



# *AZ POST*

## *INTEGRITY BULLETIN*

*Volume No. 104*

*July - September 2023*



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 August and September public meetings; there was no meeting in July. Each action is considered on its own 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:**

Case 2019-097. The Board accepted an administrative law judge's findings of fact and conclusions of law. The officer arrested an individual without probable cause; used force, a wristlock, on an individual without legal justification, and improperly documented the events in a police report.

### **SUSPENSIONS:**

Case 2023-060. The Board accepted a proposed consent agreement for a twelve month (12) suspension. The officer was dishonest about how he conducted an investigation into a hit and run accident to a fixed object. The officer was dishonest to his patrol sergeant.

Case 2023-055. The Board accepted a proposed consent agreement for an eighteen month (18) suspension. The officer, while off duty, was in a single vehicle, non-injury, car accident where he struck a gate. He was arrested for extreme DUI with a BA of .295.

Case 2022-221. The Board accepted a proposed consent agreement for a twenty four month (24) suspension. The officer, while off duty, struck a parked car and then a mailbox. He then failed to remain at the scene. He was arrested for extreme DUI with a BA of .193

Case 2023-103. The Board accepted a proposed consent agreement for a twenty-four hour suspension. The deputy had discharged his AR-15 duty rifle in a manner without justification.

Case 2023-104. The Board accepted a proposed consent agreement for an eighty-hour suspension. The deputy had discharged his AR-15 duty rifle in a manner without justification.

Case 2023-156. The Board accepted a proposed consent agreement for a twelve month (12) suspension. The officer had masturbated while working off duty employment, in uniform, and in his patrol car. The incident went undetected, for three years, until the officer was in the hiring process with another agency and disclosed it during a pre-employment polygraph.

Case 2022-188. The Board accepted a proposed consent agreement for a twelve month (12) suspension. The officer had masturbated while in field training at work. The incidents went undetected, until the officer disclosed it while in the hiring process with another agency.

Case 2023-003. The Board accepted a proposed consent agreement for a twenty four month (24) suspension. The officer, while off duty, had been drinking and had been trespassed by security at a liquor establishment. The officer was arrested by the Tempe police for trespassing and disorderly conduct. He pled to one count of criminal trespass a misdemeanor.

Case 2022-163. The Board accepted a proposed consent agreement for a twenty four month (24) suspension. The officer drove left of the centerline, and into opposing traffic, without the use of emergency equipment, in order to pass several vehicles. While doing so, he lost control, and caused a vehicle collision and damage to a structure. He pled to two counts of endangerment, both non-designated class 6 felonies.

**DENIAL OF CERTIFICATION:**

Case 2023-032. The Board accepted a proposed consent agreement for a twenty four month (24) denial of certification, after which date, the recruit maybe eligible to reapply. The recruit had been dishonest to academy staff, more than once, about the completion of numerous assignments.

Case 2023-106. The Board accepted a proposed consent agreement for a twelve month (12) denial of certification, after which date, the recruit maybe eligible to reapply. The recruit had been dishonest to academy staff about the circumstances surrounding why he was twenty minutes late to work.

Case 2023-075. The Board denied peace officer certification for twenty four months (24), after which date, the recruit maybe eligible to reapply. On several occasions, academy firearms staff had addressed an academy class about the whereabouts of certain firearms accessories (weapon mounted Stream light package). The recruit remained silent even though he had the missing equipment.

**VOLUNTARY RELINQUISHMENTS:**

The Board accepted the following voluntary relinquishments/denials of peace officer certification. Respondents, without admitting any allegations made against them, permanently relinquished their Arizona peace officer certifications.

Case #2022-066	Case #2023-011	Case #2023-101	Case #2023-125
Case #2022-148	Case #2023-024	Case #2023-112	Case #2023-137
Case #2022-166	Case #2023-069	Case #2023-113	Case #2023-142
Case #2022-201	Case #2023-070	Case #2022-161	Case #2023-159
Case #2022-203	Case #2023-093	Case #2023-056	
Case #2023-009	Case #2023-096	Case #2023-081	

**NO ACTIONS:**

*At the August and September meetings, 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. 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.*

Case 2023-079. Officers responded to a fast food restaurant regarding a possible trespass. During the arrest of an individual, who resisted arrest, the officer used hard empty hand strikes.

Case 2023-070. Officers responded to a fast food restaurant regarding a possible trespass. During the arrest of an individual, who resisted arrest, the officer used hard empty hand strikes.