



# **AZ POST**

## **QUARTERLY 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 the actions taken by the Arizona Peace Officer Standards and Training Board at its April, May and June 2017, 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.

The 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.

### **REVOCATIONS:**

Case #14-055. An officer, while off-duty, recklessly displayed a firearm during a traffic altercation with another motorist. He then provided false information to criminal and internal affairs investigators when reporting the facts of the incident.

Case #16-160. A sergeant drove a vehicle to a conference after specifically being denied permission to do so. He was also dishonest when he denied having possession of the vehicle when asked by a subordinate if he had the vehicle.

Case #15-149. An officer failed to disclose to his agency that while working for his previous agency he took a polygraph due to an internal investigation and he was found to be deceptive during the polygraph.

Case #16-088. A sergeant committed sexual battery when he grabbed the buttocks of two females without their permission.

Case #16-184. An officer assaulted his girlfriend by pushing her and causing her to fall. On a separate occasion he committed disorderly conduct when he engaged in a confrontation with her. He also used methamphetamines and falsely denied using methamphetamines during a post-Garrity interview.

Case #16-047. A trooper, without authority to do so, changed his work schedule resulting in periods where there was no patrol coverage. On various dates between a two-month period, he falsified his weekly activity log to give the appearance of more activity than actually worked. He also gave false statements under Garrity regarding his telephone contact with dispatch that resulted in his work hours being changed from what had been authorized by his supervisor.

Case #16-135. An officer, while working as a School Resource Officer, provided alcoholic beverages to a 15-year old female student.

Case #15-073. An officer physically assaulted his wife and step-son.

Case #16-172. A trooper failed to follow procedure and properly submit blood evidence. He was also insubordinate and dishonest with his supervisor regarding submission and completion of required paperwork relating to a DUI arrest and a search warrant return. On two other separate occasions he was dishonest when he gave a false location in response to a welfare check.

Case #16-148. An officer assaulted his girlfriend by pulling her down a stairwell by her hair, which caused her to fall. He then provided false information by stating she had fallen due to her shoes and the amount of alcohol she consumed.

Case #16-130. An officer failed to conduct complete investigations and submitted inaccurate closing supplements on three cases involving potential felony child abuse.

### **SUSPENSIONS:**

Case #16-185. An officer committed shoplifting when he failed to pay for items by purposely not scanning those items when he was at the self-checkout at a Walmart store. (3-year suspension)

Case #17-031. An officer was involved in an altercation with his wife during which he pushed her in the chest several times. He also placed her in a chokehold. He was placed on two-year's probation and ordered to pay a special assessment. (2-year suspension)

Case #17-030. An officer, while on-duty and in a fully marked patrol vehicle, met a female acquaintance in a park and engaged in hugging, kissing and whispering statements of a sexual nature. Unbeknownst to him his police radio was activated and sexual comments and noises were broadcast over the police radio system. (4-month suspension)

Case #17-004. A sergeant was arrested for off-duty DUI after he collided with another vehicle. His alcohol concentration level was 0.29. (3-year suspension)

Case #17-050. A deputy entered a bar (off-duty) and ordered a beer. The bartender refused to serve him because he was intoxicated. The deputy then placed his badge on the bar and stated he just wanted a beer. (6-month suspension)

Case #17-016. An officer operated a motor vehicle while impaired and was involved in a minor traffic accident with a car. (18-month suspension)

Case #17-010. An officer, while on-duty and within his police department, asked a female volunteer if he could see her breasts. (6-month suspension)

### **VOLUNTARY RELINQUISHMENTS:**

*The scenarios stated here reflect the allegations giving rise to the POST case, but the facts were not proven before the Board.*

Case #17-019. An officer got into a verbal and physical altercation with his wife and failed to notify his chain-of-command about the domestic incident and the charges filed against him in relation to this matter.

Case #14-108. A sergeant, over a four-year period, submitted five fraudulent receipts for uniform purchases by presenting credit card receipts for those purchases; but the truth was he canceled those purchases shortly after the orders were placed.

Case #15-042. An officer intentionally manipulated his vehicle audio recording device in order to disconnect it after audio captured him yelling at a citizen while in the presence of another citizen. He also manipulated a department document that he intended to use for personal reasons.

Case #16-145. An officer, during the hiring process for another agency, divulged potential misconduct while she was with her current agency. She disclosed numerous transgressions throughout her career dating back to her time at the academy.

Case #17-015. An officer, between a period of eight years, failed to thoroughly investigate 36 cases while assigned to the Child Sexual Abuse Unit and the Vulnerable Adult Abuse Unit with her agency.

Case #16-018. An officer, while placing an individual under arrest, called the individual a jackass and then dropped from a standing position, with both of his knees, onto the upper back of the individual. The individual being arrested was lying face down, handcuffed and a T.A.R.P. (Total Appendage Restraint Procedure) was being applied to his feet and legs at the time.

Case #17-045. A deputy was investigated for four incidents that included: 1) an assigned background investigation, 2) a prohibited possessor investigation, 3) an incident involving deception and 4) an incident involving aggravated assault.

Case #17-033. An officer responded to a domestic violence call and noticed the female had injuries on the top of her head and below her chin which caused a substantial amount of bleeding. She stated she had been involved in a fistfight with her boyfriend. Both she and her boyfriend had been drinking and were intoxicated. The officer told the other responding officers that she had fallen on her own, which caused the injuries. He failed to adequately provide the necessary information to the other officers of a possible assault.

Case #16-191. A trooper investigated a collision and took possession of evidence and arrested an individual on criminal charges. He did not complete the offense report until 60 days after the incident and the evidence was not submitted until approximately 19 days after it was collected. He also falsified an evidence form by writing a different submission date and was dishonest with investigators during a Garrity interview into his actions related to the evidence submission and the date on the form.

Case #17-008. A deputy's estranged wife alleged he had sexual intercourse with her against her will. She also accused him of pointing his handgun to his head months prior to this. He violated an Order of Protection by entering her residence.

Case #17-058. A deputy while working an off-duty job and wearing his uniform, made a derogatory remark to a female employee of the establishment where he was working.

Case #16-147. A deputy failed to respond to radio traffic; he was located at his home lying on the couch. He was found to be impaired to the point that he could not perform his duties. An investigation revealed mishandling of confiscated narcotic drugs and evidence. He also provided false and misleading statements during the investigations into the incidents.

Case #17-057. A deputy, while applying for another agency, revealed that he had lied during an investigation conducted by the agency he was currently employed with.

Case #17-052. An officer retired and a year later applied with a new agency. While in the hiring process he took a polygraph examination and revealed that he illegally used medications not prescribed to him numerous times.

Case #16-137. An officer, who was in the hiring process for a new agency, failed to correctly report the details of an incident that occurred three years prior. His description of events was markedly different from the police report.

Case #16-159. A commander was indicted and pled guilty to three misdemeanor counts of theft of federal funds.

Case #17-047. An officer was the subject of a criminal investigation for various domestic violence related charges. He also failed to disclose he had been placed on the Brady List.

Case #15-114. An officer had contact with and engaged in a financial agreement with businesses he knew or should have known were fronts for prostitution.

Case #15-138. An officer attempted to improperly interject himself into a civil dispute between his girlfriend and her ex-husband. He also provided false and misleading information to officers who were attempting to mediate a civil dispute between the girlfriend and her ex-husband.

**NO ACTIONS:**

On April, May and June 2017, 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.

Case #17-022. An officer handcuffed a juvenile to a fence for approximately four minutes in response to a request from the juvenile's grandmother who wanted him placed in custody as being incorrigible.

Case #15-163. An officer failed to follow directives from his supervisor and worked outside of his assigned area with another officer. He also violated department policy by conducting a traffic stop and issuing a citation.

Case #16-182. A sergeant was insubordinate by violating instructions given to her by agency supervisors regarding reporting to work on time via the radio and not by telephone.

Case #17-041. A recruit was untruthful during an interview with academy staff by not admitting that he and another recruit were present when a third recruit showed them his personal handgun and accidentally fired one round into the driver's seat of his vehicle.

Case #17-041. This recruit was also untruthful during an interview with academy staff by not admitting she was present when the third recruit (discussed in the previous case) accidentally fired his handgun.

Case #17-038. An officer, on multiple occasions, violated her agency's policy on the use of sick leave.

Case #17-059. A deputy was not truthful when he stated the principal of a school did not know the name of the school's resource officer. He in fact had been provided the name, but forgot to write it down.

**MANDATORY REVOCATIONS:** (felony convictions)

Case #16-028. An officer, during a ten-month period, submitted false timesheets and received payment for 223.25 hours that he did not work. He was indicted on three felony counts but entered into a plea agreement and pled guilty to theft.

Case #16-201. An officer was sentenced on three felony counts involving the sale or transportation of dangerous or narcotic drugs and conspiracy.