



AZ POST
INTEGRITY BULLETIN
Volume No. 54



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 **May and June 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.

May and June 2011

CASE NO. 1

DISHONESTY

Officer A had a pattern of failing to promptly and accurately complete his reports. During an investigation into whether he lied to a supervisor about the state of some reports, he lied to internal affairs after the Garrity admonition. He told them that he had in fact completed the reports but someone had entered the computer system and deleted parts of them. The computer records demonstrated that his stories were not true. The Board revoked his certification for misfeasance, malfeasance and nonfeasance in office.

CASE NO. 2

ALCOHOL ON DUTY and FLIGHT

Officer B reported for duty and began his shift with alcohol in his system. He had been drinking heavily the night before and a breath test indicated a .035 percent BAC. He resigned from the department. Several weeks after resigning, Officer B (now a civilian) fled from a patrol vehicle that was attempting to stop him for erratic driving. He was charged with unlawful flight and at the time of the Board action there was an outstanding felony warrant for him. The Board revoked his peace officer certification for committing a felony and malfeasance in office.

CASE NO. 3

LEAVING THE SCENE and DISHONESTY

Officer C was involved in a single vehicle accident that damaged roadside property. He left the scene and did not report it. Officer C made repeated false statements to investigating officers and to internal affairs personnel concerning where he had been, who he had been with and the number and type of drinks he was consuming. During one of the interviews with a witness, Officer C texted the witness to encourage him to give deceptive answers to the investigators if they should question him. The Board revoked his certification for committing false reporting and malfeasance in office.

CASE NO. 4**THEFT**

Sergeant D stole gasoline from County pumps for use in his personal vehicle. He also lied to a Captain who observed it by telling him he was using the vehicle for county business and had permission to put county gas in it. The Board revoked his certification for committing theft, an offense involving dishonesty.

CASE NO. 5**ABUSE OF POWER**

Officer E, a 26-year veteran police officer, became acquainted with a young woman (under 21 years of age) and attempted to go to a hotel bar with her. The doorman confiscated her identification. Officer E attempted to gain their admission to the bar by presenting his commission card and stating that he would like to come in and look around. He did not communicate that he was not on police business. One month later, Officer E ran a warrants-check on the same young woman and disseminated the results to her. He was truthful throughout the investigation, admitted his actions and took responsibility for them. He entered into a Consent Agreement for a two-year suspension of peace officer certification for malfeasance in office and conduct that tends to diminish public trust in the law enforcement profession.

CASE NO. 6**INACCURATE REPORTS**

Officer F was a new officer in a busy work assignment. He was having troubles getting his reports written well and submitted in a timely fashion. On several occasions he attempted to enhance his reports by taking verbiage from the reports of other officers on the calls and importing it into his report. Unfortunately, he failed to modify the verbiage so that it accurately represented his involvement in the call. As a result, the prosecution of some cases was made more difficult. His department found that the conduct amounted to plagiarism, however, POST did not find that he had an intent to deceive. Officer F sought help with his report writing skills and had completed English 101 and 102 at a community college prior to the Board decision. The Board adopted a Consent Agreement calling for a three month suspension of his peace officer certification for misfeasance in office.

CASE NO. 7**FAILURES TO MEET STANDARDS**

Applicant G was appointed by an agency that requires its officers to be dually certified in two states. He obtained certification in the other state and then sought to waiver test into Arizona. During the background investigation for Arizona, he disclosed some potentially criminal sexual conduct with a four to six year old girl when he was 17. After learning of the disclosures, the other state revoked his peace officer certification. One of the minimum qualifications to obtain peace officer certification in Arizona is that the applicant cannot have previously had their certification revoked. The Board denied his application for certification in Arizona.

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 received oral sex from an intoxicated passenger when he was giving her a “safe ride” home.
- An officer admitted to viewing and downloading an extensive personal collection of child pornography.
- An officer drove under the influence of alcohol, left the scene of an accident and lied to responding officers about his involvement.

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

- None

On May 18 and June 15, 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.

- A background investigator had a sexual relationship with an applicant.
- An officer called in sick more than once when he may have been suffering the effects of partying too late.
- An officer shot herself in the chest.