



***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 **November and December 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.

**November and December 2011**

**CASE NO. 1**

**SEXUAL CONDUCT WITH A MINOR**

Officer A was working as a School Resource Officer. He failed to maintain appropriate boundaries with the students and eventually engaged in sexually explicit texting with female high school students. He also met a minor girl behind a vacant grocery store while on duty and kissed her and sexually fondled her. The Board revoked his certification for committing an offense involving unlawful sexual conduct and malfeasance in office.

**CASE NO. 2**

**FALSE TESTIMONY**

Deputy B testified before a county Grand Jury and related a number of facts concerning a "man with a gun" call that were demonstrated to be inaccurate by his report, the witness statements and the 911 tape. The prosecutor was seeking one count of disorderly conduct with a weapon, but based on Deputy B's testimony, the Grand Jury requested three additional felony counts and the True Bill was returned to include all four charges. His testimony included that the man had pointed the weapon at three different people. In fact, he had pointed the weapon at none of them and there was no information from which Deputy B could have believed that he pointed the weapon at them. Deputy B made several statements providing the false information, including direct answers to Grand Juror questions. The prosecutor reviewed information provided by the defense attorney and dismissed all of the charges against the suspect. There was a similar incident of false testimony in another case. The Board revoked Deputy B's certification for malfeasance in office.

**CASE NO. 3****DISHONESTY and MALFEASANCE**

Deputy C responded to an unexplained infant death call. He failed to conduct the investigation in accordance with agency policy and state law. Specifically, he did not notify a supervisor, complete and attach a "red tag" to the body for identification and evidentiary purposes, interview the parents, visit the scene of death nor preserve blood evidence from the infant or father. Deputy C wrote a report that contained false information regarding his actions during the course of the investigation. He also lied during an investigation into his conduct and report by denying that he had been told the death involved an infant. The dispatch recording shows he was twice informed that it was an infant. He also lied about efforts to contact a supervisor. The Board revoked his certification for false reporting and malfeasance in office.

**CASE NO. 4****FIREARMS MISCONDUCT and DISHONESTY**

Officer D was camping with his two minor sons on a beach over the Fourth of July weekend. He became intoxicated and annoyed with the large group camping next to them. At one point he went to the river and fired five rounds from his .380 caliber handgun into the water at the shore. The neighbors' five and seven year old children were playing in the water at the time. When police arrived, Officer D denied having discharged a gun. He later admitted that he did fire his handgun into the water, but he said he did so in order to summon the police to report suspicious behavior by the neighboring campers. The city manager worked out an agreement in lieu of termination that called for Officer D to lose a large amount of leave time and allowed him to stay on the job. The Board revoked his peace officer certification for committing offenses involving physical violence and dishonesty, malfeasance in office and conduct that tends to diminish public trust in the profession.

**CASE NO. 5****DISHONESTY**

Officer E assisted another officer on a call for service. He contacted Ms. GL during the investigation and learned she also goes by her maiden name, Ms. GN. Two days later, Officer E located her page on Facebook, which was in her maiden name, and sent her a "friend request." She did not think this was appropriate and she made a complaint to the department. During the internal investigation, after the Garrity admonitions, Officer E lied several times, first denying that he made a "friend request" of Ms. GL and later offering elaborate fictions for how he may have inadvertently done so. The Board revoked his peace officer certification for malfeasance in office.

**CASE NO. 6****THEFT**

Officer F took \$150.00 from a workplace fund to purchase gas for his personal vehicle and to buy food for an upcoming retirement party. He pled guilty to theft and paid a fine and restitution. The Board revoked his peace officer certification for committing an offense involving dishonesty.

**CASE NO. 7****SEXUAL ABUSE**

Recruit G was attending the academy to become a peace officer when he molested a relative under the age of 15 years. He was convicted of sexual abuse of a minor and sentenced to five years in prison. The Board permanently denied his application for peace officer certification.

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 struck a handcuffed prisoner with his fist and lied during the investigation.
- An officer tried to use his position as a peace officer to avoid a DUI arrest.

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

- Attempted Theft of a Credit Card and Tampering with Physical Evidence
- Burglary

On November 16 and December 14, 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 was progressively disciplined for five unrelated performance failures over a period of about a year.
- A deputy was involved in a relationship with his 17 year old bride that included pre-marital kissing and her sleeping on his couch a few times before the wedding.
- A deputy may have been less than forthcoming with investigators about his off duty behavior with his apartment complex manager.
- A sergeant, while highly intoxicated and naked from the waist down, knocked on several hotel room doors after apparently locking himself out of his room.