



AZ POST

INTEGRITY BULLETIN

*Volume No. 102
January-March 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 January, February, and March public meetings. 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 2021-162. AZPOST staff obtained a certified copy of a judgement of conviction for a class 6 felony. This is cause for a mandatory revocation pursuant to Rule R13-4-109C.

Case 2021-068. An officer was insubordinate for disobeying the clause in a notice of investigation regarding confidentiality of communications. The officer also was untruthful with a polygraph examiner during a pre-polygraph interview when asked if he violated an NOI by having on-going communications by text messages. The Board adopted the administrative law judge's decision.

Case 2022-129. An officer consumed liquor beverages while on duty. His inebriation was discovered several hours into his work shift; also, opened containers of alcohol were in his patrol car. His subsequent BAC was .049.

SUSPENSIONS:

Case 2021-037. A police supervisor failed to supervise subordinates in the handling of a prisoner in a detention facility. The Board accepted a proposed consent agreement for a twelve month (12) suspension.

Case 2022-037. An officer, while off duty, was drunk and disorderly at a bar. The officer verbally threatened bar staff, made threatening hand gestures and shouted expletives. The Board accepted a proposed consent agreement for a twenty-four month (24) suspension.

Case 2022-080. An officer, while off duty, was found passed out at an intersection in his personal vehicle. The car was in gear but his foot was resting on the brake. Although the car doors were locked, there were firearms visible in the front passenger seat. His BAC was .22. The Board accepted a proposed consent agreement for an eighteen (18) month suspension.

Case 2021-126. A supervisor shared information with a different agency supervisor about an on-going criminal investigation. The conversations went beyond administrative content and into sensitive details of the on-going criminal investigation. The Board accepted a proposed consent agreement for a twenty-four (24) month suspension.

Case 2022-185. An officer, while off duty, was arrested for DUI. His BAC was .16. The Board accepted a proposed consent agreement for a twelve month (12) suspension.

Case 2022-179. An officer, while off duty, was arrested for DUI drugs. He had four prescription medications in his system. The Board accepted a proposed consent agreement for a twelve month (12) suspension.

Case 2020-178. An officer, while off duty, assaulted his girlfriend. The officer grabbed her by the wrist and pulled her off of a couch. He also punched the victim with a closed fist several times and kicked her. The victim sustained several injuries including scratches and bruising. The Board accepted a proposed consent agreement for a thirty (30) month suspension.

Case 2021-209. An officer, while off duty, assaulted his girlfriend. The officer pulled the hair of the victim and in another incident, he was verbally abusive. The Board accepted a proposed consent agreement for a twelve month (12) suspension.

Case 2022-103. An officer, while off duty, was arrested for DUI. His BAC was .152. The Board accepted a proposed consent agreement for a twelve month (12) suspension.

Case 2022-109. An ADOT customer took her vehicle in for a vehicle inspection. The citizen reported that an ADOT officer spoke to her inappropriately. This prompted an investigation where it was determined that the officer had committed a pattern of unwelcome and unreciprocated comments and direct requests for dates with female employees. The Board accepted a proposed consent agreement for a forty (40) hour suspension.

Case 2022-111. An officer responded to a motel due to the report of an indecent exposure. The officer used unreasonable force when he impact-pushed an intoxicated male suspect. The officer subsequently failed to accurately document his use of force in his police report. The Board accepted a proposed consent agreement for a twenty-four (24) month suspension.

Case No. 2021-206. An officer inadequately investigated the report of an assault/trespass. The call for service stemmed from an on-going months long dispute between neighbors over a property boundary line. The Board imposed a thirty-six (36) month suspension (till lapse).

Case No. 2022-084. An officer used force, which was unreasonable, while attempting to arrest a suspect. The officer deployed a taser cartridge and then cycled the taser multiple times. The Board imposed a twelve (12) month suspension.

DENIAL OF CERTIFICATION:

None.

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 #2020-059	Case #2022-150	Case #2022-189	Case #2022-171
Case #2020-083	Case #2022-159	Case #2022-209	Case #2022-219
Case #2022-073	Case #2022-175	Case #2021-126	Case #2022-226
Case #2022-130	Case #2022-180	Case #2022-162	Case #2022-227
Case #2023-001	Case #2023-008	Case #2022-152	Case #2022-200
Case #2023-019	Case #2023-021		

NO ACTIONS:

At the January, February and March 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 2022-184. An officer consumed Percocet, for back pain from a kidney stone, and showed signs of impairment while working off duty in a uniformed capacity. The medication belonged to a family member.

Case 2022-139. An officer, while off duty, tried to evict his girlfriend, which started a verbal argument over a cell phone. The argument turned physical when the girlfriend jumped on his back, wrapped her arm around his neck, and bit him. The officer grabbed the cell phone and her arm and caused bruising. A long form complaint was submitted but the prosecutor declined to file charges.

Case No. 2021-225. An officer was off duty, and driving through a parking lot, with his family/children when he became involved in a verbal and physical confrontation with three individuals.

Case No. 2022-213. An officer deployed a taser on an individual who was under the influence of drugs. The individual was in the traffic way and was not complying with commands. The Board considered the fifth, sixth, and seventh taser activations.