

Attachment A

The actions of Sergeant Scott #52267, are fully documented in the Office of Professional Standards file #18-0476, and incorporated herein providing just cause for a 40 Hour Suspension and are synopsisized as follows:

I. ACTIONS YOU KNEW OR REASONABLY SHOULD HAVE KNOWN WOULD RESULT IN DISCIPLINARY ACTION:

On August 20, 2018 the Office of Professional Standards received an anonymous online complaint stating that Sergeant Scott was “messaging” around in a police car while on duty with [REDACTED] who stated her “profession” is “future TPD Officer.” There was no contact information, times, dates, or locations provided. Sergeant Mickey Petersen was directed by OPS Commander Lieutenant Dennison to open an investigation. Additional allegations were brought forward by Captain Ronstadt following his review of case number 1807160622. While reviewing the case file Captain Ronstadt discovered statements in the narrative that are in conflict with the statements provided by Sergeant Scott in his earlier interviews. There was a third interview conducted with the allegations of untruthfulness and failure to supervise.

Sergeant Scott held a supervisory rank of sergeant during the time period encompassed by this investigation. While on duty in uniform and driving a marked Tucson Police Patrol car Sergeant Scott met [REDACTED] numerous times over several months for periods of time ranging from a few minutes to over an hour. Most of these meetings took place in areas open to the public, and mostly at Reid Park. Some of the meetings took place in a secluded parking lot hidden from public view at night. Sergeant Scott admitted to engaging in acts of hugging, kissing, **buttock-grabbing**, and **having his genitals groped by** [REDACTED] while on duty in uniform clearly identified as a Tucson Police Officer, and in a location open to and readily witnessed by the public. During one of his OPS interviews Sergeant Scott misunderstood the question ... “at any point when you were with her and you were in a public place did anyone ever confront you?” Although the questioner was inquiring as to whether any one came up and “confronted” him about his inappropriate on-duty conduct, it is telling that Sergeant Scott responded “yeah, we’d be confronted regularly um, people walking by were at the park so there’s transients or people with their kids playing at the park, so there’s people around.”

Sergeant Scott demonstrated extremely poor decision making and judgment when he chose to personally conduct the criminal investigation in which his girlfriend ([REDACTED]) was the victim; he did this despite there being subordinate officers on scene and available to investigate. Sergeant Scott compounded his poor decision making by completing an inaccurate report of the events that transpired in this criminal incident and failing to follow-up with notifications to DCS, ODM CIO and the Adult Sexual Assault Unit.

Sergeant Scott stated he was aware [REDACTED] was a candidate for Tucson Police Recruit, felt she would not be right for the position, but chose not to notify background investigators of his relationship or knowledge of [REDACTED] suitability for the position. Sergeant Scott failed to recognize the implications of a Tucson Police supervisor having an affair with a potential applicant, or the example he was setting for his subordinates.

Lieutenant Brady stated in his investigation, “Sgt. Scott failed to be responsible for his own conduct,” and “Sgt. Scott diminished his credibility as a supervisor by engaging in this activity while on duty. He demonstrated he cannot be trusted without direct supervision.”

Captain Ronstadt stated in his investigation, "Sergeant Scott's actions created the potential to seriously undermine community trust and the professional image of the department. In that they were willful, unjustified violations of General Orders and constituted a severe ethical breach," and "Sergeant Scott has taken no ownership of his decisions, nor has he demonstrated during this investigation that he recognizes that his behavior was inappropriate."

Chief of Police Chris Magnus stated in his written decision, "All members of our department must guard against engaging in any conduct, whether on or off duty, which is detrimental to their position or the department. This necessarily includes conducting themselves in a manner so as to avoid adverse reflection upon the department or themselves as members of the department. These are obligations borne by every member of this agency, but none so much as our supervisors.. For supervisors, this axiomatic obligation is heightened. To be sure, being a supervisor involves more than just ensuring subordinates remain responsible for their conduct and performance. Indeed, before holding others to account, every supervisor must first be, as the Authority of Supervisors general order states, "responsible for their own conduct and performance." To do otherwise qualifies as a supervisory dereliction, a fundamental failure that must not be left unaddressed," and "Put simply, this conduct reflects and egregious lack of judgement from any member of this agency, but from a supervisor, it is nothing short of appalling. Without question, the actions of Sergeant Scott fall woefully short of that which is expected of a sergeant, the most critical department supervisory position."

Chief of Police Chris Magnus wrote, "My expectations for department supervisors have been clearly communicated from the moment I was named Chief of this agency. Among them was the mandate that every supervisor exemplify integrity by demonstrating and modeling honest and ethical behavior with others; that every supervisor demand others demonstrate high ethical standards; that every supervisor demonstrate an awareness that they carry the public trust, and must not abuse this trust on or off duty; and that every supervisor take care to evaluate situations using good judgement in order to make the best decision, and deliver the best service possible. Sergeant Scot failed in every aspect of this mandate."

II. VIOLATION OF GENERAL ORDERS:

1330.2 Obedience to *General Orders*, Procedures and Policies Required

All members shall observe and obey all laws, City *Administrative Directives*, Department *General Orders*, Department procedures and policies, as well as any procedures and policies established by their Commanders.

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.

1330.4 General Responsibilities and Requirements

All members shall perform their duties as required or as directed by law, the Constitutions of the United States and the State of Arizona, department *General Orders*, department policies and procedures, City *Administrative Directives*, or order of a superior officer.

1330.27 Failure to Supervise

Failure to meet the responsibilities of a supervisor is outlined in the Authority of Supervisors *General Order*.

1143.6 Authority of Supervisors

Supervisors shall constantly direct their efforts toward the intelligent and efficient performance of the functions of the Department and possessing the authority to do so, shall require their subordinates to do the same. They shall not regularly perform the duties assigned to a subordinate when the subordinate is available. Supervisors shall be responsible for their own conduct and performance and for the conduct and performance of their subordinates. They shall initiate an investigation of any misconduct or non-performance of duty as soon as it comes to their attention. When it is appropriate, supervisors will notify their superior or their supervisor of matters of concern.

2452 Reporting Requirements

All members are responsible for properly and adequately documenting official investigations and actions in the appropriate format as the circumstances may dictate. This includes personnel not directly assigned as the case officer (e.g., back up officers, investigators, forensics personnel, etc.).

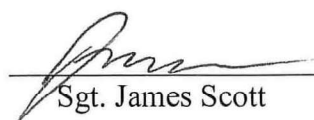
III. PRIOR DISCIPLINE:

In the past five years Sergeant Scott has prior discipline of Written Reprimand from an incident on December 15, 2017 for violating General Order 1330.02, 1330.4, 1330.7, 1143.6, 2452, and 1330.25.

IV. FINDINGS:

Based on a review by the Tucson Police Department Management, the Deputy Chief acting for the Chief of Police has determined that Sergeant Scott violated the above listed General Orders. Due to the nature of misconduct, this incident falls within a **Red / Severe Misconduct** category. Acts that negatively impact TPD operations or involve flagrant unprofessional behavior. Based upon all of the factors in the case and the six General Order violations, Sergeant Scott will receive a 40 Hour Suspension.

I have read and received a copy of this document.


Sgt. James Scott

12/20/18
Date

TUCSON POLICE DEPARTMENT
SEVEN DAY NOTICE OF INTENT TO DISCIPLINE AND NOTICE OF DISCIPLINE
(DEMOTION)

DATE: November 21, 2018

OPS NUMBER: 18-0476

TO: James Scott #52267

This is to advise you that your Chain of Command has made a recommendation of discipline in regards to this matter. The investigation shall be closed as:

SUSTAINED **PREVENTABLE** **OTHER**

The recommended discipline is:

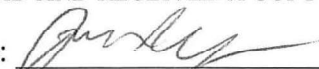
DEMOTION
(SEE ATTACHMENT A FOR DETAILS)


This notice serves as a seven day written notice of intent to discipline, per Administrative Directive 2.02-16. If you choose, you have **seven calendar days** to present reasons in a departmental memorandum addressed to your Chain of Command why you should not receive this discipline. You may review the package for this purpose in the presence of a member of your Chain of Command.

Whether or not you elect to present reasons why the discipline should not occur, you still have the opportunity to appeal this discipline through the Civil Service Commission. For the purpose of an appeal process, the complete investigative file will be available for you to review upon presentation of this notice. The file will be in the possession of your Chain of Command unless it has been returned to the Office of Professional Standards (open 0800-1700, Monday-Friday).

Seven days prior to service of discipline:

I HAVE READ AND RECEIVED A COPY OF THIS NOTICE:

Employee:  PR # 52207 Date: 10/21/18

Served by:  PR # 35804 Date: 11/21/2018

Upon receiving discipline:

I HAVE READ AND RECEIVED A COPY OF THIS NOTICE:

Employee: _____ PR# _____ Date: _____

Served by: _____ PR# _____ Date: _____

Mickey Petersen - Sgt. James Scott

From: Mickey Petersen
To: Ruiz, Chalis
Date: 12/11/2018 9:14 AM
Subject: Sgt. James Scott
Cc: Dennison, Christopher

Good morning,

Under OPS case number 18-0476 a PARF for demotion was requested for Sgt. James Scott. Following the right to respond meeting the discipline was changed to a forty (40) hour suspension. The PARF indicating demotion was returned to Human resources, and a new PARF was requested for the forty hour suspension. The new PARF has not been served as of this date.

Sgt. Mickey Petersen

Sergeant Mickey Petersen 37962
Tucson Police Department
Office of Professional Standards
270 South Stone Avenue
Tucson AZ 85701
520-837-7706 (Office)
[REDACTED] (Cell)
mickey.petersen@tucsonaz.gov

TUCSON POLICE DEPARTMENT

NOTICE OF DECISION

DATE: DECEMBER 3, 2018

OPS NUMBER: 18-0476

TO: Sergeant James Scott

After review and consideration of all information provided by the employee at the pre-disciplinary review meeting on xxxx, and the information set forth in supporting documentation (attached), the decision is as follows:

- Discipline will be issued as proposed in the Notice of Intent
- Other 40 Hour suspension

Appeal Rights:

Written Reprimands / Corrective Action – may be grieved under the City’s Grievance Policy (Administrative Directive 2.02-2) or under an applicable labor agreement.

Suspensions of 10 days (80 hours) or less - may be grieved under the City’s Grievance Policy (Administrative Directive 2.02-2) or under an applicable labor agreement.

Suspensions of more than 10 days (80 hours) or suspensions resulting in a total suspension of more than 80 hours in the prior 12 months – may be appealed to the Civil Service Commission pursuant to Civil Service Commission Rules and Regulations, Rule X. (See * below)

Demotion or Reduction of Pay – may be appealed to the Civil Service Commission pursuant to Civil Service Commission Rules and Regulations, Rule X. (See * below)

Discharge – may be appealed to the Civil Service Commission pursuant to Civil Service Commission Rules and Regulations, Rule X. (See * below)

* APPEALS TO THE CIVIL SERVICE COMMISSION MUST BE FILED WITHIN TEN (10) CALENDAR DAYS OF THE DAY IMMEDIATELY FOLLOWING THE DAY ON WHICH THE NOTICE OF DECISION WAS RECEIVED.

DECISION DATE 11/29/2018	CHIEF CHRIS MAGNUS	COP SIGNATURE 
-----------------------------	--------------------	---

UPON RECEIVING DISCIPLINE:

I have read and received a copy of this notice:

Employee:  PR# 52267 Date: 12/20/18

Served by:  PR# 35024 Date: 12/20/2018

SERVING SUPERVISOR SHALL PROVIDE THE EMPLOYEE A COPY OF THIS FORM AND THE APPROPRIATE DISCIPLINARY FORM(S) (CORRECTIVE ACTION, WRITTEN REPRIMAND, PERSONNEL ACTION FORM, ATTACHMENT A).