



Office of Professional Standards
Investigative Summary
24-0269

Synopsis:

On July 16, 2024, Robert Bittens did not wish to follow through with a complaint against Officer S. Morken #36815. Robert alleged Officer Morken spouted off about his political views while in uniform.

Investigative Steps:

7-16-24 (TAG 100625)

Robert left a voicemail alleging an unknown officer was spouting off about his political views.

I contacted Robert who claimed he walked up to an officer who was arresting someone for shoplifting in July 16th, 2024 at the Ross on Broadway and Kolb. He struck up a conversation with the officer who proceeded to make political statements unprovoked, "*It's those damn democrats*" "*Damn Biden*" "*What do you watch CNN?*". Another citizen made a statement, "*That's why we need Trump*". He did not know the officer's name or car number.

Robert felt the officer should not be making political statements while in uniform. Robert was on the fence about making a complaint, but ultimately did not wish to make the complaint.

I conducted a cursory search to see if I could locate the BWC for retention purposes. I located a video that matched Robert's initial complaint as it was the same general location and used the word "*democrat*". I watched the portion of video with the word "*democrat*" in order to confirm it was the source video of the complaint. The video showed Officer Morken made statements like Robert should stop voting democrat, he is "*brainwashed*", not to watch CNN as it is owned by China, the CIA killed JFK, and Officer Morken stated, "*MAGA forever.*"

Officer Morken's behavior is unprofessional and unbecoming of an officer in uniform.

7-17-24 (TAG 100625)

I briefed Captain Wakefield and Lieutenant Cornia on this incident. They recognized Officer Morken is on an continued employment contract and that Robert did not wish to follow through with the complaint. The decision was made to forward the information to Officer Morken's COC, Lieutenant L. Gomez, as information. This will be closed as a contact by OPS.

Lieutenant Cornia briefed Lieutenant Gomez. I sent Lieutenant Gomez an email briefing.

Conclusion:

Robert did not wish to follow through with his complaint. If Robert re-contacts, this complaint may be re-opened. This contact will be closed and sent to peer review.

AXON Link:

https://tucsonpd.evidence.com/axon/case/b614472e-4765-4e81-9892-8bb09fcca033?caseId=b614472e-4765-4e81-9892-8bb09fcca033&limit=100&sort=-recordedOn%2Ctitle&view=table&agencyId=d7b9b9ff7ed34a0f893ecfc4af1ce0a6&status=active%2Cdeleting%2Ctriage_pending%2Cdeleted%2Ctriage_declined%2Cexcluded%2Cprocessing%2Con_device&type=video%2CAudio%2Cdocument%2Cimage%2CfiringLog%2Ccompressed%2Cother&collectedBy=&user_type=uploadedBy%2Cowner&sources=interview%2Cecomsubscriber%2Ccapture%2Ccommunity-request%2Cthird-party-api-client%2Cfleet%2Cother%2Caxon-air%2Ccew%2Cbody-worn&restrictionLevel=0%2C1%2C2



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AA 104335 10/28/2024

Although previously the original complainant did not want to follow through with the complaint, the chain did their own investigation and chose to follow through with the investigation themselves. I received the completed investigation from the ODE Chain of Command on 10/28/2024. The Chain found the allegations to be **SUSTAINED** with a recommendation of **Orange/20 HR Suspension**.

A COC Service Memo, 7-Day Notice of Discipline, Notice of Disclosure, Like Cases, and Attachment A and PARF were sent to the chain.

AA 104335 11/15/2024

I received the Attachment A draft. I forwarded it to City Attorney Jennifer Stash for her review.

AA 104335 11/17/2024

I received an email from City Attorney Jennifer Stash regarding her first review of the Attachment A and her recommendations. I forwarded the feedback to Lt. Baca.

AA 104335 12/11/2024

I received the signed Attachment A, and 7-Day Notice from the ODE Chain of Command. I was advised that the Chain got the approval of the final Attachment A draft and that they had served it already. I was instructed that all was missing was the PARF that needed to be signed by both the City Attorney and the Chief. I emailed the PARF to the City Attorney and she was able to sign it electronically. I walked up the PARF to the Chief's office.

AA 104335 12/12/2024

I received the signed PARF from the Chief's office. I sent the PARF along with the Member disclosure, and Like Cases for service.

I received the initialed Member Disclosure along with the signed PARF from the Chain. I advised that I would make copies for HR.

I received notice from Ofc. Morken that he is requesting a grievance board. He requested to see all like cases that were provided and requested permission to view the e-file for both him and his TPPL representative Ofc. Voss. I provided like cases and assigned the grievance # 2024-04. I advised that as soon as I receive the Memo, I can request a meeting with the grievance board. Additionally, I emailed OPS commanders advising that Ofc. Morken would like access to case #24-0269 pursuant to Title 38. This case will be suspended until the grievance process is over.

AA 104335 5/5/2025

The grievance board was held on 1/19/2025. The grievance board recommended to change in Sanction or Discipline level. Ofc. Morken disagreed with the board and wanted a meeting with the Chief. The Chief's meeting was held on 4/9/2025. I received the Chief's decision letter on

5/1/2025 and the Chief concurred with the Ofc. Morken retired from the Tucson Police Department effective 5/1/2025. HR worked out his 20-hour suspension. Since he retired, I am unable to print out the Telestaff entry of when he served his 20-hour suspension. Copies of the 7-Day Notice and Attachment A were made for HR. Original PARF was sent.

No further action was taken.

Conclusion:

The investigation concludes that the allegations of **306- Unprofessionalism** and **700- Policy/Procedures** are **SUSTAINED** and that Ofc. Morken #36815 violated the following Tucson Police General Orders: 1330.2 Obedience to General Orders, Procedures and Policies Required, 1330.7 General Standards of Expected Conduct, 1330.8 Expected Conduct Towards the Public, 1340.1 Conduct in Public and Social Media Responsibilities of Members, and 3762.1 BWC Activation. The violations of these General Orders fall within the **Orange** range in the Discipline Thermometer and the chain concurred with a recommendation of a **20-HR SUSPENSION** due to previous aggravating factors as stated in the investigation. This case is now closed.

AXON Link:

https://tucsonpd.evidence.com/axon/case/b614472e-4765-4e81-9892-8bb09fcca033?caseId=b614472e-4765-4e81-9892-8bb09fcca033&limit=100&sort=-recordedOn%2Ctitle&view=table&agencyId=d7b9b9ff7ed34a0f893ecfc4af1ce0a6&status=active%2Cdeleting%2Ctriage_pending%2Cdeleted%2Ctriage_declined%2Cexcluded%2Cprocessing%2Con_device&type=video%2CAudio%2Cdocument%2Cimage%2CfiringLog%2Ccompressed%2Cother&collectedBy=&user_type=uploadedBy%2Cowner&sources=interview%2Ccomsubcriber%2Ccapture%2Ccommunity-request%2Cthird-party-api-client%2Cfleet%2Cother%2Caxon-air%2Ccew%2Cbody-worn&restrictionLevel=0%2C1%2C2

Attachment A

The actions of Officer Morken #36815 are fully documented in the Office of Professional Standards file #24-269; these actions were reviewed and served as the basis of this disciplinary action and incorporated herein, providing just cause for a Twenty (20)-hour suspension and are synopsized as follows:

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

Officer Morken, a 28-year veteran of the Tucson Police Department, is well-versed in the department's policies and the professional expectations outlined in his Conditions of Continued Employment (CCE). As referenced in the CCE (Reference #10), any future sustained complaints—whether administrative or criminal—that pertain to Professionalism, Customer Service, Standards of Conduct, or severe misconduct could result in termination. This warning underscores the seriousness of adhering to standards outlined in the CCE.

In this case, Officer Morken engaged in a conversation with Mr. Bittens that he interpreted as light-hearted. However, the interaction resulted in an external complaint of unprofessionalism being filed with the Office of Professional Standards. While intent is considered, the impact of the interaction—especially when it results in a formal complaint—takes precedence in evaluating officer conduct.

Given his extensive tenure, Officer Morken is expected to exercise heightened awareness and judgment in interactions with community members. This includes recognizing sensitive or potentially contentious topics, such as political matters, and taking proactive steps to de-escalate conversations that may be misinterpreted or lead to conflict. Despite his experience and knowledge of departmental policies, Officer Morken failed to meet these expectations, which reflects poorly on the department's professionalism and community trust.

II. VIOLATION OF DEPARTMENT POLICY AND *GENERAL ORDERS*:

Based on a review by Management of the Tucson Police Department, the Chief of Police has determined that Officer Morken violated the following *General Orders*:

- 13-30.02 Obedience to General Orders and Policies
- 13-30.07 General Standards of Expected Conduct
- 13-30.08 Expected Conduct Toward the Public
- 1340.01 Conduct in Public and Social Media Responsibilities of Members
- 3762.01 BWC Activation

III. PRIOR DISCIPLINE:

Officer Morken has the following discipline within the last five years.
20-0163- Restorative Supervision

20-0221- Written Reprimand
20-0237- 10 Hr. Suspension
21-0228- Written Reprimand
23-0045- 10 Hr. Suspension
23-0169- Restorative Supervision

IV. FINDINGS:

After reviewing the circumstances and considering Officer Morken's record, it has been determined that a 20-hour suspension without pay is appropriate. This suspension serves as a corrective measure, emphasizing the importance of professional communication and reinforcing the department's commitment to upholding its standards of conduct. It also acknowledges Officer Morken's long-standing service while holding him accountable for maintaining professionalism in all interactions moving forward.

In accordance with the findings, the violations outlined in the Tucson Police Department Discipline Guide are classified as Orange - Major Misconduct. These infractions include continued unprofessional conduct and noncompliance with a "non-exigent order". Officer Morken is currently under an active Conditions of Continued Employment Agreement (CCE), signed on July 11, 2023. The recommended sanction for repeated policy violations, despite remedial training and restorative measures, combined with the failure to adhere to a non-exigent order (active CCE), is a 20-hour suspension.

I have read and received a copy of this document.

Morken 36815
Officer Morken

12/16/24
Date

Definitions, Just cause-- the above constitutes just cause for discipline up to and including termination, although enumeration thereof shall not exclude other causes, namely: fraud in securing appointment; incompetence; inability to perform essential functions of assigned position with or without reasonable accommodation; dishonesty; insubordination; inattention to duties; discourteous treatment of the public, supervisors or fellow employees; violation of the ordinances of the mayor and council, the rules and regulations in the department in which an employee is employed; absence from duty without leave; intoxication on duty; violation of the city's directives on drug and alcohol use; addiction to the use of narcotics; conviction of a crime involving violence, moral turpitude, or the aggravating circumstances described in A.R.S. § 13-702 (c)(15) [relating to "hate crimes"]; and conduct, while either on or off duty, tending to cause discredit to the city or the department that affects the ability to perform its mission, or the city or the department to question an employee's reliability, judgment and trustworthiness in carrying out assigned responsibilities. In no case shall any political or religious belief of affiliation of any indefinite or vague charges, such as for the good of the service be considered just cause. Just cause

cannot be based upon arbitrary or capricious reasons, but a finding of misconduct that justifies suspension, demotion or discharge need not be predicated upon the violation of any particular rule or regulation. *Civil Service Commission of the City of Tucson v. Livingston*, 22 Ariz. App. 183, 187-188, 525 P.2d 949, 953-954 (1974).