



# **AZ POST**

## **INTEGRITY BULLETIN**

**Volume No. 101**

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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 October and November 2022 public meetings. Each action is considered on its own facts and circumstances. *Please note that there was no meeting in December 2022.*

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 2021-220. An officer provided false information, in the hiring process, by not disclosing prior employment information. In another incident, the officer failed to prepare a supplemental report or impound photographs of a robbery. The officer also failed to report taking a potential robbery suspect out to eat.

Case 2022-015. An officer failed to respond to priority calls for service and failed to answer his radio. The officer, on more than one occasion, left work early and without permission. The officer was dishonest when questioned by supervisors and was dishonest in a department memorandum.

Case 2021-154. An officer was dishonest in the hiring process. The officer was dishonest about his prior arrest history, prior suspension of driving privileges, and other misconduct.

Case 2021-089. An officer, while off duty, sold his personal vehicle and transferred the title. Months later, a dispute arose between the officer and the buyer of the vehicle. The officer then towed the vehicle, without permission, and transferred ownership of the vehicle without the owner's consent.

### **SUSPENSIONS:**

Case 2020-125. A police supervisor offered inconsistent disciplinary recommendations about a subordinate's conduct. The supervisor admitted that he was not forthright during his conversations with his chain of command about his feelings about the imposition of a three day suspension. The Board accepted a proposed consent agreement for a twelve month suspension.

Case 2022-056. During field training, a field training officer noticed that an officer in training ("OIT") was having difficulty with his vision, reading license plates, and road signs. The OIT was instructed to see an eye doctor. The OIT was dishonest when he reported that he had seen an eye doctor. Eventually, the OIT did see a physician. The Board accepted a proposed consent agreement for a twelve month suspension.

Case 2021-074. An officer, while off duty, drove the wrong way in traffic, was arrested for extreme DUI, and had a BA of .286. The Board imposed a twenty-four month suspension.

Case 2022-028. A prisoner became combative while in a holding cell. The prisoner began banging his head against the holding cell door and continued to resist when officers attempted to place him in restraints. The officer struck the back of the head of the prisoner twice with his Taser, causing injury. The Board accepted a proposed consent agreement for a twenty-four month suspension.

Case 2021-135. An officer, while off duty, was arrested for disorderly conduct for physically fighting with his brother. The Board accepted a proposed consent agreement for a twelve month suspension.

**DENIAL OF CERTIFICATION:**

Case 2021-178. A police recruit was dishonest to academy staff about stenciling an academy t-shirt. The Board accepted a proposed consent agreement for a temporary denial of certification for 24 months, after which date the recruit may reapply for certified status.

Case 2022-131. A police recruit was dishonest to academy staff about the completion of uniform vouchers to a uniform vender. The Board accepted a proposed consent agreement for a temporary denial of certification for 24 months, after which date the recruit may reapply for certified status.

Case 2022-093. A police recruit was dishonest to academy staff about smoking/vaping on police academy grounds. The Board accepted a proposed consent agreement for a temporary denial of certification for 24 months, after which date the recruit may reapply for certified status.

Case 2022-100. A police recruit was dishonest to academy staff about whether he had shaved that day. The Board accepted a proposed consent agreement for a temporary denial of certification for 24 months, after which date the recruit may reapply for certified status.

Case 2020-052. A police recruit was dishonest to officers, who had responded to a crime-in-progress (a bar fight) outside of a liquor establishment. The recruit was later cited for disorderly conduct for pushing an individual to the ground. At the scene of the fight, the recruit denied knowledge of, or involvement in, the fight. The Board adopted an administrative law judge decision, and permanently denied peace officer certification.

Case 2020-025. A police recruit, while attending the Phoenix Regional Police Academy, was dishonest on hundred block and radio code exams. The recruit provided answers to other recruits and received answers from other recruits. The Board adopted an administrative law judge decision, and permanently denied peace officer certification.

**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 #2022-137  
Case #2020-026  
Case #2022-024  
Case #2022-182

Case #2022-144  
Case #2020-027  
Case #2022-154

Case #2022-149  
Case #2020-193  
Case #2022-165

Case #2021-103  
Case #2021-198  
Case #2022-170

**NO ACTIONS:**

*At the October and November 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 2022-097. A patrol sergeant used different descriptions to articulate a reasonable distance in an incident report, in a subsequent defense attorney interview, and in an interview with professional standards investigators. The sergeant, when referencing a misdemeanor, also used an incorrect criminal statute.