



# **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 2018, 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 #16-021. A deputy failed to fully investigate the molestation of a 16-year old female by her father.

Case #17-152. A detective failed to properly investigate and document multiple criminal cases that were assigned to him.

Case #17-188. A corrections officer was less than truthful during the hiring process and admitted to being less than truthful during an internal affairs investigation in 2015 relating to sex on the job.

Case #15-160. An officer threatened his estranged wife and violated an Order of Protection.

Case #18-004. An officer was intoxicated when he reported for duty on his first day of work. He also admitted to driving himself in full police uniform while in this state.

Case #18-018. An officer, after consuming several alcoholic beverages at an off-duty squad party, retrieved and unloaded another officer's unattended firearm before pointing the weapon at the officer and pulling the trigger.

Case #16-123. An officer, after having been informed that he was under investigation, attempted to impact the internal and criminal investigations by either coaching or suggesting to his girlfriend/witness what to say during her interviews with investigators. He was also less than truthful during his internal affairs interview.

Case #17-186. An officer helped facilitate a transaction and assisted in the sale/transfer of guns to an individual who was a convicted felon/prohibited possessor. He was also less than truthful during the internal investigation.

### **SUSPENSIONS:**

Case #18-009. An officer violated department policy by insinuating himself into a criminal case involving members of his family. His actions potentially tainted evidence and may harm future efforts to prosecute the case. (18-month suspension)

Case #18-183. A deputy notified a fellow employee that deputies were being dispatched to her residence due to a report of a house party and underage drinking. (18-month suspension)

Case #18-034. An officer was arrested for soliciting prostitution. (3-years to lapse suspension)

Case #18-072. An officer admitted to masturbating while on duty. (3-day suspension)

Case #17-123. An officer provided false statements to investigators as to why he was late for an interview. He also provided false statements to his supervisor by claiming the interview went well when in fact it was rescheduled due to his lateness. He was insubordinate when he failed to complete reports as directed by his supervisor. (1-year suspension)

Case #17-115. An officer, on three separate occasions, failed to disclose prescription drug use to a physician during a fitness for duty evaluation. (3-years to lapse suspension)

Case #17-166. A deputy, while off-duty, was driving his vehicle and was observed by two separate citizens drifting from lane to lane and veering into the center turn lane. He was also observed traveling Northbound in the Southbound lane. He was stopped, failed the FSTs and refused the HGN; a later blood draw registered a .179 BAC. (18-month suspension)

Case #18-035. An officer, who was transporting two prisoners, was observed by an off-duty officer driving at a high rate of speed and pulling into a convenience store/gas station. This was reported to his agency and when a supervisor called the officer to inquire about his whereabouts he stated he only stopped to stretch his legs. Surveillance video showed he exited the vehicle, went inside the store and purchased some items. He left the prisoners unattended. (1-year suspension)

Case #18-073. An officer made arrangements to meet with an 18-year old female he had been communicating with on a dating website. When she arrived at the residence she requested and was provided an alcoholic beverage by the officer. (6-month suspension)

### **DENIAL OF CERTIFICATION:**

Case #17-160. An applicant failed to disclose disqualifying information when applying with two separate agencies and was less than truthful with background investigators.

Case #18-048. An applicant reported different amounts of marijuana use during two separate testing processes. When questioned about the differences he acknowledged to minimizing his marijuana use to get hired.

Case #18-070. An applicant provided inconsistent and untruthful answers on his AZ POST Statement of Personal History and Application for Certification Form, the hiring agency's questionnaire and polygraphs. He also failed to disclose previous drug usage.

**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 #18-106

Case #18-036

Case #18-103

Case #18-091

Case #17-003

**NO ACTIONS:**

*On July 18, August 15 and September 19, 2018, 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 #18-058. An officer took cell phone pictures and videos of a female recruit who was performing CPR training.

Case #18-050. An officer, while in an acting sergeant assignment, used excessive force on a female; told an officer to search a closed container without consent or a search warrant and directed officers to arrest three individuals without establishing probable cause or a search warrant. He also did not listen to instruction and allowed individuals to enter a residence without consent of the homeowner and remove property.

Case #18-074. An officer violated an Order of Protection by being present during the exchange of his child with the child's mother. He also, while off-duty, was involved in a verbal confrontation when accusing an individual of stealing his girlfriend's cell phone.

Case #18-082. A sergeant admitted that during a dispute he struck his 18-year old daughter in the face and struck her with a belt in an attempt to discipline her.