



AZ POST
QUARTERLY 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 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 **July, August and September 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.

The 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:

MALFEASANCE and DISHONESTY

Lieutenant A was assigned as the evidence custodian when he mishandled evidence in a way that made it appear as if he stole some of it. Officer S arrested a woman for DUI Drugs and confiscated 25-30 Soma pills. He placed them in a heat-sealed plastic baggie and left them in a specific evidence holding locker until he could process the evidence without incurring additional overtime. Several days later, when Officer S was able to process the evidence, he went to the locker and found it empty. He contacted Lt. A to inquire about the evidence and Lt. A told him that he had processed the evidence for him. Lt. A said he had opened the heat-sealed baggie and placed the pills in a paper envelope. The baggie was found in Lt. A's trash can, a Soma pill was found on the floor near the trash and about half of the Soma pills were missing. No chain of custody paperwork had been completed. Lt. A denied taking any of the pills. POST offered Lt. A a polygraph examination to answer questions about him taking the pills and lying to his Chief. He stipulated that the results of the test could be considered by the Board. Deception was indicated. The Board revoked his certification for malfeasance and dishonesty.

DISHONESTY, ASSAULT and BAD DRIVING

Officer B was involved in a bar fight and contrary to the orders of a police officer on scene kept returning to the fray. She also had an extensive history of bad driving that included speeding in excess of 100 mph, speeding in a school zone, carrying her toddler in her patrol unit unrestrained and driving on a suspended license repeatedly, including while at work. Officer C lied about her knowledge of the suspensions during an internal investigation and during testimony at her civil service hearing. The Board revoked her certification.

DUI

Officer C committed DUI in 2007 when he drove with a BAC of .13. He received discipline from his agency. In 2012, Officer D committed aggravated DUI by driving while impaired with a 6-year-old child in the vehicle. He pleaded guilty to two felony counts in the later incident. The Board revoked his certification.

SUSPENSIONS:

- An officer met with a dispatcher several times on duty and engaged in kissing and fondling.
- An officer shared a confidential "Officer Safety/Awareness Bulletin" regarding an employee of a store with a manager at the store.
- An officer failed to properly process a Public Safety Officers Benefit Package following a fellow officer's on-duty death and stated that he was sure he had sent it in.
- An officer participated in a practical joke call for service about three suspicious men running around in masks and causing a disturbance.
- An officer drove his personal vehicle under the influence of alcohol.
- An officer drove under the influence of alcohol when her license was suspended.
- An officer reported large numbers of field interviews and citations but turned in few.
- An officer challenged a detainee to a fist fight by removing his protective vest and the detainee's handcuffs and encouraging the prisoner to engage in a fight.
- An officer left work two hours early and lied to her sergeant about it.
- An officer gave inaccurate information in his background out of lack of diligence, rather than deceit.
- An officer accessed ACJIS and gave driver license and warrant information to the subject of the check for non-law enforcement purposes.
- An officer used police computers to access private citizen's information for personal use.

VOLUNTARY RELINQUISHMENTS:

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

- A deputy texted four pictures of his penis to a female he met the day before while serving her husband an Order of Protection.
- A deputy conspired to lie to cover up a fellow deputy's assault on a man who had slept with his wife.
- An officer committed forgery.

MANDATORY REVOCATIONS: (felony convictions)

- An officer was convicted of Solicitation of Luring a Minor for Sexual Exploitation, a class 5 felony.
- An officer was convicted of Theft, a class 6 felony.

NO ACTIONS:

On July 17, August 21, and September 18, 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 texted an aide to ask about purchasing prescription pain medicine from him.
- A Lieutenant violated an Order of Protection after the person who obtained the order falsely told him she'd had it dismissed.

- A recruit violated the academies sexual harassment policies by continually “hitting on” women.
- An officer was accused of punching a handcuffed prisoner but an administrative law judge found that he did not do it.
- There were unresolved allegations of assault by an estranged spouse.
- An officer failed to do good investigations and write good reports.
- An officer testified to facts that were accurate, but gave a false impression to the judge about a photo-radar speeding ticket he received.
- An officer had numerous incidents of poor performance and agency policy violations.
- An officer failed to obtain all available evidence in a harassing phone calls investigation he did.