



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 **March and April 2012**, 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.

March and April 2012

CASE NO. 1

DISORDERLY CONDUCT

Officer A got into an argument with his girlfriend at her home. They yelled and argued with each other. During the argument, they had contact and she fell into a bush, they grabbed each other by the arms and he punched a wall, causing minor damage. Officer A pled guilty to Disorderly Conduct and was sentenced to pay a fine, complete a life skills program and perform community service. The Board adopted a Consent Agreement calling for a one year suspension of peace officer certification and added the stipulation that Officer A may not reactivate his certification unless and until he completes all of the requirements of his sentence.

CASE NO. 2

DISHONESTY

Officer B was due to return to work following a vacation. His duty assignment required him to pick up a marked vehicle at a substation and drive it to his duty post. He notified dispatch that he was en route to the substation to pick up the vehicle, even though he never left his home. At about 12:30, he called dispatch and told them he would need the rest of the day off since he had an a/c problem at his home. He did not reveal that he had been home all day. He did not tell his supervisor. He did not reflect the time off on his payroll form. Officer B was dishonest to internal affairs investigators about this and other incidents when he had misrepresented his law enforcement activities to his sergeant. He lied after receiving the Garrity admonitions at two separate IA interviews. The Board revoked his certification for false reporting and malfeasance in office.

CASE NO. 3

SEX ON DUTY and DISHONESTY

Officer C engaged in sexual conduct while on duty on multiple occasions. He lied to investigators (after Garrity) and to a polygraph examiner by denying the conduct. The Board revoked his peace officer certification for malfeasance in office.

CASE NO. 4**DISHONESTY**

Officer D assisted with the execution of a search warrant. While executing the warrant, he examined the contents of the subject's cell phone and observed a video of the subject receiving oral sex. While he was viewing the video, the cell phone rang several times and he activated the "ignore" button each time. Finally, when the phone rang yet again, Officer D answered it and said something to the effect of, "I gotta go, I am getting my cock sucked." The caller was the subject's wife who was outside on the lawn trying to locate her husband. She complained that someone had answered the phone and called her "a cock sucker." Officer D was dishonest when questioned about it and when interviewed after Garrity admonitions. Three other officers made observations that suggested Officer D was lying. He eventually admitted he had been untruthful. The Board revoked his peace officer certification for malfeasance in office.

CASE NO. 5**DISHONESTY**

Detective E was a personal friend of Dr. Z, who ran the local Emergency Department (ED). An internal department email was circulated to all sworn personnel that contained, in Detective E's opinion, derogatory comments about a diagnosis made at the ED. Officer E called Dr. Z and told him about the email. He informed the doctor's secretary how to make a public records request to obtain a copy of the email, which she did. The doctor then made a complaint to the department. Detective E lied to a sergeant, to the Chief of Police and to an internal affairs investigator about the contact. The Board revoked his peace officer certification for malfeasance in office.

CASE NO. 6**ALCOHOL ON DUTY**

Sergeant F went home for lunch several times and consumed beer. Members of his squad smelled the alcohol and expressed concern. The sergeant admitted to drinking on duty. The Board revoked his peace officer certification for the unauthorized use of or being under the influence of alcohol on duty.

CASE NO. 7**DISHONESTY**

Officer G had difficulties brought on by his dishonesty at two different agencies. The first arose because of his false claims of having been a Navy Seal to his wife and coworkers. A deputy from another agency, who truly had been a Seal, discovered that his claims were manufactured and he let people know it. Officer G's wife began speaking ill of the deputy, who asked for an investigation. It was during this investigation that Officer G lied after the Garrity admonitions and also misled the chief of police concerning his knowledge of newspaper articles and lied about what he said to whom. The second instance arose out of Officer G's dishonesty on an "Officer's Daily Log" which listed patrol activities and security checks that he did not perform. He lied or gave misleading answers during a post-Garrity interview as part of this internal affairs investigation. He later claimed that a head injury had caused him to lose memory of the shift about which he wrote the inaccurate log. He had made a similar claim years before when he attempted to excuse his lack of recall about his fictitious time in the Navy Seals. The Administrative Law Judge found that his claim of memory loss was a ruse to avoid responsibility for his actions. The Board revoked his peace officer certification for committing a crime involving dishonesty and malfeasance in office.

CASE NO. 8**THEFT**

Officer H was seen late at night on his day off in civilian clothing at the gasoline pump behind the station. When asked about it, Officer H said he was taking gasoline to transport little league players in his personal truck. Later, he denied having said this and at hearing testified that he had not taken department gasoline for any improper use at all. Fuel logs from the pumps were examined and compared to the mileage logs in

Officer H's department vehicle. The comparison showed instances where the amount of fuel taken by H could not have been consumed in the miles recorded for his odometer. The Administrative Law Judge found that Officer H had committed theft. The Board revoked his peace officer certification for committing an offense involving dishonesty and malfeasance in office.

CASE NO. 9

MALFEASANCE

Deputy I and his family went to a phone company kiosk at the mall to see if he could get a better deal on his wireless service. The salesman recognized the deputy because he had issued him a speeding ticket the day before. The man pulled up Deputy I's personal information on the computer, including his social security number, address and employer. Deputy I asked the man what could be done to reduce his wireless bill and the man asked what could be done to help him out on his ticket. Deputy I sent his wife and kids away and asked to see the ticket. He took the salesman's copy of the ticket and said he would take care of it. He left and shortly thereafter changed wireless companies. Deputy I forgot to do anything with the ticket and the salesman complained after his license was suspended for failure to appear. Deputy I testified at hearing that he was alarmed by the man's access to his personal information. He was afraid the man could be one of the one percent of the population who would use his information to retaliate against him. He feared the man might go to his home where his wife is the caregiver for their seven year old daughter who is severely disabled, when he was at work. He told the Board that he would handle his alarm differently if anything like this happened in the future. The Board suspended his peace officer certification for an additional six months following the 18 months he had already been gone from active certification.

CASE NO. 10

DUI, FLIGHT and DISHONESTY

Officer J was driving his personal vehicle under the influence of alcohol while off duty. When an officer stopped him for erratic driving, he fled on foot. He lied to investigators conducting an interview after the Garrity admonitions by denying that he was the driver, and later pled guilty to DUI. The Board revoked his peace officer certification for committing a crime involving dishonesty and malfeasance in office.

CASE NO. 11

DUI

Deputy K was convicted of DUI. His blood alcohol content was in the extreme DUI range. He had previously been warned by his department that he was to avoid driving under the influence after fellow deputies reported that he had been driving off duty after consuming too much alcohol. Additionally, during the same time frame, Deputy K received discipline for being intoxicated at a party and instructing his girlfriend to retrieve his Taser from his home. He then permitted a person to use the Taser to drive stun another party attendee. The Board revoked his peace officer certification for a pattern of misconduct.

CASE NO. 12

SEXUAL ABUSE and DV

Deputy L, while intoxicated, crawled into bed with a roommate of her date and began to fondle her breasts. Deputy L did not know this woman. The woman did not want criminal prosecution but filed a complaint with the department. Despite Deputy L's denials, both the fondled woman and her roommate gave statements sustaining the allegations. Deputy L was also involved in threats, intimidation and domestic violence harassment in separate incidents. The Board revoked her 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 failed to abide by a “last chance” agreement with her department.
- An officer used excessive force while making an arrest.
- An officer tested positive for marijuana metabolites.
- A deputy committed domestic violence assault.
- An officer committed domestic violence unlawful imprisonment by strangulation.
- An officer repeatedly failed to complete investigations and do reports.

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

- none

On March 21, and April 18, 2012, 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 testified that he had been to classes on the behaviors of aggressive and dangerous animals, but did not volunteer that these were not police courses.
- An officer used poor judgment in trying to get an inmate to stop being loud and disruptive by stepping on a pepper ball under his cell door.
- An officer failed to complete a vehicle burglary report by not including the suspect information he had been given.
- An officer described his involvement in a vehicle/bicycle accident to his supervisor differently than the bicycle rider described it.