



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 the actions taken by the Arizona Peace Officer Standards and Training Board at its January, February and March 2018, 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 #15-170. An officer failed to properly impound property and evidence and was not truthful to an investigator and a polygrapher when questioned about submitting the evidence.

Case #15-083. An officer, on numerous occasions, failed to impound evidence; failed to submit witness statements; failed to submit evidence; failed to conduct investigations; claimed to have served an order of protection when he did not; served an order of protection via telephone and text message and violated department policy by discussing an internal investigation with an unauthorized person.

Case #16-129. An officer failed to disclose a history of domestic violence incidents while in the hiring process. He also engaged in a verbal and physical altercation with his wife and when attending a house party got into a physical altercation with a female at the same party.

Case #17-108. An officer submitted a report containing false information. He also allowed an intoxicated 16-year old female to leave a scene without contacting her parents or ensuring she arrived home safely.

Case #16-080. An officer provided false testimony during a sworn deposition before the Industrial Commission of Arizona.

Case #16-167. An officer, on two separate occasions, was involved in a domestic dispute with his girlfriend. He was also dishonest when he provided conflicting statements during his interviews with investigators.

Case #17-142. A detective knowingly allowed a person with a revoked driver's license to operate her personal vehicle on public roadways, in violation of state statute. She also facilitated a prohibited possessor to have access to a firearm, also in violation of state statute. She abused her position as a certified peace officer to gain unfettered access to a Maricopa County probation office where she entered a restricted area while carrying a firearm in the company of a convicted felon and prohibited possessor.

Case #16-153. An officer was observed by his supervisor acting in a manner that appeared like he was under the influence of drugs. A drug test was performed and it was confirmed that he had Amphetamine, Morphine and Alprazolam in his system and could not provide prescriptions for any of them.

SUSPENSIONS:

Case #16-058. A commander committed disorderly conduct by engaging in a verbal argument with security staff at a local casino. He also threatened them with physical force. (15-month suspension)

Case #16-059. A lieutenant committed disorderly conduct by engaging in a verbal argument with security staff at a local casino; he threatened the staff with physical force; displayed his peace officer credentials in an attempt to threaten/influence the staff; suggested a subordinate cancel the call to the local police department and failed to notify his supervisor of the incident. (2-year suspension)

Case #16-096. An officer violated a verbal order to not discuss an on-going investigation reference harassing and derogatory comments made about the appearance of a female officer. (1-year suspension)

Case #17-125. An officer, on three separate occasions, engaged in consensual sexual intercourse and oral sex while on duty and in his fully marked patrol vehicle. (1-year suspension)

Case #17-128. An officer committed an act of battery of a family member during a domestic dispute when he forcefully pushed his brother in the upper chest area causing the brother to fall and forcefully pushed his father in the upper chest area. He also took an aggressive stance and yelled to his father that he was going to kill him. (1-year suspension)

Case #15-136. An officer used his department issued cell phone to receive and/or send sexually explicit text and picture messages. He also had sex with a female while on-duty and failed to answer questions fully and truthfully about his relationship with her. (1-year suspension)

DENIAL OF CERTIFICATION:

Case #17-101. A recruit violated policy by submitting a written assignment having plagiarized content. He also was not truthful when he denied having used outside resources to complete the writing assignment.

Case #17-012. Between 1981 and 1985, an applicant sold small amounts of marijuana.

Case #17-086. A recruit looked at the grade sheet for field problems prior to his participation. He was also less than truthful with academy staff when questioned about how he knew the color code of the scenario he would be graded on during field problems prior to his participation in the scenario.

Case #17-116. An applicant, on numerous dates and on numerous applications, failed to disclose acts he committed as a juvenile and was less than truthful when he was asked if he deliberately falsified any information on the applications and background questionnaires.

Case #17-119. A recruit illegally used methadone.

Case #17-102. A recruit was not truthful when she informed a Recruit Training Officer that she had completed a required memo when in fact the memo was incomplete. She was also not truthful when explaining the circumstances when applying with another agency.

Case #17-158. An applicant, two days prior to starting the academy, was arrested for DUI BAC over .08, following a single vehicle accident. The accident occurred around 3:30 am. His breath test at 4:35 am resulted in a BAC of 0.143.

Case #17-157. An applicant, on four separate occasions, provided false information to background investigators regarding his involvement in a theft of beer that occurred in 2004 and which resulted in his arrest.

VOLUNTARY RELINQUISHMENTS:

The Board accepted the following voluntary relinquishments of peace officer certification. Respondents, without admitting any allegations made against them, permanently relinquished their Arizona peace officer certifications.

Case #17-159	Case #17-097
Case #16-107	Case #17-134
Case #17-172	Case #17-168
Case #16-164	Case #17-155
Case #17-178	Case #17-167
Case #17-170	Case #17-111
Case #18-007	Case #18-033
Case #18-005	Case #17-113
Case #18-029	Case #16-164
Case #17-170	Case #17-111
Case #18-007	Case #18-033
Case #18-005	Case #17-113
Case #18-029	Case #16-164

NO ACTIONS:

On January 17, February 21, and March 21, 2018, 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 #17-176. An officer willfully provided false information to his field training officer when he stated that he had checked his departmental voice mail system, as required by the agency, when he had actually not done so.

Case #17-171. An officer while working alone at the city jail, opened the door to a female holding cell multiple times and saw a female inmate in a state of undress at least twice.

Case #17-077. An officer was arrested for suspicion of driving under the influence. Breath tests administered at the time of his arrest indicated a BAC of 0.101 and .094. The officer was cooperative during his contact with officers, had no passengers in his vehicle and was not involved in an accident or property damage.

Case #17-048. An officer engaged in unprofessional and insubordinate behavior during a shift meeting at the agency.

Case #18-003. An officer, while in the academy, made derogatory and unprofessional comments to academy colleagues regarding a female recruit. He also made the same derogatory and unprofessional comments after graduating the academy. He then, during two traffic stops, made unprofessional remarks to two citizens.

Case #17-150. A deputy was involved in several domestic incidents with a female co-worker. Due to differing stories, no charges were filed.