



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 2015, 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

Lieutenant A lied on her resume for internal transfer and multiple other documents by stating she had three (3) college degrees. In reality, she did not have a single degree.

MALFEASANCE

Officer B made a DUI arrest. The suspect had a \$100 bill. The officer failed to properly impound the cash. When the suspect inquired about the \$100 bill, the officer informed his sergeant he had no recollection of the \$100 bill. The officer then wrote a memo, where he remembered he had placed the \$100 bill into jail property. The officer was shown to be deceptive in a polygraph exam.

Officer C used excessive force when he pushed a handcuffed subject backwards onto the ground. A video of the incident contradicted the officer's police report, showing the subject was walking, and not resisting the officer while being escorted to a police vehicle. This contradiction prevented the prosecution of the alleged crime.

Officer D, while in a marked patrol car, stopped to assist a female driver asking for directions. While speaking to the woman, the conversation became personal in nature and led to him kissing her and touching her buttocks. The officer had a previous 40 hour suspension for obtaining the personal cell phone number from a woman and calling her 21 times for a total of 441 minutes while on duty.

Officer E was called by a friend who was being denied access to a bar because she was using fake identification. The officer did not tell anyone she knew the subject, ran the fake ID (which was a valid out of state ID for a different person) and advised security the ID was valid. Security relied on this information to allow a person under 21 into their establishment. The next day the same subject attempted to enter the establishment, but a different officer responded, and brought the issue to the department's attention. When instructed to write a report about the previous night's event, the officer omitted key facts in the report.

Deputy F had a seizure on duty, and was placed on medical leave. When he returned the department thought they conducted a “for cause” test for substance abuse with results showing over a .298% BAC.

NONFEASANCE

Officer G failed to complete numerous police reports which led to criminal charges being dismissed on three felonies. Further, Officer I failed to submit 385 evidentiary photographs into evidence.

SUSPENSIONS:

- An officer, while off duty, was belligerent and assaulted a health care worker while being treated at an emergency room. She was arrested for assault.
- An officer was in an off-duty single car accident while returning from training. A preliminary breath test showed a .094% BAC.
- An officer plead guilty to an off duty DUI with a BAC over .15%.
- A sergeant advised an officer not to document a lawful use of force and was not completely honest on an industrial injury form.

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 commander took prescription medication from an evidence locker that had been turned in as part of a medication turn-in program.
- An officer was convicted of domestic violence/disorderly conduct and violated his conditions of release by returning to his wife’s home without the court’s permission.
- An officer failed to complete 78 reports, including several sex crimes and molestations.
- An officer had an on duty single vehicle accident in a marked patrol vehicle. He was arrested for misdemeanor driving violations, including three DUI violations including Extreme DUI with a BAC greater than .20% or more.
- An officer was arrested for domestic violence which included choking his wife. He plead guilty to a class 6 felony.
- A detective promised a suspect during an interview that he would be released if he told the truth. The suspect confessed, but was booked into jail despite the promise. An internal investigation subsequently revealed the detective had been untruthful with his sergeant, lieutenant, a deputy chief, and Professional Standards Unit investigators. He later admitted to knowing he had in fact made implied promises to the suspect.
- An officer was investigated for domestic violence; and it was revealed he had been misleading regarding sick time usage.
- A commander was dishonest for a period of time regarding his military experience, which negatively impacted police operational planning.
- An officer showed a sexually explicit video to a 15-year old girl.

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.

- A deputy did not follow policy when he failed to take action when he learned two Explorers were having a sexual relationship.
- An officer was playing cards on multiple occasions with another officer in public, in a marked vehicle.
- A deputy violated use of force policy, cited a citizen on a non-county maintained road, and failed to write a memo as directed by his supervisor in a timely manner.
- A deputy failed to disclose to his new agency that he had applied for, and was denied, a medical retirement.
- A detective failed to impound 35 items of evidence and numerous reports associated with 19 robbery investigations. One of those cases could not be prosecuted due to his failure to write a timely report.
- A sergeant was involved in an off-duty, extramarital relationship with a subordinate and denied the relationship to her supervisor.
- A sergeant harassed his spouse using text messages.
- A deputy failed to notify his chain of command of an off-duty fight involving members of a law enforcement motorcycle club.
- An officer misled investigators regarding what he witnessed involving members of a law enforcement motorcycle club.