



## City of Phoenix

**To:** John White, Lieutenant  
Maryvale Precinct

**Date:** February 8, 2009

**From:** [REDACTED], Sergeant  
Maryvale Precinct

**Subject:** CRIMINAL VIOLATION OF ARS 44-1453/SERIOUS MISCONDUCT

Employee involved: Lieutenant [REDACTED]

During the month of October, 2007, I learned that Lieutenant [REDACTED] had in his possession seized contraband that was taken for a criminal violation of ARS 44-1453. I also had information that the seized contraband was being re-distributed at events by Lieutenant [REDACTED]. Specifically these items were Hummer H-2 and H-3 remote control cars.

The distribution of the seized counterfeit RC cars appears un-ethical, and a liability to the City of Phoenix. This also appears to be criminal violation of ARS-44-1453.

In November, 2008, I spoke to Sergeant [REDACTED] of the Pawn Shop Detail, who advised that there were numerous H-3 and H-2 remote control cars that were moved from a storage building at NCS at Sergeant [REDACTED] request. Sergeant [REDACTED] stated he was made aware that these RC cars were seized contraband and never impounded. Sergeant [REDACTED] advised his supervisor; Lieutenant [REDACTED] of the situation who requested the items be removed by Lieutenant [REDACTED]. It is believed these same cars were moved some time after Lieutenant [REDACTED] assignment as F [REDACTED] at the Cactus Park Station.

In November, 2007, I requested a copy of any and all paperwork completed by Lieutenant [REDACTED] regarding the conversion of the "donated" RC vehicles which would permit Lieutenant [REDACTED] to distribute these contraband counterfeit RC cars.

A request for these documents was sent to Lieutenant [REDACTED] on November 21, 2008, from Patti Schofield of the Public Records Section.

Lieutenant [REDACTED] responded with a handwritten response to this request on the form stating "All documentation regarding the donation for the remote control cars is no longer available due to being over 5 years old and therefore has been discarded."

In December, 2008, Officer [REDACTED] told me that Officer [REDACTED], a Community Actions Officers assigned to Cactus Park Precinct had a conversation with Lieutenant [REDACTED] regarding the Hummer RC cars in the storage building at

Cactus Park Precinct. Lieutenant [REDACTED] informed Officer [REDACTED] that the RC cars were seized and she could distribute them at an upcoming precinct Christmas party.

On December 23, 2008, I had a telephone conversation with Detective [REDACTED] of the Pawn Shop Detail. He advised that he had been assigned the original report authored by then Sergeant [REDACTED] regarding the seizure of the counterfeit RC cars. In this report there was no mention on the disposition of the RC cars. Detective [REDACTED] stated he expressed his concern, as he knew the RC cars were in a storage building at NCS. Detective [REDACTED] stated he spoke to his supervisor, Sergeant [REDACTED], telling him that he felt uncomfortable due to the fact the cars were never impounded and now were being stored at NCS. Detective [REDACTED] advised that Sergeant [REDACTED] told him that he would take care of it.

Detective [REDACTED] provided me the Phoenix Police departmental report #2006-60980323, which listed the RC cars as being seized, and assigned to him as a no contact report. This report was taken in May, 2006, and not over five years old as indicated by Lieutenant [REDACTED].

On December 24, 2008, I requested a copy of this departmental report, along with all related impound invoices via the Public Records Section

On January 10, 2009, I emailed Sergeant [REDACTED] photographs of several Hummer H-3 and H-2 RC cars that were now being stored at Cactus Park Precinct. On January 13, 2009, Sergeant [REDACTED] responded via email advising that these appeared to be the same cars that were previously in the storage building at NCS.

In January, 2009, Officer [REDACTED], attended a meeting with Lieutenant [REDACTED] supervisor, Commander [REDACTED]. Commander [REDACTED] told Officer [REDACTED] that he was aware of the "donated" remote control vehicles at his precinct, and that Lieutenant [REDACTED] had distributed the seized contraband counterfeit RC cars.

On February 3, 2008, I picked up a copy of this departmental report and paid for it from the Public Records Section. I reviewed this report and found that the Hummer H-3 and H2 RC cars were seized as counterfeit items, a criminal violation of ARS 44-1453. The report states that 37 toys were seized but does not give a disposition of the items. It is my belief that the Hummer H-3 and H-2 RC cars currently stored at Cactus Park Station by Lieutenant [REDACTED] are the same cars seized on May 12, 2006. There also appears to be a significantly less amount than 37 RC cars.

To knowingly possess counterfeit items with the intent to distribute them is a C-1 misdemeanor per ARS 44-1453. Section E. of this statute states a person who knowingly has possession, custody or control of at least twenty six items that bear counterfeit mark is presumed to possess the items with intent to sell or distribute the items. It is my understanding that Lieutenant [REDACTED] not only possessed the thirty seven items seized, but also distributed many of them at events he attended with his personally owned race car. This not only appears to have been a criminal violation of the law, but also presented the Phoenix Police Department to liability due to the distribution of questionable quality counterfeit items.

It is my belief that when faced with the public records request, Lieutenant [REDACTED] [REDACTED] falsified this public records document in writing, in an effort to cover up his criminal activity.

I am therefore bringing this information forward to my chain of command as I believe Lieutenant [REDACTED] activity surrounding these events was not only criminal but amounted to misfeasance and malfeasance of office.

Operations Order 3.18 Addendum A section C.2.o states "Knowingly submitted an internal written document with false information (excluding DR or internal investigation)" is listed as a "Serious policy violation that will be referred to the DRB for consideration of a one- (8-hour) to five-day (40-hour maximum) suspension without pay.

Operations Order 3.18 Addendum A. section 3.4 under Unprofessional conduct states "Incident not involving an act of violence where elements of a misdemeanor crime are met, regardless of whether the employee was indicted, prosecuted, or convicted" will result in a one-day suspension

I am in possession of the emails, public records requests, departmental report, and photographs that support the information I provided in this memorandum. I will make them available if this matter is investigated by the Phoenix Police Department.