



AZ POST

QUARTERLY INTEGRITY BULLETIN

Volume No. 71

Fourth Quarter - 2014



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 October, November and December 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 lied to a prosecutor regarding a relationship with the mother of a suspect. Sergeant A had provided information to the Probation Department about his girlfriend's child. This information led to the Probation Department serving a search warrant, which Sergeant A supervised. When asked if he was having a relationship with one of the suspect's mother, Sergeant A was untruthful to a prosecutor. This untruthfulness led to the dismissal of all criminal charges against all those arrested in the case.

Officer B was not truthful (after being given Garrity warnings) when he told an investigating agency, and his agency's internal affairs, that a female passenger in a vehicle accident was in the front seat of his patrol vehicle when he left the scene. In fact, the passenger was in the rear seat when he left the scene, and moved to the front seat after leaving the scene of the accident. Further, Officer B was not truthful when he told internal affairs that he never stopped with the female passenger prior to her residence; when in fact he had stopped for over 2-minutes.

Deputy C was involved in a physical fight with his live-in girlfriend. Deputy C was not truthful with investigators when he stated he kicked his girlfriend in the stomach and threw a household object in an attempt to prevent her arrest.

Officer D was not truthful on his AZPOST Personal History Form when he disclosed he had only used marijuana 3-times; he had in fact used marijuana between 50-100 times.

Officer E was involved in a traffic accident while returning from training in a city owned vehicle. Officer E advised his functional supervisor he had reported the accident to law enforcement, when in fact he had not. Two weeks later, after the supervisor could not locate any record the accident had been reported, Officer E reiterated he had reported the accident to law enforcement, when in fact he had not. Officer E then authored a memorandum to his supervisor reporting that had had reported the accident to law enforcement, when in

fact he had never reported the accident to law enforcement.

Officer F was untruthful with his supervisor when he denied having sexual relations with a woman who he had met after responding to a domestic violence call. Then Officer F was insubordinate after contacting the same woman after being served his Notice of Investigation regarding a criminal investigation.

Officer G took a handgun from the trunk of vehicle involved in an accident and sold it at a pawn store for \$125.

MALFEASANCE

Officer H, while off-duty, issued a parking citation to a vehicle parked in a handicap designated space. The owner followed Officer C and called police. While being followed, Officer C stopped and confronted the citizen at gunpoint.

SUSPENSIONS:

- An officer was arrested for off-duty DUI.
- An officer assaulted his roommate, when he could have avoided the confrontation.
- An officer disabled this agency's GPS receiver to avoid detection while having an affair with this supervisor's wife.
- An officer was arrested for off-duty 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.

- An officer was dishonest on his application and the subsequent investigation.
- An officer was convicted of domestic violence/disorderly conduct.
- An officer reported for duty in uniform intoxicated
- An officer was convicted of assaulting his wife.
- An officer was arrested for soliciting a prostitute.
- An officer was arrested for stealing over \$13,000 in undercover funds.

MANDATORY REVOCATIONS: (felony convictions)

- Assault with a Deadly Weapon – Class C Felony (Federal)

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 got involved in taking care of a friend's estate, and used professional contacts with the Motor Vehicle Department to transfer the title of a vehicle.
- A deputy chased a person he thought to be a runaway juvenile into a house, and detained several occupants. The person he chased was not a missing person, and he lacked reasonable suspicion from the detentions.
- A recruit in the academy asked a classmate to lie to their landlord regarding the number of dogs he owned.
- An officer had a pattern of excessive force complaints, and was not responsive to training.
- An officer mishandled evidence in a death investigation by placing the biological evidence in a bag outside of the building because of the odor.
- A deputy was observed with a known prostitute, off duty in his own vehicle, by a police officer. No charges were filed.
- An officer made contact with two different women on Facebook using their contact information he obtained during traffic stops.
- An officer used a department credit card to reimburse a volunteer without authorization.
- An officer was caught in a motel room with a known felon after police responded to a disturbance.
- An officer compromised an investigation by allowing a suspect to view confidential information.
- An officer was residing in Mexico.