 BAC. The Board revoked his certification for misfeasance or malfeasance in office and conduct that tends to disrupt, diminish or otherwise jeopardize public trust in the law enforcement profession.

CASE NO. 3

FIGHTING and DISHONESTY

Officer C committed disorderly conduct/fighting with his live-in girlfriend. During an internal affairs interview and again during a pre-polygraph interview, he omitted material information regarding the extent of his physical contributions to the fighting. He later admitted he had not been forthcoming because he feared his superiors would think him the aggressor. The Board revoked his peace officer certification for the commission of an offense involving physical violence and misfeasance or malfeasance in office.

Officer D was in a vehicle in Utah without registration. When the vehicle was pulled over, Officer D told the Utah officer that the vehicle was his and he had obtained temporary registration for the vehicle. Dispatch was unable to locate any registration. Officer D then told the Utah officer that he worked at the Arizona Port of Entry (POE) and had issued himself a temporary permit through Arizona. The Utah officer called the POE and verified that Officer D worked there. He was unable to verify the existence of a temporary permit. In truth, there was no permit or registration. Officer D later made additional untruthful statements to a supervisor at the POE. The Board revoked his peace officer certification for misfeasance and malfeasance in office.

The Board adopted consent agreements calling for a voluntary relinquishment of certification in the following fact situations. The scenarios stated here reflect the allegations giving rise to the POST case, but the facts were not proven before the Board.

- An officer lied, after Garrity admonitions, about her romantic relationship with her sergeant and about her knowledge that he assaulted his spouse.

The Board entered mandatory revocations for the conviction of the following felonies:

None.

On January 19 and February 16, 2011, 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 deployed his Taser on a possibly dead frog as a joke.
- An officer was temporarily designated as a prohibited possessor of firearms because he had a hearing to challenge an Order of Protection.
- A sergeant had sex with a woman he met during a prior police contact.
- An officer used a department radar gun to check the calibration of several private individuals' motorcycles in a manner that made it appear like he was facilitating racing on a public roadway.
- A sergeant had an affair (all off-duty) with a subordinate officer who was the spouse of another officer within the same agency.
- Two deputies danced provocatively with one another and were observed making out in the dark areas of a school during the prom.
- An officer placed a bottle of prescription drugs she had seized in her locker intending to identify the drugs at a later time and forgot about them, failing to document and impound the various narcotics and dangerous drugs in the bottle.
- An officer unintentionally failed to disclose two juvenile arrests on his POST Statement of Personal History.
- A sergeant printed a pornographic image from an email then inadvertently left it in the copy machine when he made a copy of it to give to another officer as a joke.