



AZ POST
QUARTERLY INTEGRITY BULLETIN
Volume No. 64



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 **January, February and March 2013**, 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.

REVOCATIONS:

DUI

Officer A drove his personal vehicle while under the influence of alcohol. He was stopped for driving erratically and eventually convicted of Extreme DUI. Officer A had also been cited for DUI twice in the preceding 12 years.

DISHONESTY

Officer B was under investigation for allegations of having sex with a minor. He lied to investigators after Miranda warnings about when he first had sex with the woman in question.

THEFT

Sergeant C was one of several officers to respond to an alarm call at a business. The security camera at the business recorded images of Sergeant C opening a desk drawer, removing something and placing it in his pants pocket. The removed item was \$3,340.00 in cash. When questioned by criminal investigators, he denied removing any money from the desk. When questioned by professional standards investigators, he admitted taking an unknown amount of money but claimed he felt guilty and threw it out of his car window. He and his wife later deposited \$3,340.00 into their personal account.

HARASSING BEHAVIOR and DISHONESTY

Officer D exhibited a pattern of controlling and harassing behaviors with multiple women after their relationships had ended. The behaviors included refusing to leave workplaces of women, criminal damage, repeated unwanted telephoning and texting, and accessing a phone's contents without authorization. He lied during several investigations into the conduct.

ASSAULT

Officer E attacked his girlfriend by holding her down and choking her. He also struck a responding officer in the face while being taken into custody.

MALFEASANCE and DISHONESTY

Deputy F was involved in a disagreement with the man who boarded his horse over the cost of feed. During the dispute, Deputy F removed his Taser and spark tested it in a show of intimidation. The other man said it was pointed at him when it was fired. Deputy F lied about the incident during the internal affairs investigation. Deputy F also failed to take reports and document about 20 crimes reported by the same man over several years, including thefts of cattle and vandalism.

NEGLECT OF DUTY and FALSE REPORTS

Officer G spent hundreds of hours at home or on personal errands during work hours for over a year. He would drive about 45 minutes outside of his work area to his home and spend up to four hours there at a time. He also spent hours at restaurants and malls without permission. He used department gasoline to make these trips and submitted his timesheets as if working a full day each day.

MALFEASANCE

Officer H conducted a traffic stop on a woman who was impaired by alcohol. He was inappropriately complimentary and flirtatious with her. He made sexual advances and kissed her, fondled her breast and offered to allow her to touch his erect penis. He left her with her car and a warning not to drive it. Several hours later she contacted the department and filed a complaint.

SUSPENSIONS:

- DUI
- Lie to supervisor about administrative matter
- Sex on duty
- Lie to supervisor about administrative matter
- Lie to supervisor about meeting a woman in a vacant field
- Extreme DUI

VOLUNTARY RELINQUISHMENTS:

The scenarios stated here reflect the allegations giving rise to the POST case, but the facts were not proven before the Board.

- Sex on duty and trying to influence a witness.
- Getting paid for hundreds of hours not worked.
- False information to police.

MANDATORY REVOCATIONS: (felony convictions)

- Child Abuse
- Sexual Conduct with a Minor
- Unlawful Imprisonment and Disorderly Conduct.

NO ACTIONS:

On January 16, February 20, and March 20, 2013, 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 snuck behind his supervisor's back to propose marriage to his girlfriend.
- Several officers had poor performance issues.
- An officer crashed her patrol vehicle.
- A deputy had excessive unscheduled absences from work.
- An officer argued loudly at home.

PROFESSIONALISM POINTER:

LET'S NOT MAKE A DEAL

Non-disclosure agreements, in which an officer agrees to "go away quietly" and the agency agrees not to inform POST about the misconduct, are illegal. A.R.S. §41-1828.01 requires law enforcement agencies to share information about any known misconduct with POST and with any potential future hiring agencies whenever an officer resigns, retires, is fired or separates from the agency for any reason. Almost all misconduct violates POST rules, whether POST chooses to take additional disciplinary action or not. The POST Board publishes the Integrity Bulletin in part to specifically inform readers that POST relies on this requirement in order to spare officers with less serious misconduct a POST proceeding. The public can only be protected if the statute's provisions are obeyed.

Law enforcement agencies are required to submit a Termination Notice to POST any time an officer ceases to be employed by the agency. The form requires that a box be marked if the agency "is aware of conduct that may violate Arizona Administrative Code R13-4-109(A)(1-9)." POST suggests that if an agency opens an internal affairs investigation into conduct, it is necessarily aware of conduct that may violate POST rules unless the allegation was unfounded after appropriate investigation.

Furthermore, an officer who is the subject of such a deal is placed in an untenable position. The potential hiring agency will ask about investigations, misconduct and discipline at the former employing agency. The officer is obligated to disclose everything he or she is asked, completely and truthfully. AZ POST will initiate cases against an officer who fails to do so. In fact, AZ POST considers it to be misconduct for the agency to agree to violate the letter and spirit of A.R.S. §41-1828.01 by entering into any agreement to conceal misconduct allegations or findings from POST or potential law enforcement employers. Certified personnel are expected to uphold the reporting statute and to demand adherence by state, municipal, county, tribal or other officials to whom they report.