



AZ POST
INTEGRITY BULLETIN
Volume No. 36



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 some of the actions taken by the Arizona Peace Officer Standards and Training Board at its **February and March 2008**, 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. Having said that, this 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.

February and March 2008

CASE NO. 1

NONFEASANCE AND MALFEASANCE

Officer A visited a local gentleman's club, met a dancer, and at the close of business went to her home with her and another man. While there Officer A observed them smoke marijuana, said or did nothing about it and remained in their presence while they smoked. When a police sergeant responded to a call of loud music at the apartment, the smell of marijuana was overwhelming. The sergeant began an investigation into the possession and use of marijuana. Officer A refused to cooperate, advised the dancer that she did not have to answer any questions and failed to inform the sergeant that a third person was out on the balcony. Officer A had also been the subject of founded misconduct by his agency for failing to control a prisoner in the booking area some time earlier. The Board revoked his certification for misfeasance, malfeasance and nonfeasance in office and conduct that tends to diminish public trust in the law enforcement profession.

CASE NO. 2

ASSAULT

Deputy B had a barbeque at his residence. In attendance were his girlfriend, several friends, neighbors and coworkers and a flirtatious female high school friend. After most of the guests had left, B's girlfriend discovered him in bed with the flirtatious female. The ensuing argument ended with Deputy B pulling his girlfriend down a set of steps outside his trailer. He was charged with assault and convicted of disorderly conduct/fighting. The Board revoked his peace officer certification for the commission of an offense involving physical violence.

CASE NO. 3

HINDERING PROSECUTION

Deputy C admitted that he had sought to date numerous women he met on traffic stops. One night he arrested a young woman for DUI and while transporting her to the Task Force booking area she asked him if he remembered her from a previous stop. She told him she still had the voicemail he left on her phone. He asked why she had not called him and she replied that he was married. Deputy C then issued her citations and while placing her in a cab he told her, "Don't worry. Don't go to court," because he was not filing a

report. About three weeks later, Deputy C went to the young woman's place of business for the purpose of reissuing the citations. He explained that because she had been brought into the Task Force Command Post, there was a record of it. They had been looking for the original of the citations and were not able to find them so they sent him to reissue them. In subsequent recorded calls, he told her various ways to escape responsibility for the citations. Deputy C was charged and pled guilty to hindering prosecution. The Board revoked his peace officer certification for malfeasance in office.

CASE NO. 4

ASSAULT

Deputy D assaulted his wife by pushing her to the floor and choking her with his hands. He also assaulted his mother-in-law by striking her hand with his hand. The Board revoked his peace officer certification for committing an offense involving physical violence.

CASE NO. 5

ASSAULT

Chief Deputy E had a 13-year history of domestic violence incidents, including three commissions of assault. He stipulated to the facts involved in the various incidents and the Board revoked his peace officer certification for the commission of offenses involving physical violence.

CASE NO. 6

MALFEASANCE and DISHONESTY

Officer F failed to complete requested "furthers" (supplemental reports) from the County Attorney's Office on several pending criminal cases. Officer F also violated agency taser policy by threatening to use his taser on a juvenile who was ignoring him during an interview. He also lied during an internal affairs investigation about a different taser incident by denying that he had arced the taser on that occasion. The downloads proved otherwise. The Board revoked his peace officer certification for malfeasance in office and committing an offense involving dishonesty.

The Board adopted consent agreements calling for a voluntary relinquishment in the following fact situations. The scenario stated here reflects the allegations giving rise to the POST case, but the facts were not proven before the Board.

- A chief deputy was implicated in an investigation of the Sheriff. No charges were filed against the chief deputy.
- A deputy gave false information to a captain about his inappropriate sexual comments to an attorney.
- An officer failed to submit citations, finish reports and admitted that he had shredded unfinished work in the past.
- A deputy committed assault and false statements to police.
- An officer used steroids in excess of that prescribed.
- An officer committed acts of prostitution by paying a woman for sex.
- An officer reported for duty under the influence of alcohol.
- A deputy knowingly made up a “check welfare” ruse to make illegal entry into a home.
- An officer was convicted of theft for pawning a firearm he obtained in the line of duty.

The Board entered mandatory revocations for the conviction of the following felonies:

- Assault, a federal class C felony.
- Disorderly conduct with a deadly weapon.

On February 20, 2008, and March 18, 2008, 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 determination of how serious the misconduct was 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.

- An officer failed to return property to her previous employer for five months.
- An officer failed to submit a supplemental report as directed by his supervisor.
- A deputy mishandled property by failing to properly log, and place an inmate's ring into property.
- An officer was insubordinate and confrontational with his chief of police.
- An officer while off-duty showed photographs of her nude breasts to numerous bar patrons.
- A deputy was repeatedly profane and unprofessional in his interaction with police.
- A recruit was untruthful to hide the fact that he was late in completing a required memo.
- An officer was insubordinate, inefficient and was observed driving aggressively.
- A cadet requested a fellow cadet to lie to conceal the fact that his written report had been submitted late.
- A sergeant filed a grievance critical of the department that was not sustained.
- A probationary officer made rude and inappropriate comments in the workplace.
- A detective was hesitant to respond to a crime scene call out and he left out some facts when describing the need for a call out to this supervisor.
- An officer gave non-material testimony about a seven year old injury that was disputed by someone in his command staff.