



# **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 July, August and September 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:**

Officer A wrote several checks knowing he did not have sufficient funds in his account for payment. He was charged with four counts of Issuing a Bad Check.

Officer B, without authorization, transferred ownership of a deceased person's dog to a firefighter who was at the scene. Officer B was untruthful on two occasions when questioned about the circumstances surrounding the transfer of the dog.

Officer C, while serving as a detective and during a period of at least 20 months, failed to properly investigate numerous cases and failed to properly impound items of evidence. The investigation revealed that there were drug/burglary/child molestation/child abuse/death investigation cases that were not investigated and/or properly handled.

Sergeant D shoplifted a can of spray paint by concealing it in his back pant pocket and exiting the store without making any attempt to pay for it.

Officer E misused the Arizona Criminal Justice Information System to gather information on his estranged wife.

### **SUSPENSIONS:**

- An officer, while off-duty, became intoxicated, acted disorderly and broke a window valued at approximately \$600.
- An officer, while off-duty and in his personal vehicle, was involved in a single vehicle accident. The investigation revealed a BAC of .242 at the time of the accident.
- An officer used excessive force while restraining a domestic violence suspect and causing the suspect's face to strike the concrete as he was taking him to the ground.

- An officer used unreasonable use of force when he slammed his patrol car on a suspect's leg when the suspect refused to move.
- An officer was arrested in another state for driving with an alcohol content level greater than .08.

### **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, over a one-year period, engaged in a series of acts of domestic violence against his spouse.
- An officer was cited for trapping violations and admitted to lying during his criminal interview with the wildlife officer.
- An officer was not truthful when filling out application forms to numerous agencies by leaving out pertinent information.
- An officer was untruthful on two reports regarding the handling of contraband and what steps were taken to apprehend a suspect.
- An officer was involved in an accident that caused \$1800 damage to his patrol vehicle and was dishonest in his report. He also, during a traffic stop, released a subject with an outstanding warrant and arrested the passenger who had no warrants.
- An officer made dishonest statements regarding prior discipline for dishonesty.
- An officer, while off-duty, acted in an official police capacity and failed to notify his supervisor or agency about his actions.
- A deputy operated his patrol vehicle, while on-duty, in an improper manner on four separate occasions.

### **DELAY OF PEACE OFFICER CERTIFICATION:**

- A recruit plagiarized a written assignment. The Board voted to delay his peace officer eligibility for one year.

### **NO ACTIONS:**

On July, August and September 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.

- An officer failed to complete investigations as required by his department's case management policies.
- An officer failed to render assistance to a fellow officer with a combative in-custody suspect.

- An officer recklessly drove a motorcycle after consuming intoxicating liquor.
- A deputy, while off-duty, did not report a possible trespassing violation. He later seized property without the legal authority to do so and issued two complaints without sufficient evidence.
- An officer used unreasonable force against a suspect who was in custody.