

Attachment A

The actions and behaviors of Officer [REDACTED] are fully documented in the Internal Affairs file #10-[REDACTED] incorporated herein, providing just cause for a 160-hour suspension and are synopsized as follows:

Information and statements obtained from witnesses as well as from Officer [REDACTED] establishes that he engaged in inappropriate conduct while working an off-duty assignment at Fry's Food Store. While in uniform, working an off-duty job, Officer [REDACTED] involved himself in conduct compelling the scrutiny of the Department; in public view, Officer [REDACTED] got into a car with a female and directed her to a location that he thought would be less public and away from video surveillance cameras, all for the purpose of engaging in sexual activity. His intent was clear and it is equally evident that he knew his conduct was unacceptable. The language of Tucson Police Department General Order 1330.7 General Standards of Expected Conduct, states in relevant part:

“Members shall not engage in any conduct, whether on or off duty, which is unbecoming or detrimental to their duties, position, or the Department. All members shall conduct their private and professional lives in such a manner as to avoid adverse reflection upon the Department or themselves as members of the Department

Officer [REDACTED] efforts to minimize his behavior because he had “finished his shift for the evening and logged off” are without merit and ignore his obligations as a member of the Tucson Police Department. The evidence establishes that Officer [REDACTED] was still in uniform and responsible for departmental equipment, specifically a marked patrol unit incorporated into the off-duty shift for “high visibility police presence” at the time of the incident at Fry's Food Store. As a Tucson Police Department officer utilizing departmental equipment, Officer [REDACTED] was required to return that equipment immediately upon it no longer being needed to complete his assignment. Because he had not yet returned the patrol car at the time he engaged in sexual activity in the Fry's Food Store parking lot, he had not yet detached from uniform duty. To believe that his actions, should he have been discovered by an unwitting member of the public, could be dismissed because he was off-duty is disingenuous. It does not matter whether he was on or off duty; by engaging in this conduct while in uniform Officer [REDACTED] actions and behavior were detrimental to his duties, position and the Department. These activities reflect adversely on the Department and the Officer and are in direct violation of General Order 1330.2, Obedience to General Orders, Procedures and Policies Required as it applies to General Order 1330.7 General Standards of Expected Conduct.

Officer [REDACTED] has no right to artificially create an on-duty/off-duty status in order to fit his needs as he did on the night in question in the Fry's Food Store parking lot. To believe that he was off-duty when he engaged in sexual relations in public, but then back on-duty and covered by the City of Tucson should he be involved in an accident or otherwise required to take enforcement action when returning the patrol vehicle displays

an unacceptable application of departmental policies and a complete disregard of departmental values.

The discovery that Officer [REDACTED] was spending an inordinate amount of time pursuing personal relationships while on-duty is also cause for concern. Officer [REDACTED] was involved in a relationship with a female who was part of the property management team of a midtown apartment complex. His presence at the management office was excessive to the point that the manager felt the need to bring it to Officer [REDACTED] attention. The time spent at the office by Officer [REDACTED] was both on and off-duty and it could not be determined with any degree of certainty what the actual dates were. Two separate incidents of sexual conduct are alleged to have occurred during Officer [REDACTED] visits to the management office. While there is insufficient evidence to find that Officer [REDACTED] was derelict in his duties, his actions, yet again were not in keeping with the professional image that officers are expected to put forward. Residents of the complex asked why a police car was there so often and the manager apparently felt he was spending far too much time at the office, all of which fail to meet our standards for displaying a professional image

Officer [REDACTED] has demonstrated a pattern of behavior that displays a consistent and willful disregard for the standards of conduct expected by our officers. Officer [REDACTED] admittedly engaged in two separate incidents where he had sexual relations in a public place prior to the incident occurring at the Fry's Food Store. Though in each of these cases it is clear that Officer [REDACTED] was not on-duty, the fact remains that he was in full uniform and clearly identifiable as a police officer. All three of these sexual relations occurred in public places or businesses open to the public demonstrating unethical behavior which, at a minimum, exposed the department to a major adverse impact on its professional image.

Officer [REDACTED] pattern of consistent and intentional misconduct rises to the level of a Violation Type D. As the inappropriate conduct was so flagrant, aggravation of the presumed sanction is clearly warranted. Officer [REDACTED] will be suspended for 160 hours.

Based on a review by the Tucson Police Department management, the Chief of Police has determined that Officer [REDACTED] committed a Type D violation, with an aggravated sanction. Officer [REDACTED] violated the following General Orders:

1330.7 General Standards of Expected Conduct

Members shall not engage in any conduct, whether on or off duty, which is unbecoming or detrimental to their duties, position, or the Department. All members shall conduct their private and professional lives in such a manner as to avoid adverse reflection upon the Department or themselves as members of the Department. Members shall treat each other and all persons with whom they have contact with respect and courtesy.

Officer [REDACTED] prior disciplinary history includes the following:

- [REDACTED] – Type A, Corrective Action – Court Attendance.
- [REDACTED] – Type A, Corrective Action – EEOC.
- [REDACTED] – Type B, Written Reprimand – Failure to Provide Appropriate Service.
- [REDACTED] – Type B, Written Reprimand – On Duty Conduct Standards/Completion of Assignments.
- [REDACTED] – Type A, Corrective Action – Court Attendance.

Officer [REDACTED] has no prior Type D offenses. The listed violations constitute just cause for suspending Officer [REDACTED] without pay for 160 hours.

[REDACTED]

Officer [REDACTED]