



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 some of the actions taken by the Arizona Peace Officer Standards and Training Board at its **November and December 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.

November and December 2009

CASE NO. 1

UNREASONABLE FORCE

Officer A was riding as a passenger in a patrol car driven by a female officer. They had a prisoner in the back seat, belted in and handcuffed behind his back. The prisoner was mouthy and rude, making inappropriate sexual comments to the driver and began to kick and bang around in the back seat. The driver ignored the comments and turned the radio up. Officer A told the prisoner he would pepper spray him if he did not stop. Officer A told the driver to stop the vehicle and he attempted to pull the prisoner out of the car so he could pepper spray him. The prisoner resisted by bracing himself against the door frame, so Officer A punched him in the face. They proceeded to the jail and called for a medical team to meet them. The prisoner was treated for a cut near the eye. Photographs were taken of his swollen and bruised eye area and scratched nose. The driver was shocked by Officer A's conduct because she did not see the prisoner as presenting any danger to himself or the officers. After a hearing, the independent administrative law judge found Officer A's actions to be violations of POST rules concerning an offense involving physical violence, malfeasance or misfeasance in office and conduct that tends to diminish public trust in the law enforcement profession. The Board adopted these findings and revoked his certification.

CASE NO. 2

DISHONESTY ON MEDICAL EXAM

Deputy B applied for a position with a municipal law enforcement agency. He failed to disclose a known medical condition during his POST Medical Examination. The condition had arisen after he became certified but before he took the medical exam for the new agency. Complete disclosure and honesty is essential in the medical process to enable the physician to make a reasoned and sound judgment about a candidate's ability to perform the essential functions of the job of peace officer. The Board revoked his peace officer certification for lying during the medical process.

CASE NO. 3**DV DISORDERLY CONDUCT**

Officer C engaged in an argument with his estranged wife and things escalated to the point of a physical skirmish. The fighting resulted in minor injuries to the wife including facial scratches, neck and jaw pain and a red neck with minor soft tissue damage. Officer C was hit in the back with an apple and had small scratches on his face. Officer C pled to disorderly conduct and so did his wife. He completed his court ordered counseling and was praised for his attitude and participation by the counselor. He had also spent a career in the military and had numerous citations and medals throughout his service. Officer C and his wife have separated and a divorce is pending. The Board adopted a consent agreement calling for a two year suspension of peace officer certification.

CASE NO. 4**MISUSE OF FIREARM**

Deputy D and his girlfriend got into an argument at a friend's house. He went home and after speaking with his girlfriend on the telephone, fired a round from his department issued weapon into the ceiling of his rental house. He was convicted of disorderly conduct. The Board revoked his certification for committing an offense involving physical violence and malfeasance in office.

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

- An officer lied during a criminal and internal investigation regarding sexual contact with a female during a call for service.
- An applicant had been involved in a shooting and lied to police about the shooting and concealed evidence by discarding the shell casings.
- An officer was convicted of endangerment in connection with an on duty shooting.
- An officer had an inappropriate relationship with a 16 year old girl that involved kissing and fondling.
- An officer threatened to kill his wife.
- An officer engaged in domestic fighting and used marijuana.
- An officer had sex on duty and refused to answer questions under Garrity.
- An officer took several baseball cards from inside an empty house he had entered in the course of his duties.
- A deputy engaged in a physical altercation with a handcuffed prisoner and lied about it to Internal Affairs.

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

- None in November or December

On November 18, and December 16, 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 accidentally left the office with \$40.00 of state money in his pocket but returned it the next day he worked.
- Two officers refused to answer questions about what involvement they had with an anonymous complaint that another officer was engaged in misconduct.
- An officer failed to properly preserve all evidence in an inmate homicide.
- An officer failed to disclose her contact with a county "bad check" program under police contacts in her application.
- An officer used a department system (not ACJIS) to check out whose car was in front of his estranged wife's house.
- An officer drove his patrol car for personal business.
- A corporal accessed ACJIS for a criminal justice purpose but in violation of agency policy.
- A sergeant violated agency policy by speaking ill of her supervisors to coworkers and being insubordinate.