



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 the AZ POST Rules. The following is a summary of the actions taken by the Arizona Peace Officer Standards and Training Board at its January, February and March 2014, 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:

DISHONESTY

Sergeant A went to training out of town and later submitted a travel expense report claiming \$183.06 for two nights at a hotel. The sergeant submitted copies of a receipt but the finance unit required original receipts. When he did not produce an original after a few weeks, the finance unit contacted the hotel to provide an original folio. When the hotel provided the document the unit noticed that it was identical to the copy submitted by Sergeant A except that it was in the name of another person. Sgt. A had altered the receipt and submitted it as his personal expense for reimbursement. The department terminated his employment and the Board revoked his certification for falsifying the reimbursement request and malfeasance in office.

VIOLATING PROBATION

Sergeant B committed DUI in 2011 and was convicted. His employment was terminated but he won his job back at a Civil Service Board review and the Board suspended his certification for six months. He was placed on probation for the DUI. In 2013, the probation department conducted an unannounced search of his home and found several items that violated the terms of his probation including a Taser, handgun ammunition, pepper spray and bath salts. The Board revoked his peace officer certification for malfeasance in office.

ALCOHOL

Officer C worked a 12 hour shift and got off at 2:00 am. He went home, drank more than eight beers and went to bed at 4:40 am. When he reported to work shortly after 1:30 pm that day he was unsteady on his feet and smelled of alcohol. A breath test registered his blood alcohol content to be .076 percent. Several other tests confirmed that approximate BAC. Officer C did not believe he could still have alcohol in his system from the night before, but it was apparent that he did. The department terminated his employment and POST revoked his certification for malfeasance in office.

FALSE REPORT

Sergeant D worked regular shifts for his agency and often worked overtime for a federally funded operation aimed at interdicting criminals at the US/Mexico border. One day, he worked his regular eight hour shift and instead of reporting to his special overtime job, he continued to work in his police department. He filled out a "Statistical Data Sheet" detailing his activities for the special operation. That document is used to bill the US DHS for the special assignment work. He falsely documented work at the Port of Entry, including 23 outbound inspections and assisting an officer with an arrest warrant. The Board revoked his certification for malfeasance in office.

THEFT

A Specialty Officer worked at an ADOT Office conducting vehicle inspections. On two occasions she conducted inspections, omitted the inspections from her reports and pocketed the inspection fee. She resigned her employment. The Board revoked her peace officer certification for theft, an offense involving dishonesty.

SUSPENSIONS:

- Several officers committed DUI in their personally owned vehicles.
- An officer received oral sex from a friend in his department vehicle.

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 detective committed theft and made false statements about it.
- An officer allowed a judge to swear him and gave a statement as the affiant to a search warrant when he was not the named affiant.
- A detective committed a hit and run in a parking lot and lied about it later.
- A corporal surreptitiously recorded a conversation in the dispatch room while he was not present.
- A marshal engaged in religious bias in enforcement of the law and was in a multiple marriage to a minor.
- An officer compromised an investigation by involving herself sexually with the target of an undercover investigation.
- An officer ran ACJIS checks and provided the information to adult business personnel.
- An officer mishandled firearms and committed domestic violence.
- An officer took fireworks from the scene of a search warrant for his own use.
- An officer concealed discipline that he had received at his previous peace officer employment when he applied at a different agency.

MANDATORY REVOCATIONS: (felony convictions)

- An officer was convicted of theft and forgery, class 3 and 4 felonies.
- An officer was convicted of manslaughter and aggravated assault for on duty conduct, class 2 and class 3 felonies respectively.
- An officer was convicted of aggravated assault with a deadly weapon, a class 3 felony.
- An officer was convicted of two counts sexual exploitation of a minor under 15 years of age, class 3 felonies.

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 applicant listed some of his family members on his personal history form as others. His appointment was terminated before the academy began.
- A captain opened a criminal investigation concerning his superior outside of proper procedure.
- A former officer submitted a statement that he was a resident of Arizona to run for office when his residence was east of the Arizona/New Mexico line. He had always voted in Arizona, he had an Arizona driver license and his post office box was in Arizona.
- An officer had chronically poor performance and productivity.
- An officer failed to initiate and complete department reports numerous times.
- Two detectives were audited by their department and found to have several incomplete and imperfectly investigated cases.
- An officer was armed while in a bar and after drinking part of a beer in the bar he pointed his weapon at a subject who had just assaulted a fellow off-duty officer.