



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 **May, June and July 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.

May, June and July 2010

CASE NO. 1

DISORDERLY CONDUCT

Officer A, who was off duty, arrived at a residence where his former girlfriend was staying. He appeared to be angry, jumped the fence, rolled up his shirt sleeves and said, "Stop laughing or I'm gonna beat your face in." He also used some profanity. He was asked to leave and he did so. He entered into a diversion program that called for dismissal of the charges if he completed certain conditions including an anger management program. The Board suspended his peace officer certification for one year for malfeasance in office.

CASE NO. 2

MISFEASANCE AND NONFEASANCE

Deputy B was friendly with a number of the youths in his area. One night he and a fellow deputy approached a number of 17, 18 and 19 year olds drinking in the desert. Deputy B did not take any enforcement action, but directed the kids to empty their beverages and clean up the mess. He sought out five sober drivers among them to take them all home. Before they left he allowed them to take group photos with him. Some of them were still holding alcohol containers in the photo which made its way on to a My Space page. There was a perception that he had given the kids a break because he had a friendship with some of them. Approximately five months later, Deputy B arrested 20-year-old Ms. HP for DUI. After processing her, he drove her home as was the department's custom. Less than one hour later, he began corresponding with her on My Space and asked to exchange phone numbers and invited her to go out to dinner with him. They exchanged phone numbers and numerous text messages. A few days later, Ms. HP indicated she did not want further contact and Deputy B complied with her wishes. The County Attorney's Office believed his actions compromised the DUI case against Ms. HP and dismissed it. The Board adopted a consent agreement for a one year suspension of certification for conduct that tends to disrupt, diminish or otherwise jeopardize public trust in the law enforcement profession and misfeasance or nonfeasance in office.

CASE NO. 3**OFFENSE INVOLVING DISHONESTY**

Deputy C ground off the VIN and engine numbers from a Harley Davidson motorcycle and applied for an abandoned or bonded title. He lied to the MVD agent and again to the responding detective about who removed the VIN and other facts. He was convicted of the registration violation. The Board revoked his peace officer certification for false reporting and removing a VIN.

CASE NO. 4**DISHONESTY**

Officer D checked out a .223 caliber rifle from the department armory. During an annual audit the department noticed it was out and requested that Officer D return it. Officer D insisted several times over the next four months that he had turned it in and no longer had it. The department located the rifle's empty case and extra magazines in the trunk of his patrol car. When asked again, Officer D said that without his knowledge his father had placed the rifle in their home gun safe. Circumstances made it apparent that Officer D was untruthful. The Board revoked his certification for malfeasance in office.

CASE NO. 5**THEFT**

Officer E purchased a motorcycle on a loan and defaulted. Before the company repossessed the motorcycle, Office E purchased a similar motorcycle frame from another party and stripped all the parts off the first motorcycle's frame. When the repossession took place, all that was available was the first frame. Office E was convicted of theft. The Board revoked his certification.

CASE NO. 6**DUI in DEPARTMENT VEHICLE**

Deputy F was off duty at home and wanted to see his girlfriend in another community. He had been drinking. He took his pet dog in the patrol vehicle with him. He drove off the road and struck a cutout portion of a hill several times before rolling and landing in a ravine. His BAC was .251 percent. The dog died as a result of injuries sustained in the crash. The Board revoked his certification for malfeasance in office and conduct that tends to disrupt, diminish or otherwise jeopardize public trust in the law enforcement profession.

CASE NO. 7**SEX ON DUTY**

Deputy G and a civilian co-worker engaged in sexual intercourse one time in an unmarked department vehicle, out of public view, while off duty. Several months later, when the civilian applied for a job as a peace officer for another department, she disclosed the incident. Deputy G was completely truthful when asked about it by his department's internal affairs unit. The Board adopted a consent agreement for a six month suspension of certification for malfeasance in office and conduct that tends to disrupt, diminish or otherwise jeopardize public trust in the law enforcement profession.

CASE NO. 8**DISHONESTY**

Officer H spoke with his supervisor on the phone and gave false accounts of his work activities that day. When confronted, he admitted that he had made false statements to his supervisor. He also stated that he had submitted a time accounting report that claimed more time than he had really worked. The time sheets were corrected before he received any pay for the incorrect time. The department demoted him and requested the Board to consider a suspension. The Board adopted a consent agreement calling for a one year suspension of peace officer certification for malfeasance in office.

Deputy I stole fencing panels from his neighbor's yard. He lied to officers investigating the incident on more than one occasion. The Board revoked his certification for committing a crime involving dishonesty.

The Board adopted consent agreements calling for a voluntary relinquishment of certification 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 was under investigation for sexual misconduct with a minor.
- An officer falsified a report to indicate he had properly processed items of evidence which he did not process, and lied after Garrity admonishments.
- A sergeant tased a fellow officer.
- An officer engaged in a texting conversation with a woman he had stopped on a traffic violation. He later met her and engaged in sexual contact in his patrol car on duty.

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

None.

On May 19, June 16, and July 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 failed to report for work on several occasions.
- An officer made use of a department master key without permission.
- A male lieutenant made unwelcome sexual comments to a female subordinate.
- An officer missed extra duty assignments and mishandled some calls.
- A cadet bought an essay on Integrity from an on-line source and turned it in as his own work.
- An officer failed to adequately investigate an incident that was later determined to be an assault on a police officer.
- An officer drove his personal vehicle while his license was suspended.
- An officer was the subject of an unresolved sexual assault investigation.
- An officer was the subject of an unresolved sex on duty allegation.
- An officer used information from a DUI arrest he had made to contact the female arrestee for personal reasons. He also failed to properly process some traffic citations.
- An officer struck two dogs with his patrol car and failed to stop or investigate. The dogs were never located.