



# **AZ POST**

## **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 2017, 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:**

Case #16-166. A deputy was in the hiring process with an agency and took a pre-hire polygraph examination. The polygrapher concluded that the deputy employed countermeasures in order to affect the outcome of the test. When questioned, the deputy first denied and then eventually admitted to doing so in order to influence the outcome of the polygraph test.

Case #14-156. A commander took a citation written by an officer and kept it; instead of turning it in for processing. He later annotated the citation as being dismissed by the citing officer. It was determined that while under oath, the commander was not truthful.

Case #15-106. An officer, while off-duty, was arrested for DUI after a witness saw him strike an unattended vehicle and leave the scene of the collision. During the investigation, the officer denied driving the vehicle and denied having a collision with a parked car; but eventually to doing this. He told investigating officers he attempted to hide his car in his garage to avoid detection. He eventually plead guilty to 7 criminal charges stemming from the DUI arrest, false information to law enforcement and the hit and run collision.

Case #16-163. A detective began an investigation into a reported sexual assault. After the investigation concluded, he and the female victim and engaged in numerous conversations of a personal and sexual nature. He also accessed the ACJIS database to determine if the female had any active arrest warrants. He did this at the request of the female but not for a legitimate law enforcement purpose.

Case #16-134. A deputy, on numerous occasions, was not truthful with investigators regarding his involvement and knowledge of the election campaign of a candidate running for office.

Case #16-025. An officer committed an act of theft when she deposited a check into her own personal account that was written out to someone else.

### **SUSPENSIONS:**

Case #16-181. An officer responded to a report of an intoxicated juvenile female who refused to comply with her parent's wishes. The juvenile was not arrested and transported at the parent's request to a family member's house. While enroute, the juvenile demanded to stay with a different person for the evening. The officer agreed and did not notify the parents. (6-month suspension)

Case #17-049. An officer was asked to deliver a cover sheet of an accident report to an individual at his residence. He was also asked to issue a traffic citation to the individual in regards to a violation that occurred during the collision. The individual refused to sign the citation and he was informed that if he refused he would be placed under arrest. The individual was placed in handcuffs. A complaint was filed and during the course of the internal investigation it was found the officer called the individual a vulgar name within hearing distance of his daughter. (6-month suspension)

Case #16-149. An officer attended a baseball game and engaged in a verbal altercation with another spectator; which resulted in his arrest. He was charged with Disorderly Conduct, Fighting and was booked into jail. (3-year suspension)

Case #16-065. An officer demonstrated a pattern of substandard performance by failing to complete and accurately document police reports and secure evidence. He also failed to properly maintain his assigned K-9's training records; resulting in the accidental destruction of such. (18-month suspension)

Case #17-103. An off-duty officer was stopped due to erratic driving. Field Sobriety Tests determined he was under the influence of alcohol and he was placed under arrest. Tests later showed he had a BAC of .18. He was cited for DUI and released. He plead guilty to DUI (Class 1 Misdemeanor). (6-month suspension)

Case #17-054. An officer, while off duty, drove his personal vehicle while under the influence of intoxicating beverages in violation of A.R.S. 28-1382.A2- Extreme DUI with a BAC above .20. (1-year suspension)

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

Case #15-137. An officer entered a plea of guilty to violating A.R.S. 13-2003A1, 13-2001, 13-604, 13-610, and 13-805; One Count of Criminal Possession of a Forgery Device, a Class 6 Undesignated Felony committed on August 13, 2015.

Case #15-179. An officer was found to have committed surreptitious photographing, videotaping, filming or digitally recording or viewing, in violation of A.R.S. § 13-3019, a class 6 felony.

On June 9, 2017, Officer Richard R. Tucker was found to have committed Disorderly Conduct in violation of A.R.S. § 13-1204, a class 1 misdemeanor.

Case #16-092. A deputy entered a plea of guilty to violating four counts of A.R.S. 41-1756, 41-1750, 12-116.04, 12-269 and 13-610, 13-805, 13-701, 13-702, 13-801 and 13-105; Unauthorized Release or Access of Criminal History Record Information, Class 6 Designated Felonies committed on March 23, 2012, March 15, 2014, January 17, 2015 and May 17, 2015.

Case #16-083. An officer entered a plea of guilty to violating A.R.S. 13-1401, 13-1412, 13-3821, 13-610 and 13-701, 13-707, 13-802, 13-702 and 13-801; Attempt to Commit Unlawful Sexual Conduct, a Class 6 Undesignated Felony committed on March 29, 2016.

Case #15-109. A deputy entered a plea of guilty to violating A.R.S. 13-1802 A, Theft of Property or Services, a Class 3 Felony committed between January 4 and April 23, 2013 and A.R.S. 13-2310, Fraudulent Scheme and Artifice, a Class 2 Felony committed between April 1, 2014 and May 1, 2015. He was sentenced to 4.5 years in prison on June 19, 2017.

**DENIAL OF CERTIFICATION:**

Case #17-001. During a new hire audit on an applicant, it was discovered he had been permanently disqualified from a previous agency due to omissions and contradictions between previous applications he had submitted. Also discovered were incidents of sexual misconduct.

Case #17-037. While engaged in defensive tactics training, a recruit uttered a racial slur. He also assaulted a fellow recruit when he grabbed her by her face and the back of her head in an attempt to keep her from speaking. He was not truthful when he denied having these allegations.

Case #17-036. A recruit committed assault on another person using a police baton; causing serious physical injury in violation of State of California criminal statutes.

**VOLUNTARY RELINQUISHMENTS:**

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

Case #17-091	Case #17-017
Case #15-012	Case #17-072
Case #17-070	Case #16-087
Case #17-007	Case #16-200
Case #17-025	Case #17-085
Case #17-056	Case #17-005
Case #15-117	Case #16-115
Case #17-100	

## **NO ACTIONS:**

*On July 19, August 16, and September 20, 2017, 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.*

Case #16-124. A recruit arrived for his assigned shift at the academy with alcohol in his system.

Case #16-073. An officer engaged in rude and defamatory comments to the female employee within view of a citizen and fellow employees.

Case #17-068. A recruit became upset reference a class vote to remove him from the position of Guideon Carrier for the class. After the vote he walked by another recruit and "shoulder checked" him. When questioned by academy staff he stated it was an accident, however, later admitted he was upset about the vote and assaulted him by shoulder checking the other recruit on purpose.

Case #17-081. A chief, while assisting officers at the scene of an accident, coerced the driver into confessing to a crime by telling her she would go home to her son (and not be booked) if she was honest with officers. He also failed to accurately document in his report that he had stated this to the driver.