



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 **March and April 2010**, 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 2010

CASE NO. 1

DISHONESTY

Officer A provided false information in connection with obtaining employment and certification as a peace officer on at least ten occasions. He also used excessive force during an arrest when he tripped a handcuffed suspect and lied during the internal investigation about the arrest. The Board revoked his peace officer certification for willfully providing false information in connection with obtaining certification and committing offenses involving dishonesty and physical violence.

CASE NO. 2

INFLUENCE OF ALCOHOL ON DUTY

Officer B arrived for duty with a blood alcohol content of .14 percent. His previous shift had ended at 0700 that morning. He drank heavily between 0700 and 0900, when he went to bed. He arose at 1500 and got ready for work. He did not realize he was still under the influence of alcohol when he went to work at 1630 hours, less than 8 hours later. Officer B had made an appointment to get help for his drinking problem prior to the incident. Since the incident, he has continued to obtain medical help for his drinking problem. The Board suspended his certification until lapse for malfeasance in office.

CASE NO. 3

ACJIS VIOLATIONS

Deputy C had family members who were the victim and suspects in an aggravated assault. During the course of the prosecution, he ran checks on the people involved in restricted law enforcement databases for his own curiosity. He admitted this conduct during the internal affairs investigation. The Board adopted a Consent Agreement calling for a one year suspension of peace officer certification.

CASE NO. 4**ASSAULT**

Cadet D was in the process of being cycled out of the academy due to an injury. One night he and family members had been out at a bar where they ran into some long time acquaintances. On the way home they saw these people again on the street and somehow got into a physical altercation with them. Cadet D punched one of them in the face and later kicked another of them who was on the ground. He denied any physical violence. He took a polygraph for AZ POST and agreed that the Board could consider it. He was found to be deceptive. The Board denied him peace officer certification.

CASE NO. 5**FRAUDULENT SCHEME**

Officer E's mother gave him airline tickets to Maui for college graduation in the name of his girlfriend and him. He planned to propose marriage to her on the trip. They broke up and Officer E wanted the airline to change her ticket to the name of his new girlfriend. They would not do this without a good reason. One such reason mentioned by the airline employee was if he provided them with proof that she had died, such as an obituary. He wrote an elaborate and completely false obituary for her and sent it along with a letter explaining that he wondered if he could have the ticket changed to "my very best friend who helped me most through my loss." The airline made the change, saving Officer E the cost of a new ticket. The Board revoked his certification for committing an offense involving dishonesty.

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 after Garrity admonitions about sexual conduct on duty and on department premises.
- An officer provided confidential arrest information to a confidential informant, had a sexual relationship with the informant and lied about it to internal affairs.
- A male officer established an inappropriate personal relationship with a female explorer scout.
- An officer engaged in sexual conduct in a public parking lot, in uniform, on his way home after work. It was part of a pattern of "flirtatious behavior" for which he had previously been disciplined.
- An officer filed a false police report to keep from disclosing that an officer from a neighboring agency had been drunk and disorderly in public.

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

- Child pornography, a class C federal felony.
- Fraudulent schemes and artifices, a class 2 felony.

On March 17, and April 21, 2010, 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 committed DUI off duty in his personal vehicle. He had a prior DUI three years earlier when his certification was inactive.
- An officer called in sick when he may have been able to work.
- An officer loaned an agency camera to a friend for personal use. The officer displayed anger, was highly emotional and armed when she retrieved it.
- An officer attempted to purchase beer after 2:00a.m. He displayed his credentials while doing so but did not imply that his position as a peace officer should permit him to buy beer after hours.
- An officer phoned a friend after observing the friend's cousin being booked for a drug arrest.
- An officer submitted a police report that through inexperience and inattention contained inaccurate information.
- An officer overstated the amount of time it would take her to get home from an off-duty job and was paid for the estimated time.