

Attachment A

The actions of Officer James Voss #43601 are fully documented in the Office of Professional Standards file OPS# 25-0112; these actions were reviewed and served as the basis of this disciplinary action and incorporated herein, providing just cause for a ten (10)-hour suspension and are synopsisized as follows:

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

Officer Voss has been a member of the Tucson Police Department since January 2001. He has been trained on, and is expected to, adhere to department General Orders and City of Tucson Administrative Directives.

This incident was brought to the attention of the Operations Division East (ODE) chain of command while conducting a review of an unrelated use of force (OPS #25-0140) involving Officer Voss. On January 16th 2025, Officer Voss contacted Krystal Bahr at the Circle K located at 1625 N. Wilnot for a trespassing violation. During that interaction, Officer Voss made several unprofessional comments towards Ms. Bahr.

Officer Voss stated, *"Now get outta here right now. You will have a stop and arrest out on you probably within the hour. Best thing you could do is go on the other side of Craycroft, because you're a west side person and you're a midtown person. You don't belong on the east side. If you're going to lock horns with me, I'll snap you in half and your dog will probably die in PACC."*

Officer Voss went on to state, *"Get your stuff and move now."* Bahr replied, *"Yes sir,"* to which Officer Voss quickly responded, *"Not moving fast enough. Slow play me and you'll find out the hard way."* Bahr, who was in the process of gathering her bags said, *"I'm trying to, I'm grabbing my stuff."* Officer Voss again said, *"Go faster. You're not going fast enough."* Bahr appears to be homeless: she had several bags with her that she was gathering and controlling a leashed dog at the same time. It should be noted that this exchange between Officer Voss and Bahr all occurred within the span of 8 seconds.

On March 4th 2025, the ODE chain of command directed Sergeant B. Pelton #39293 to conduct an administrative investigation into this incident (OPS #25-0112) for an allegation of Unprofessionalism. During that administrative investigation, Officer Voss was directed to author a Personnel Report to specifically address his threat to break Ms. Bahr "in half," his statement that her dog would "probably die in PACC" if she were arrested, and his reasoning behind rushing Ms. Bahr once his contact with her was ended. Officer Voss submitted his Personnel Report on March 6th 2025. The responses in his Personnel Report included statements such as:

- "should be obvious that I'm speaking figuratively."
- "I find it troubling that I have to point out that I don't have horns of any kind."
- "In my contact with Krystal, I did not see horns on her either. Therefore, it would be impossible for us to actually lock horns."

- "I have heard police personnel tell suspects and arrestees that the officers will be the suspect's worst nightmare" or they will come down on them "like a ton of bricks. I don't know of anyone who has the ability to control the nightmares of Tucson's criminal element."
- "Furthermore, I weigh 201 pounds, 233 pounds with my patrol gear, it is not physically possible for me to come down on anyone or anything "like a ton of bricks" but I am sure I made that statement many times throughout my career."
- Officer Voss finished the Personnel Report with a paragraph articulating his opinions on the drug addicted homeless population of Tucson and a general indictment of the "Tucson Police Department, the Pima County Jail, and the city and county prosecutors."

As a result of this response, an additional allegation of Unprofessionalism was added to this administrative investigation by Lieutenant J. Bredehoft #46581.

On May 15th 2025, Officer Voss was directed to author a second Personnel Report specifically asking if he considered his interaction with Ms. Bahr to be professional and whether he considered his written response submitted on March 6th 2025 to be professional. In his written response, Officer Voss stated that he believed his responses to both questions were professional.

At the conclusion of this administrative investigation, Sergeant Pelton wrote that Officer Voss's actions amounted to a **Policy Infraction – Blue**, and he recommended that he receive a **Written Reprimand**. In his Personnel Report, Sergeant Pelton noted, *"Based on the investigation, Officer Voss's actions are inconsistent with department standards and expectations. The aggressive tone, threats, and lack of professionalism demonstrated in this incident warrant corrective action."* Sergeant Pelton went on to add, *"The language used by Officer Voss, including threats of physical harm and harm to an animal, is unprofessional, aggressive, and in direct violation of this policy."* He further added, *"The threats made by Officer Voss, including "I will break you in half" and "your dog will probably die in PACC," constitute verbal abuse, which is explicitly prohibited under this policy. Officer Voss explained his statement was just a figure of speech, and the usage of the statement was meant to get his point across. While escalating speech can be justified, there was no indication that the female was being noncompliant or confrontational, making the escalation unwarranted."*

In his review, Lieutenant J. Bredehoft concurred with Sergeant Pelton's finding, but disagreed with his recommended sanction. Lieutenant Bredehoft determined that the additional allegation of Unprofessionalism was an aggravating factor and that Officer Voss's actions amounted to **Misconduct/Repeated Policy Infraction – Yellow**. Lieutenant Bredehoft noted the following:

"Regarding the first Allegation 306 - Unprofessionalism: Sergeant Pelton recommended that Officer Voss's interaction with Bahr to be classified as Sustained/Policy Infractions (Blue), and that Officer Voss receive a Written Reprimand. I concur that Allegation 306 is sustained however, I disagree with the sanction of Written Reprimand. I recommend that the sanction be inclusive within the finding listed below.

*Regarding the second Allegation 306 - Unprofessionalism: I added this allegation as a response to the statements made by Officer Voss in his Personnel Report. My analysis of that Personnel Report [noted in the Personnel Report authored by Lieutenant Bredehoft] and Officer Voss's response on May 15th 2025 reinforces that assessment. With the addition of the second violation of Unprofessionalism connected to this incident, I find the allegation to fall within the category of **Misconduct/Repeated Policy Infraction (Yellow)**.*

*As a result, and in accordance with the Tucson Police Department Discipline Guide, I find the above listed allegations to be **Sustained/Misconduct (Yellow)**. I consider Officer Voss's tenure, his attitude and behavior displayed in this incident, the overall attitude that he displayed in his Personnel Reports over a significant length of time, the individual statements that he made in his Personnel Reports, and his overall inability to accept responsibility throughout this investigation to be aggravating factors. As such, I recommend discipline in the form of a **10-Hour Suspension**."*

In her review, Captain B. Morales #50479 agreed with Lieutenant Bredehoft's recommended sanction noting, "*As a result of his response to the chain of command, a Written Reprimand is no longer appropriate, I agree with the aggravated sanction of a 10-hour suspension for Unprofessionalism.*"

Assistant Chief S. Schaner #47245 concurred with Captain Morales's findings and recommended sanction.

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 James Voss violated the following *General Orders*:

1330.2 Obedience to General Orders, Policies and Procedures Required

"All members shall observe and obey all laws, City Administrative Directives, department General Orders, department policies and procedures, as well as any policies and procedures 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. Members shall conduct their private and professional lives so that they do not reflect adversely on 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."

1330.8 Expected Conduct Toward the Public

"All persons having business with the department are entitled to courteous and respectful consideration and must be given all assistance that may be proper under the rules of this department. Members shall remain completely impartial toward all persons coming to the attention of the department. Members shall politely provide their name, badge (or payroll) number, and show their department-issued identification card with their photograph to any

person who requests it, whenever practicable. This mandate to present department identifiers does not apply to personnel who are actively working in an undercover capacity, nor does it require members to permit video or photographic recording of their department issued identification card. Members shall not mistreat or abuse, whether physically or verbally, any prisoner or person having business with the department."

1330.11 Compliance With the Code of Ethics and Department Values Required

"All officers shall abide by the standards of the Law Enforcement Code of Ethics, which is incorporated in this General Order. Members shall be familiar with and strive to model the department's values in all actions."

III. PRIOR DISCIPLINE:

Officer Voss has the following discipline within the last five years.

OPS 23-0335: Officer Voss received a **Written Reprimand** for an on-duty collision.

IV. FINDINGS:

According to the Tucson Police Department Discipline Guide, the listed offense is categorized as a sustained **Yellow – Misconduct**, a violation of policy **with no or minor operational impact, not involving misuse/abuse of authority or an ethical offense**. You knew or reasonably should have known that your actions would result in disciplinary action. Officer Voss's actions and the listed violations constitute just cause for a **10-hour suspension**.

I have read and received a copy of this document.

 43691 

Officer James Voss 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).