



***AZ POST***  
***QUARTERLY INTEGRITY BULLETIN***  
***Volume No. 67***



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 **October, November and December 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.

The Professionalism Pointer is a new feature intended to highlight an issue the Board sees as needing attention. We hope it can be used as a training tool to prevent misconduct and promote professionalism in the Arizona Law Enforcement Community. Let us know if you find a way (role-call training or otherwise) to use it so that is helpful or effective for your agency and its officers.

**PROFESSIONALISM POINTER:**

As you read any individual summary in this or previous Integrity Bulletins, there might be a sense that the particular ethical failure described was a single catastrophic event; a one-time slip up or an isolated mistake. While that could be true in some rare instance, for the most part it is emphatically false. Ethical failures are the inevitable result of an accumulation of poor decision-making and repeated bad judgment.

Nationally known speaker Jim Rohn put it this way:

“Failure is not a single, cataclysmic event. We do not fail overnight. Failure is the inevitable result of an accumulation of poor thinking and poor choices. To put it more simply, failure is nothing more than a few errors in judgment repeated every day. Now why would someone make an error in judgment and then be so foolish as to repeat it every day? The answer is because he or she does not think that it matters.

On their own, our daily acts do not seem that important. A minor oversight, a poor decision, or a wasted hour generally doesn't result in an instant and measurable impact. More often than not, we escape from any immediate consequences of our deeds.

Those who eat too many of the wrong foods are contributing to a future health problem, but the joy of the moment overshadows the consequence of the future. It does not seem to matter. Those who smoke too much or drink too much go on making these poor choices year after year after year... because it doesn't seem to matter. But the pain and regret of these errors in judgment have only been delayed for a future time. Consequences are seldom instant; instead, they accumulate until the inevitable day of reckoning finally arrives and the price must be paid for our poor choices—choices

that didn't seem to matter.

Failure's most dangerous attribute is its subtlety. In the short term those little errors don't seem to make any difference. We do not seem to be failing. Since nothing terrible happens to us, since there are no instant consequences to capture our attention, we simply drift from one day to the next, repeating the errors, thinking the wrong thoughts, listening to the wrong voices and making the wrong choices. The sky did not fall in on us yesterday; therefore the act was probably harmless. Since it seemed to have no measurable consequence, it is probably safe to repeat.”

How does this apply to law enforcement? Consider the officer who got arrested, fired and suspended by the Board for DUI. How likely is it that this was the first time he drank any quantity of alcohol and then drove? Perhaps he should not drink at all when he knows he will be driving, but it hasn't hurt him in the past. Consider the officer who committed DV assault. How likely is it that this was the first argument between the parties, the first that became heated, and the first where someone acted out?

The old frog's tale is apt. Toss a frog into a pot of boiling water and it will leap immediately out. But put the frog in cool water and slowly raise the temperature to a boil, and the frog will stay put despite the need to escape, and die. Officers who commit career interrupting and career ending misconduct don't do so because they were thrown into the situation that precipitated the conduct. They have permitted things to come to the place where misconduct has become internally acceptable. After the fact, they will recognize that it was a bad choice, but while the pot heats up and while the pot starts to simmer, they will stay put and continue accepting things in their lives that lead to trouble.

Examine yourself. Are you repeatedly making small poor decisions? If no one calls you on it, do you think you “got away with it?” Are you cutting corners, taking shortcuts, overstepping boundaries just slightly and thinking it is not a big deal? Do you think that because no one knows but you, you are safe?

Not a single officer listed in these bulletins at the moment of the deed, thought they would get caught. Why? Can you be any surer of freedom from discovery than they were?

To paraphrase: An ethical failure is the inevitable result of an accumulation of poor thinking and poor choices. Every decision matters.

Stay Safe, and wear your vest.

## **REVOCATIONS:**

### **ASSAULT**

Sergeant A drove to the home of his in-laws with the intent of confronting his wife about an affair he believed she was having. He entered their home without knocking, went directly to the kitchen, took out two knives and threatened that he was “going to kill that bastard.” He took the in-laws' cell phones and threw them on the ground. His mother-in-law called the police. When responding officers arrived, they found Sergeant A sitting on the front porch. Officers ordered him to leave, which he did. He went to the home of the man he believed was having the affair with his wife. He was told that the man was not at home and he was asked to leave. He refused. Police arrived at the second scene and arrested Sergeant A. He resisted arrest and fought with officers, causing a laceration to the head of another sergeant. The Board revoked his certification for committing an offense involving physical violence.

## **ASSAULT**

Officer B was visiting his girlfriend out of state when they got into a heated argument. He struck her in the stomach and walked into her with enough force to knock her to the ground. He was charged and convicted of battery. The Board revoked his certification for committing an offense involving physical violence.

## **DISHONESTY**

Officer C was a paid reserve during the time that he was receiving unemployment benefits from another state. The Chief of Police contacted the other state to see if Officer C had reported his work time to them. The inquiry revealed that on at least three "Weekly Continued Claim Reports" Officer C responded "no" to the question, "Did you work for an employer?" He had watched a video and reviewed a pamphlet that should have made him aware that he had to answer "Yes" to that question. His explanation was that he thought he still qualified for the benefit because of the guidelines as he understood them. He had no reasonable explanation for falsely answering the question, despite his belief that he qualified for the benefits he received. He later agreed to pay back all benefits he received in error. The Board revoked his certification for malfeasance in office.

## **ASSAULT**

Officer D threw a beer can at his common-law wife and threatened, in vulgar language, to mess her up. He was charged with threats and battery on a family member. The Board revoked his certification for committing an offense involving physical violence.

## **UNPROFESSIONAL CONDUCT and DISHONESTY**

Deputy E investigated an assault case in which Ms. R, an 18 year old high school senior, was the victim. A few days later, he called her and asked her to call him on his personal cell phone. They texted and called each other for several months. They met once and hugged and kissed. He asked her out repeatedly, but she declined because her mother would not allow it. During an interview on the assault case, the defense attorney twice asked Deputy E whether he had asked Ms. R out on a date. Twice, he answered that he had not. He admitted to internal investigators that he had lied to the defense attorney because he knew it was inappropriate to ask her out. The Board revoked his certification for malfeasance in office.

## **DUI and DISHONESTY**

Lieutenant F, while off duty, drove his unmarked police vehicle into a guard rail causing serious damage. The tow truck driver noticed that he seemed to be very intoxicated. He did not report the accident to the jurisdictional agency or to his employing agency that day. The next day he wrote a memo to his chain of command that left out many details of what had occurred. The effect was a dishonest portrayal of the accident. The Board revoked his certification for malfeasance in office.

## **DUI and DISHONESTY**

Officer G drove his personal vehicle under the influence of alcohol and drove into a neighborhood park area, causing damage to his vehicle and park property. When contacted by responding police officers, he admitted that the car was his but claimed a friend was driving. The Board revoked his certification for committing an offense involving dishonesty and malfeasance in office.

## **THEFT**

Sergeant H placed an ad on Facebook offering .223 ammunition for sale. A co-worker noticed that the ammo looked like department issued ammo. The co-worker sent a third party to purchase the ammunition. Sgt. H sold him one box for \$20 and gave him a second box free. The ammunition purchased matched the lot number for department ammunition. Sgt. H claimed he sold the ammo to pay for a different type of ammo he needed to attend a POST Firearm Instructor School. He said his department would not provide him with the ammo he needed for the school and so he decided to engineer this sale so he could purchase the correct

ammo. He did not have department permission. The Board revoked his certification for committing an offense involving dishonesty and malfeasance in office.

### **SUSPENSIONS:**

- An Acting Chief of Police entered a bachelor's degree, minus the date, on the application. He was actually 3 hours shy of the degree and he owed the university some fees.
- An officer submitted a sworn filing with the bankruptcy court that failed to list a timeshare property of negligible value that he and his wife owned.
- A deputy reported for work under the influence of alcohol. The Board considered several substantial mitigating factors.
- An officer assaulted his ex-wife. The Administrative Law Judge found several mitigating factors.
- An officer initially denied making a statement to a woman that she "had a nice ass," during an internal affairs investigation.
- A deputy physically moved a man who had been continually harassing him out of his immediate area, (technically an assault).
- An officer lied to his sergeant about arriving at the police station at the end of his shift earlier than permitted.
- An officer had sex on duty.

### **VOLUNTARY RELINQUISHMENTS:**

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 mailbox with his patrol car and lied about it. He also wrote a report regarding property damage by persons unknown.

### **MANDATORY REVOCATIONS:** (felony convictions)

- Aggravated Assault, a North Dakota Class C felony.
- Criminal Damage and Stalking, class 6 and 5 felonies respectively.

### **NO ACTIONS:**

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 violated agency policy by releasing an intoxicated 17 year old female to a 39 year old family friend instead of her parent or guardian.
- A sergeant made several complaints about his superiors based on rumor and supposition to media and others outside his chain of command.

- An officer violated agency policy by consuming alcohol off duty while armed with a handgun.
- An officer was insubordinate and failed to notify his supervisor about vehicle damage he had caused.
- An officer violated agency policy on sick leave usage.
- A deputy displayed a pattern of verbal abuse of his wife and children.
- An officer made inappropriate comments with racial overtones to a co-worker.
- A recruit lost control in a defensive tactics role play and kept attacking and shouting profanities after the instructor had ordered him to stop.
- An officer had continuous poor performance related to report writing and evidence handling.
- An officer secured a prisoner in a holding cell without removing his belt as required by agency policy.
- A recruit may have inaccurately denied taking photos of the refrigerator to a class officer.
- A deputy deployed his Taser out of policy.
- A sergeant violated department policy by reporting what he perceived as misconduct of fellow officers to persons/agencies outside his chain of command.
- A cadet submitted an essay from the internet as his own work.
- A detective was accused of several un-proven allegations of misconduct by friends of her former husband.
- An officer was accused of excessive force but an investigation cleared him of wrongdoing.
- An officer may have failed to report the use of excessive force by a fellow officer, but there was no proof that he was present when the force was used.