



# *AZ POST*

## *QUARTERLY INTEGRITY BULLETIN*

*Volume No. 73*

*Second Quarter - 2015*



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 April, May and June 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:**

Sgt. A, while on duty, made inappropriate and highly offensive racially based comments to his co-workers. After his co-workers complained, he asked/pressured them to retract their complaints.

Officer B used his agency issued fuel card to purchase fuel for his personal vehicle. He denied using the fuel card when questioned by his supervisor; even though there was video of the purchase.

Officer C, on two separate occasions, drove her assigned patrol vehicle with alcohol in her system.

Lt. D, while on duty, shoplifted two items from a retail store and was arrested. Lt. D failed to advise his department of his arrest. The arrest was discovered over a year later during a routine audit. Lt. D was not honest regarding the circumstances of his arrest and was terminated by his department.

Officer E responded to a report of a possible deceased elderly woman. Without checking for any vital signs or touching the body, he called for the Office of the Medical Examiner (OME). When the OME arrived, they discovered the woman was still alive. Officer E was not forthright with the investigation when he claimed he was never trained on how to check for a pulse; even though he had recently completed tourniquet training, where the issue was covered extensively.

Officer F wrote several checks against his checking account that had a zero or negative balance and then deposited the funds into another personal account; knowing he did not have money to cover the checks. Officer F was also untruthful with his supervisor when discussing the allegation and the location of his residence.

Officer G failed to impound a seized firearm, leaving it in his patrol vehicle for approximately 5 months. Officer G's son found the weapon and took it to school. Officer G lied after being given his Garrity Warnings regarding the circumstances of the incident.

Lieutenant H, while intoxicated, slapped and kicked her boyfriend while he was driving. When the car stopped, and while being restrained by a friend, Lieutenant H kicked her boyfriend in the head and body. Lieutenant H was dishonest during the internal investigation.

Officer I was not honest and forthright on the POST Personal History Form regarding past arrests and drug use.

Officer J used excessive force and was not honest about being trained to use the end of a baton to conduct a “sternum rub.”

### **SUSPENSIONS:**

- An officer falsified information on an application for a loan modification.
- An officer was charged with unauthorized access to the Arizona Criminal Justice Information System and providing the information he obtained to an unauthorized individual.
- An officer, while off-duty, committed an assault on her spouse, who was also off-duty.
- An officer, on multiple occasions, had sexual contact with a female while on-duty. He was also not truthful to his supervisors when questioned about the allegations.
- A deputy was arrested for domestic violence for putting his wife in a bear-hug; during which time he fell, causing his wife to fall to the ground, resulting in a laceration to her head. Charges were dismissed when his wife refused to cooperate with prosecution.
- An officer, while off-duty, failed to yield to a New Mexico State Trooper when the trooper attempted to pull him over for traveling at speeds in excess of 125 mph. He was arrested for speeding and reckless driving and charged with a misdemeanor.
- An officer was ordered by his Chief of Police not to discuss a pending workman’s comp complaint with anyone outside of the investigator, clergy or legal counsel. The officer called the target of the investigation and advised him of the pending investigation.

### **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 chief failed to disclose information related to past conduct involving sex with a minor.
- An officer sent sexually explicit text messages, videos and pictures.
- An officer was dishonest regarding his involvement in preventing a traffic citation from being submitted for prosecution.
- An officer became involved in a road rage incident and pointed his handgun at the vehicle occupants.
- An officer entered into a plea agreement, the terms which included voluntary relinquishment of his peace officer certification.
- A sergeant medically retired while under criminal and administrative investigation for possible dishonesty.
- A deputy illegally purchased and used steroids.

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

- Unlawful Imprisonment & Conducting a Chop Shop, Buy or Possess – C4F, C6F
- Endangerment and Disorderly Conduct – C6F
- Child Molestation x3 & Attempted Molestation of a Child x3 – C2F, C3F

## **NO ACTIONS:**

On April 15, May 20, and June 17, 2015, 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 used his unmarked patrol unit to ram a suspect vehicle during a pursuit.
- A sergeant was involved in a vehicle collision.
- An officer spent an inordinate amount of time stationary in his patrol car; sometimes for several hours.
- An officer spent hours in his patrol car parked behind a church and failed to respond to calls for service; he also failed to show himself available for calls.
- An officer deployed his Taser in violation of departmental policy; he also failed to report the use of force accurately.