



***AZ POST***  
***INTEGRITY BULLETIN***  
***Volume No. 42***



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 **March and April 2009**, 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.

**March and April 2009**

**CASE NO. 1**

**DUI in AGENCY VEHICLE**

Officer A was discovered in a department vehicle passed out in the middle of the road with the engine on, transmission in drive and his foot on the brake. A half empty beer can was in his left hand and his radio microphone was in his right. Four cans from a 30-pack of beer remained unopened on the passenger side rear floorboard. He exhibited all the classic signs of extreme intoxication and refused to perform the field sobriety tests. The Board revoked his peace officer certification for DUI in a department vehicle while off duty.

**CASE NO. 2**

**FALSIFIED TIME SHEETS**

Officer B knowingly submitted a time accounting sheet that showed he worked a full schedule during a week when he actually worked 5 hours fewer than reported. He listed hours cleaning and maintaining his vehicle, hours changing a payroll deduction and time locating a DUI report. These entries were fictitious. Officer B eventually told investigators that he had intentionally entered the five hours of regular duty work so that the weekly would show a full week of work. He said he had two vacations scheduled and he did not want to use his vacation time. The Board revoked his certification for dishonesty and misfeasance, malfeasance or nonfeasance in office.

**CASE NO. 3**

**SEX ON DUTY with MINOR PRESENT**

Officer C while on duty and in a marked patrol vehicle, picked up a female acquaintance and her 15 year old daughter, drove to a remote location and had sex with the woman on the trunk while the girl texted her boyfriend in the back seat. The agency suspended Officer C for 40 hours and placed him on probation for 6 months. The incident was not reported to POST. Over a year later, Officer C accepted a job at a different agency. During the background investigation, this incident was reviewed. POST discovered it during the background audit and a case was initiated. Officer C appeared before the Board and admitted the conduct and asked for leniency. The Board revoked his peace officer certification for the commission of an offense

involving unlawful sexual conduct (public sexual indecency) and misfeasance, malfeasance or nonfeasance in office.

**CASE NO. 4**

**DISORDERLY CONDUCT/FIGHTING**

Officer D was working off-duty as a security officer at a bar when he contacted a citizen whose car was making, in Officer D's opinion, too much noise. Two off-duty deputies were also present, working security, and did not feel the noise warranted contact. Officer D reached into the car, grabbed the driver by the neck, and damaged a chain the driver was wearing. He handcuffed the driver and the two engaged in a shouting match. The two deputies intervened and one of them had to push Officer D away from the driver. The driver complained about his treatment and the fact that Officer D would not provide his name and badge number. He was released. He returned a short time later and again asked for Officer D's name and badge number. Officer D became irate and placed him in a headlock, took him to the ground and handcuffed him again. Local police arrived and the driver was released without charges. A follow-up investigation led to charges against Officer D of assault and disorderly conduct. He pled guilty to disorderly conduct/fighting and paid a fine. The Board revoked his certification for the commission of an offense involving physical violence.

**CASE NO. 5**

**PORNOGRAPHY ON DUTY and DISHONESTY**

Officer E visited several pornographic websites on duty on a department computer. He then lied to investigators about the conduct when questioned after Garrity admonitions. He later stated that if he had known it was a violation of town policy, he would not have done it. Investigators produced an internet use policy acknowledgment form signed and dated by Officer E less than a year before. The Board revoked Officer E's certification for dishonesty and misfeasance, malfeasance or nonfeasance in office.

**CASE NO. 6**

**ASSAULT**

Officer F assaulted his wife by kicking her in the face. The two were arguing as he was lying on the couch and she was sitting at his feet. He had been out drinking the night before and he became irate when she questioned him about it and searched the call history of his cell phone. He kicked her in the face with his bare foot and ripped a chunk of her hair out. Mrs. F texted a photo of her injuries (badly swollen and bruised cheek and eye) to a friend and told the friend how it had happened. The friend reported it. Mrs. F would not cooperate in an investigation and Officer F resigned before making any statements. The Board revoked his peace officer certification for committing an offense involving physical violence.

**CASE NO. 7**

**CORRUPTION and DISHONESTY**

Officer G had been Mr. Crook's friend since college. Mr. Crook was engaging in securities fraud involving an investment group that sought investors from a particular church. Mr. Crook became aware of an investigation into his activities and solicited the help of Officer G. At first, Officer G assisted his friend by running some legal checks via the internet on the attorneys and investigators targeting Mr. Crook. Later, he ran ACJIS checks for Mr. Crook, obtained a copy of an investigative report by false pretenses and gave it to him and lied to criminal investigators about his involvement. Officer G made a plea bargain whereby he testified for the government against Mr. Crook and pled guilty to one count of computer tampering. The Board revoked his peace officer certification for the commission of a felony and an offense involving dishonesty.

Recruit H had been appointed as a specialty officer but had not started the academy. He was observed taking two cans of Gas Duster (compressed air) from his workplace and putting them in his truck. The sergeant asked him what he put in his vehicle and Recruit H said it was his belt. The lieutenant contacted Recruit H and asked if there was any state property in his truck and Recruit H then admitted that he had taken two cans of Gas Duster. He stated he planned to use them to clean his personal computer and then return them. The agency terminated his employment. Recruit H appeared before the Board and admitted his misconduct. The Board voted to delay his eligibility to apply for certification for three years. Recruit H consented to the delay.

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.

- An officer was convicted of unauthorized access to criminal history (ACJIS use for personal reasons).

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

- Assault Resulting in Serious Bodily Injury, a class C federal felony.
- Three counts – Transfer of a Narcotic Drug to a Minor, class 2 felonies.

On March 18, 2009, and April 15, 2009, 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.

- An officer failed to disclose non-material information on his POST Personal History Form.
- An officer missed court twice after being properly subpoenaed.
- An officer lied to his supervisor, during a surprise weapon inspection, about how long his gun had been dirty.
- An officer made inappropriate sexual comments to a female clerk at a Circle K.
- A sergeant was accused of several performance based misdeeds by a lieutenant who was soon thereafter indicted for theft from the department.
- A sergeant left his patrol area numerous times to visit his home.
- A recruit violated academy rules by copying a teacher evaluation form.
- A sergeant violated agency policy by allowing inappropriate and unprofessional photos and messages to be posted on the walls of the squad office.
- A recruit failed to report a theft by another recruit.
- A sergeant caused several traffic citations to be dismissed due to a misunderstanding of the radar calibration and department policy.
- A sergeant was insubordinate when he contacted a female complainant after being ordered not to do so.