AZ POST
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 some of the actions taken by the Arizona Peace Officer Standards and Training Board at its **September and October 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.

September and October 2011

CASE NO. 1 **THEFT**

Officer A was off-duty and shopping at a Big Box Store. He was observed picking up a Bluetooth earpiece, removing it from its container and secreting it in his shirt pocket. He was apprehended by a loss prevention employee and later cited by the police for shoplifting. The Board revoked his peace officer certification for committing an offense involving dishonesty.

CASE NO. 2 **DISHONESTY**

Officer B had a relationship with a 16-year old female we will call YL. He sometimes gave her rides in his vehicle, kissed her a number of times and had her spend the night with him in his bed fully clothed. Both YL and the officer maintain that no sexual activity took place. Officer B states that the girl wanted to have sex with him and had been sexually active with her previous 21-year-old boyfriend, but that he refused her advances, holding her in bed in more "like a hug kind of deal." The Chief of Police investigated allegations that Officer B had an inappropriate relationship with YL. During an interview, after the Garrity admonitions, Officer B lied to the Chief by saying he had no personal relationship with YL and had not given her rides in his personal or patrol cars. After failing a polygraph, Officer B admitted kissing her numerous times on the lips, sleeping with her in his bed about ten times and that he "might have" touched her buttocks over her clothing. He admitted that this was an inappropriate relationship. The Board revoked his certification for the conduct, for lying about it and for failing to report or investigate the previous boyfriend's sexual conduct with a minor as required by A.R.S. §13-3620(A)(2).

CASE NO. 3 **THEFT**

Officer C, while off duty and in the company of her adult daughter, observed her daughter take retail items and place them in Officer C's purse. She made no attempt to prevent her daughter's acts and attempted to leave the store without paying for the items. They were both arrested. She entered into a deferred prosecution agreement for shoplifting. The Board revoked her certification for committing an offense involving dishonesty.

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:

- A detective failed to conduct or complete numerous investigations over a two year period into various crimes against persons.
- A lieutenant used a computer to lure boys for sex.
- An officer was untruthful during his background investigation.
- An officer provided false information on his application for certification.

On September 21 and October 19, 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 mishandled an extradition to Utah.
- An officer took a pill that was prescribed to a family member for back pain.
- A specialty officer turned in careless and sloppy accounting paperwork.
- A sergeant, off-duty and on his private phone, received a text message photo from a woman of her breast and responded with the words "thank you," and a photo of his penis.
- An officer was in actual physical control of her vehicle (asleep in a drive-thru) while under the influence of intoxicating liquor.
- A commander was the subject of a citizen complaint alleging a large number of instances of misconduct. POST investigated and found no actionable rule violations.
- An officer failed to follow department policy when taking a report and documenting an act of domestic violence.
- A sergeant was among several officers responsible for poor evidence handling over a period of several years.
- An officer mistakenly gave inaccurate information to a Superior Court Judge when applying for a search warrant.
- An officer had a bad reaction to a prescription medication and fell asleep while driving, causing a collision.
- A specialty officer repeatedly had poor performance and poor compliance with workplace rules and policies.