



AZ POST
INTEGRITY BULLETIN
Volume No. 55



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 **July and August 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.

July and August 2011

CASE NO. 1

DISHONESTY

Officer A was off duty when he received a phone call from his supervisor who asked him whether dispatch had contacted him with a call involving marijuana in a boat. He twice denied receiving the call or declining the call. It should be noted that it was acceptable for him to decline the call, which he did. He was just not truthful with his supervisor about it. The supervisor directed him to take the call, which he then did. The following day, Officer A again denied receiving or declining the call. A few days later, Officer A was interviewed under Garrity and immediately became compliant and honest. He explained that he had "f***ed up," took full responsibility for his actions and expressed remorse. The Board imposed a one year suspension of peace officer certification for misfeasance, malfeasance or nonfeasance in office.

CASE NO. 2

DISHONESTY

Officer B conducted a traffic stop of Ms. YL for travelling 7 mph over the limit. He obtained personal information and issued her a warning. Minutes later he posted a message on her Facebook account saying, "You were to (sic) cute sweet and innocent looking to write u a ticket." Officer B began communicating with Ms. YL using the Facebook account of a former roommate. When the matter came under investigation, Officer B lied about engaging in the communication, lied about knowing a subject by the name of his former roommate and made up a potential suspect as a ruse. He provided these lies repeatedly after the Garrity admonitions had been given to him. The Board revoked his peace officer certification for committing an offense involving dishonesty and malfeasance in office.

CASE NO. 3

DISORDERLY CONDUCT

Deputy C and his wife were having marital difficulties. During an argument, Mrs. C took the vehicle keys from Deputy C and attempted to close and lock the master bedroom door. He forced the door open, knocking her to the ground and injuring her knee. The injuries were still visible one month later. He slapped the keys from her hand as she laid prone over them. He laid on top of her and wrestled the keys from her—

an action witnessed by her 8-year-old son who was awakened by the confrontation. Deputy C entered into a Consent Agreement stipulating to the facts but not providing for any particular sanction. There had been no criminal charges or convictions. His attorney addressed the Board and painted a rather egregious picture of his conduct, whereupon the Board revoked his certification.

CASE NO. 4

ACJIS VIOLATIONS and DISHONESTY

Officer D, who was interested in a barista (coffee drink maker) at a local Starbucks, spoke with her on several occasions, telephoned her work and left a business card and a personal note on her car. Her boss complained to the department. An investigation determined that Officer D had misused ACJIS to run driver license and license plate queries on the barista. He then lied about it during a professional standards interview after Garrity admonitions. The Board revoked his certification for committing false reporting and malfeasance in office.

CASE NO. 5

ASSAULT

Deputy E heard a radio call of shots fired in an area he was patrolling. He stopped a vehicle and two of the occupants jumped out and ran into a nearby field. Another deputy located one of them and placed him in the backseat of Deputy E's patrol vehicle with his hands cuffed behind him. Deputy E, while questioning him about the location of the gun, struck him across the face with an open hand 6 or more times. He stated his intent was to antagonize the suspect and get a response as to the location of the "damn gun." Deputy E was convicted of assault for the incident. The Board revoked his peace officer certification for committing a crime involving physical violence and malfeasance.

CASE NO. 6

ACJIS VIOLATIONS

Over a three month period, Officer F accessed ACJIS several times and gave the information to a friend for the friend's personal use. He was indicted and convicted of computer tampering. The Board revoked his certification for committing felonies 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 had sex with an 18 year-old explorer in his patrol car while he was on duty.
- An officer assaulted his spouse and a subsequent girlfriend.
- An officer confiscated and refused to return a juvenile's electronic video game player.

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

- None

On July 20 and August 17, 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 deputy made two poor decisions, one in deciding to have a vehicle towed and another in handling a counterfeit bill call.
- An officer denied recording a conversation with his chief that he was in fact recording.
- An officer gave arguably misleading answers to convoluted questions about her role in sharing a recording with other officers after having been admonished not to discuss it with them.
- An officer violated an order not to have contact with subordinate and fellow employees regarding an internal investigation.
- An officer violated an order not to engage in spreading rumors by talking with other officers about the termination of a fellow officer.
- An officer sent an internal department email to persons not employed by the department contrary to policy.
- A school resource officer asked teachers for a date while on duty at the school.
- An officer momentarily minimized the facts of a motorcycle accident to protect the driver, but quickly corrected her misstatements. She had been truthful to responding officers at the scene.
- An officer submitted time and personal leave records resulting in 2.5 hours of pay for work not actually performed over a seven month period of time.