



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 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.

September and October 2012

CASE NO. 1

SEX ON DUTY

Officer A was visiting with a city employee from a different city department when he began rubbing her neck and shoulders. He slid his fingers under the front of her blouse and she objected. He immediately backed off. She complained about his behavior and an investigation ensued. During the investigation it was discovered that Officer A had engaged in petting once and oral sex once on duty three years before the incident. Arizona POST was presented with a Consent Agreement calling for a six month suspension of peace officer certification, retroactive to a time when the officer was on leave from his agency and collecting his pay as a peace officer. The Board modified the Agreement to make the suspension prospective (meaning the suspension would begin as of the Board meeting date) and adopted it.

CASE NO. 2

VIOLATING CIVIL RIGHTS

Officer B learned that his mother had been the victim of a sexual assault and he believed the perpetrator was JD, a former boyfriend of his sister. Officer B provided information to the agency that was investigating the assault and was told to let the detective know if he learned anything else. He made efforts to find JD and in doing so, unreasonably mistook a citizen for someone who might know how to find JD. He stopped the citizen's car and removed the driver at gunpoint. Officer B was arrested for aggravated assault but prosecution was turned down. The Board adopted a Consent Agreement calling for a one year suspension of certification. Although Officer B's conduct was egregious and impacts public trust and deserves revocation, the severe emotional duress he was under was taken as mitigation.

CASE NO. 3

DISORDERLY CONDUCT

Officer C made a traffic stop; during the stop confusion developed between him and the dispatcher regarding the vehicle license plate. Following the stop the dispatcher called Officer C to complain about the confusion and Officer C hung up on him. When Officer C returned to the police station, he was met outside by the dispatcher. An argument ensued and Officer C pushed the dispatcher twice. The two were separated before the matter escalated. The Board adopted a Consent Agreement calling for a six month suspension of certification.

CASE NO. 4**ASSAULT**

Sergeant D and his wife began to argue after a football game. The argument continued despite the wife's attempts to put time and space between them in order to diffuse the situation. Sgt. D eventually threw a television set off the upstairs landing. He assaulted his wife and daughter by using control holds on them and chasing them with broken television parts. The Board revoked his peace officer certification.

CASE NO. 5**ALCOHOL ON DUTY**

Officer E arrived at the scene of a search warrant under the influence of alcohol. He was placed on administrative leave while an investigation took place. Just over one month later, he was ordered to be interviewed about the incident. He arrived at the interview under the influence of alcohol. The Board revoked his peace officer certification.

CASE NO. 6**THEFT**

Officer F committed fraud schemes by pretending to sell a seized Cadillac Escalade at a discount to a citizen, claiming he could circumvent the city auction process. The citizen made two payments totaling \$1,725.00 toward the \$5,500.00 purchase price. In reality, there was no Escalade. The Board revoked Officer F's peace officer certification for committing a crime 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 lieutenant took an iPad home to Arizona with him after finding it in Salt Lake City.
- An officer made false statements on a personal application for abandoned title and filed it with MVD.
- An officer attempted to have sex with a woman on duty, lied to investigators and falsified evidence.

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

- Theft and Possession with Intent to Distribute Controlled Substances.

On September 19, and October 17, 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 sent inappropriate text messages to a woman he met during a theft call at her home.
- A deputy violated policy by leaving a driver in his vehicle while he returned to the patrol car, after learning there were two guns in the vehicle and that the plates were suspended.

- An officer did a poor job of handling a trespass call and misplaced or threw away a cheap necklace apparently dropped by the suspect.
- An officer recklessly discharged her firearm during a deadly force, on-duty shooting.
- An officer was involved in a pattern of conduct that included poor documentation and good faith mistakes in a defense interview.
- An officer handled a traffic stop poorly by allowing the sober 15 year old, unlicensed driver to return to the car and drive it home after curfew.
- A recruit lied to her supervisor about having completed a written assignment.
- An officer purchased two horses for \$5.00 in an attempt to assist a family in relocating the animals.
- A recruit lied about an intimate affair she had been having with another recruit.
- An officer inaccurately documented work hours for an off-duty employer.
- A recruit failed to attribute copied material in an academy assignment.