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**IN THE SUPERIOR COURT OF MARICOPA COUNTY
OF THE STATE OF ARIZONA**

STATE OF ARIZONA,)	Case No.: CR 2013-462384-001 DT
Respondent,)	
vs.)	PETITION FOR POST
FRANCES MARIE SALAZAR,)	CONVICTION RELIEF
Petitioner.)	(Hon. Douglas Gerlach)

The petitioner, Frances Marie Salazar, through counsel, pursuant to the Fifth, Sixth, and Fourteenth Amendments to the United States Constitution; as well as Article 2, §§ 4 and 24 of the Arizona Constitution, and the attached Memorandum of Points and Authorities, submits her Petition for Post-Conviction Relief.

1 Almost two years after Officer Anthony Armour arrested the petitioner
2 Frances Salazar, Officer Armour lied to his superior, directly disobeyed a direct
3 order, and put false information in an incident report. (Record on Appeal (ROA,
4 item 14) and Attachment 2). This exculpatory information was made aware to the
5 police, and therefore the State, on November 4, 2015. (Attachment 2). The results
6 of the internal investigation were published on April 27, 2016, and never given to
7 Ms. Salazar prior to her trial that began August 9, 2016. (Attachment 2 and ROA,
8 item 140). At the trial, Officer Armour lied again, changing his testimony and
9 stating that Frances Salazar admitted to possessing a pipe and crack cocaine. This
10 Brady violation demands an evidentiary hearing and a new trial.

11 **STATEMENT OF THE CASE**

12 On February 18, 2014, Frances Salazar was charged by Information with
13 possession or use of narcotic drugs, a class four felony, in violation of A.R.S. §13-
14 3401 and 13-3408; and possession of drug paraphernalia, a class six felony, in
15 violation of A.R.S. §13-3401, 13-3408, 13-3415 and 13-3418. The offenses were
16 alleged to have occurred on or about December 31, 2013. (ROA, item 14.)

17 The State filed several motions on April 9, 2014, including an allegation of
18 eight felony priors (ROA, item 21); an allegation of offenses committed while on
19 release (ROA, item 17); and an allegation of Ms. Salazar's ineligibility for
20 mandatory probation pursuant to A.R.S. §13-901.01 (ROA, item 22); among

1 others. The State also filed its Notice of Disclosure and Request for Disclosure,
2 that included:
3

4 15. The State is unaware of any existing material or
5 information, unknown to the defense, that would tend to mitigate the
6 defendant's guilt or punishment. Pursuant to *Kyles v. Whitley*, 514
7 U.S. 419, 437-438, 115 S.Ct. 1555, 1567-1568 (1995), the State will
8 review any evidence in its possession, determine if any of it is
9 exculpatory, and, if so, turn such evidence over to the defense.
10 However, the State has no obligation to learn of existing exculpatory
evidence. *Id.*
(ROA, item 20).

11 The petitioner filed a notice of defenses on May 21, 2014, arguing an
12 insufficiency of the State's evidence. (ROA, item 32). On the same day, the
13 petitioner also filed a Rule 15.1 (a), (b), (c), (d), and (e) request for disclosure.
14 Included in the request was, "all material or information which tends to mitigate or
15 negate the defendant's guilt as to the offense charged, or which would tend to
16 reduce defendant's punishment." (ROA, item 31).
17

18 On October 13, 2015, the petitioner filed a Rule 15.2 disclosure notice that
19 included the following language: "All material and information which tends to
20 mitigate or negate the Defendant's guilt as to the offenses charged or which would
21 tend to reduce Defendant's punishment therefore..." (ROA, item 70).
22

23 *Officer Armour commits five offenses in another case, including unlawful*
24 *entry, false arrest, giving a false report to a supervisor, providing false*
25 *information in an incident report, and disobeys a direct order of a supervisor.*
26
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1 (Attachment 2, emphasis added to differentiate the Brady violation from Ms.
2 Salazar's case).
3

4 The petitioner filed a motion to suppress on January 29, 2016, alleging the
5 search and seizure of the pipe and crack cocaine was illegal. (ROA, item 76). The
6 petitioner, in arguing the motion, detailed several inconsistent statements from
7 Officer Armour, including the reason for the stop (expired tags and/or broken
8 taillight), and the location of the pipe (in the center console or under the seat). (Id.)
9
10

11 On February 5, 2016, a settlement conference was held with Judge Ireland.
12 (ROA, item 79). A *Donald* advisement was given, along with an offer to plead to
13 one count of possession of narcotic drugs, a class four felony. Believing Officer
14 Armour would not testify to the petitioner admitting ownership of the pipe or
15 drugs, Ms. Salazar did not accept the State's plea offer. (Id.) During the settlement
16 conference, Commissioner Ireland advised Ms. Salazar that with her criminal
17 background, at trial it will be her, "against the police officer, which the jury is
18 instructed that they can't believe a police officer more or less, but we don't know if
19 they will abide by the law." (RT 2/5/16, p. 25, Item 79). Commissioner Ireland's
20 warning was prophetic.
21
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25 An evidentiary hearing was held on the petitioner's motion to suppress over
26 a period of three days. (ROA, items 81, 82, and 83). Officer Armour's statements
27 were the primary evidence regarding what Ms. Salazar stated, and where the item
28

1 was found. (ROA, item 81). The petitioner filed a supplement on April 22, 2016,
2 highlighting the testimony of Officer Armour.
3

4 *On April 27, 2016, the Phoenix Police Department concluded its internal*
5 *investigation, finding that Officer Armour had violated the five allegations*
6 *previously mentioned.* (Attachment 2, emphasis added to differentiate the Brady
7 claim from the underlying case).
8

9
10 The Court entered its ruling on the motion to suppress on May 11, 2016,
11 denying the motion. (ROA, item 86). Of note, in a footnote on the minute entry
12 denying the motion, the Court commented on Officer Armour’s “faulty
13 recollection.” (Id.)
14

15 Trial began on August 9, 2016. (ROA, item 140). Officer Armour testified
16 on day two and three of trial, occurring on August 10th and 11th. (ROA, items 141,
17 163). The jury found the petitioner guilty of both charges on August 16, 2016.
18 (ROA, item 165). A trial on the allegation of priors was conducted on October 21,
19 2016. (ROA, item 174). The court determined Ms. Salazar had seven prior felony
20 convictions. (Id.)
21

22
23 Prior to sentencing, the petitioner filed a motion for new trial/motion to
24 reinstate previous plea offer. (ROA, 177). The motion focused on Officer Armour
25 not declaring that the petitioner admitted to possession of the pipe and crack
26 cocaine. (Id.)
27
28

1 “Undersigned counsel impeached Officer Armour with a clear
2 impeachment by contradiction from the statements made in his police
3 report. Undersigned counsel also impeached Officer Armour with
4 clear impeachment by omissions with his prior testimony at the
5 Preliminary Hearing and the Suppression Hearing. Undersigned
6 counsel went on to spend at least five minutes in his closing argument
inviting the jury to remember Officer Armour’s lies, his dishonesty,
and this material fabrication.”

7 (Id.)

8 The petitioner argued that, “what occurred in this case on the part of the
9 State, through Officer Armour’s egregious actions, either leads to the conclusion of
10 a *Brady* due process violation or a *Donald* due process violation. Either way, both
11 avenues call for a retrial or for the previously offered plea to be reinstated. (Id.)

12
13
14 On November 17, 2016, the petition filed a Rule 15.7 Motion for Contempt
15 and Request for Officer Armour to be referred for prosecution on perjury charges.
16 (ROA, item 178 *sealed*). On November 23, 2016, the petitioner filed a motion to
17 have counsel appointed for Officer Armour. (ROA, item 180). The petition
18 accused Officer Armour of lying to the jurors while under oath. (Id.) The motion
19 included the following:
20
21

22 On November 18, 2016, an Oral Argument was held in this
23 Court regarding the Motion to Vacate Judgement and/or Reinstate the
24 Plea. At the end of this hearing, Deputy County Attorney Elizabeth
25 Lake moved for Defense’s Motion for Contempt and Request for the
26 Court to Refer Officer Armour for Prosecution on Perjury Charges to
27 be sealed. She stated that when Officer Armour received Ms.
28 Salazar’s letter and the Motion regarding contempt and perjury, he
called her “in a panic” asking her “what to do.” Ms. Lake indicated
that Officer Armour was very concerned in their conversation about
these matters. At court, Ms. Lake then advocated on Officer

1 Armour's behalf for the Motion to be temporarily sealed. The Motion
2 was sealed. Now, undersigned counsel would like to interview
3 Officer Armour about this conversation that he had with Elizabeth
4 Lake.
5 (ROA, item 180).

6 The petitioner also filed a motion to remove the county attorney because of
7 a conflict of interest and request to interview her as a material witness. (ROA, item
8 179). After oral argument was held on the motions, they were denied by the court.
9 (ROA, item 191).

10 Ms. Salazar was sentenced on December 5, 2016, as a non-dangerous,
11 repetitive offender to mitigated concurrent terms of six years on count one, and
12 two and a quarter years on count two. (ROA, item 191).

13 On appeal, Ms. Salazar argued the evidence did not support the jury's
14 verdict. The conviction was affirmed on December 12, 2017. Ms. Salazar filed a
15 petition for review on February 7, 2018, that is still pending.

16 On February 22, 2017, the State filed a supplemental motion to disclose new
17 evidence pursuant to Rule 15 and/or E.R. 3.8 (Attachment 1). Along with the
18 motion was a 16-page report detailing an internal investigation of Officer Armour.
19 (Attachment 2). The investigation contained five allegations against Armour,
20 including illegal entry, false arrest, false reporting to a patrol supervisor, providing
21 false information in an incident report, and disobeying a lawful order given to him
22 by a supervisor. (Attachment 2). Even more disturbing, the findings had been
23 by a supervisor. (Attachment 2). Even more disturbing, the findings had been

1 completed on April 27, 2016, more than three months before petitioner's trial
2 began. (Id.)
3

4 On October 26, 2017, Ms. Salazar filed a petition for post-conviction relief.
5

6 **STATEMENT OF FACTS**

7 The facts are taken from petitioner's opening Appellate brief. On December
8 31, 2013, Phoenix Police Officer Armour and his partner, Officer Backhaus were
9 on patrol in the area of 17th Avenue and Highland, in Phoenix at approximately
10 4:00 a.m. (RT 8/10/16, pgs. 43-44). As they drove eastbound on West Highland
11 Avenue, they observed a gold Jaguar on 15th Drive, headed south. The Jaguar
12 turned west on Highland and drove past them in the opposite direction. (Id.)
13 Surprisingly, Officer Armour testified that he was able to stick his head out of his
14 car, turn around, and at 4:00 a.m. see that the vehicle had no license plate, but that
15 there was a temporary tag in the window. (Id., p. 60).
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20 Officer Armour testified he decided to follow the vehicle to get a look at the
21 temporary tag. (Id., pgs. 62-63). They continued to follow the vehicle as it turned
22 right into the parking lot of an Arizona Credit Union, a block or two north of
23 Camelback Road. (Id., pgs. 63-64). After parking behind the Jaguar, Officer
24 Armour conducted an MVD records check on the temporary tag, and determined
25 the tag was expired. Officer Armour activated his emergency lights and conducted
26 a traffic stop. (Id., p. 65)
27
28

1 As Officer Armour was running a records check on the driver of the Jaguar,
2 Rodney McCullough, and the Petitioner, who was the passenger, Armour noticed
3 Ms. Salazar moving inside the car in a manner that “drew his attention.” (Id., p.
4 66). He observed the driver turn to his right and say something to Ms. Salazar, and
5 then observed the Petitioner turn at the waist towards the center console area,
6 rotating her shoulders from left to right. However, he could not see her hands
7 because he was observing this activity from behind. (Id., p. 70-71).

11 As a result of Mr. McCullough’s driver’s license being suspended, both the
12 driver and Ms. Salazar were taken out of the Jaguar. (Id., p. 67-69). During a
13 search incident to the arrest of the driver, Officer Armour searched the car and
14 found a clear glass pipe. The body of the pipe was filled with a white and brown
15 burned residue. It also contained steel wool that was burned and stuffed in one
16 end, and a small, waxy, rocklike substance that appeared to be crack cocaine. (Id.,
17 p. 71-73).

21 After reading Ms. Salazar her *Miranda* rights, Officer Armour questioned
22 the Petitioner. (Id., p. 81). Armour testified that Ms. Salazar admitted the pipe was
23 hers, and that she knew there was crack in the pipe. Armour also testified that Ms.
24 Salazar would switch from admitting to ownership, as well as denying same. (Id.,
25 p. 81-81).

1 Officer Backhaus testified that although he observed Officer Armour
2 question Ms. Salazar, but he was “not listening to what he was asking.” (Id., p.
3 138). Officer Backhaus did not see where Officer Armour discovered the crack
4 pipe. He also never heard Ms. Salazar admit to owning the crack pipe.
5

6 The owner of the car, Antonio Harris, testified that he let the driver borrow
7 the Jaguar. (RT 8/11/16, p. 86). The owner also admitted that the crack pipe
8 belonged to him. (Id., p. 92). Mr. Harris also testified that a passenger in the car
9 would have no way of knowing that a pipe was hidden in the car. (Id., p. 95). The
10 driver of the car, Rodney McCullough, testified that he did not see a crack pipe
11 sticking out between the right front passenger seat and the center console. The
12 driver never saw the Petitioner with a crack pipe or cocaine that evening. (RT
13 8/15/16, p. 13-15). The driver testified that Officer Armour was going after Ms.
14 Salazar, telling him that, “I’m not after you. I’m after her. Because she’s not
15 being cooperative.” (Id., p. 23).
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21 However, based solely upon Armour’s testimony, the jury convicted Ms.
22 Salazar.
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1 **Claim For Relief**

2 **I. The State denied Ms. Salazar due process of law by not disclosing**
3 **material exculpatory information in violation of *Brady v. Maryland*.**
4

5 In *Brady v. Maryland*, 373 U.S. 83 (1963), the United States Supreme Court
6 held that the prosecution's suppression of evidence favorable to an accused
7 "violates due process where the evidence is material either to guilt or to
8 punishment, irrespective of the good faith or bad faith of the prosecutor." 373 U.S.
9 at 87. And, the State's duty exists even though no requests were made for the
10 evidence. *United States v. Agurs*, 427 U.S. 97 (1976). A *Brady* violation may
11 arise if the prosecutor fails "to take the most rudimentary steps to obtain access to,
12 to preserve, or to promptly disclose [exculpatory] evidence." *U.S. v. Sherlock*, 962
13 F.2d 1349, 1355 (9th Cir. 9 (Ariz.), 1992) quoting, *U. S. v. Alderdyce*, 787 F.2d
14 1365, 1370 (9th Cir. 1986).
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19 When dealing with *Brady* material, "the individual prosecutor has a duty to
20 learn of any favorable evidence known to the others acting on the government's
21 behalf in the case, including the police." *Canion v. Cole*, 208 Ariz. 133, 138, 91
22 P.3d 355, 360 (App. 2004) (quoting *Kyles v. Whitley*, 514 U.S. 419, 437 (1995);
23 see also *Pennsylvania v. Ritchie*, 480 U.S. 39, 43-45, 57-58 (1987) (plurality
24 opinion) (prosecutor had duty to obtain exculpatory evidence possessed by other
25 state agency (Children and Youth Services)); *United States v. Bagley*, 473 U.S.
26
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28

1 667, 671-73, 677-78 (1985) (prosecutor should have obtained impeachment
2 evidence possessed by federal agency); *Giglio v. United States*, 405 U.S. 150, 152-
3 55 (1972) (*Brady* violation when one prosecutor did not disclose deal unknown to
4 him between key witness and another prosecutor); cf. *State v. Meza*, 203 Ariz. 50,
5 55, 50 P.3d 407, 412 (App. 2002) (city crime laboratory arm of prosecution for
6 purpose of disclosure); *Carpenter v. Superior Court*, 176 Ariz. 486, 489-90, 862
7 P.2d 246, 249-50 (App. 1993) (law-enforcement agency performing criminal
8 investigation within prosecution's control).

9
10 “Any evidence that would tend to call the government's case into doubt is
11 favorable for *Brady* purposes.” *Milke v. Ryan*, 711 F.3d 998, 1012 (9th Cir. 2013).
12 Evidence qualifies as material when there is “any reasonable likelihood” it could
13 have “affected the judgment of the jury.” *Giglio*, at 154 (quoting *Napue v.*
14 *Illinois*, 360 U. S. 264, 271 (1959)).

15
16 To prevail on a *Brady* claim, a defendant need not show that he “more likely
17 than not” would have been acquitted had the new evidence been admitted. *Wearry*
18 *v. Cain*, 136 S.Ct. 1002 (2016), quoting *Smith v. Cain*, 565 U. S. 73 (2012) (slip
19 op., at 2-3) (internal quotation marks and brackets omitted). He must show only
20 that the new evidence is sufficient to “undermine confidence” in the verdict. *Id.*,
21 quoting *Smith* at 6. *Brady* evidence includes impeachment material. *Milke v.*
22 *Ryan*, 711 F.3d 998, 1012 (9th Cir. 2013).

1 In its investigation of Officer Armour's misdeeds, the City of Phoenix Police
2 Department compiled a summary of the events. (Attachment 2). That summary
3 sets out Armour's misdeeds for a convenient understanding.
4

5 On November 4, 2015, Officer Armour entered an apartment in search of a
6 domestic violence suspect. He did not have consent to enter the apartment nor
7 were there any exigent circumstances necessitating entry. (Id.). After entering the
8 apartment and locating the suspect, Officer Armour arrested the female in the
9 apartment for misdemeanor criminal damage and hindering prosecution.
10
11

12 Following the arrests, Sergeant Patrick Garcia reviewed the probable cause
13 of both arrests and the circumstances surrounding the entry into the apartment. He
14 then questioned Officer Armour about the arrest of the female. Officer Armour
15 made false statements to Sergeant Garcia concerning the entry into the apartment
16 and included those false statements in the incident report.
17
18

19 After learning the details of the female's arrest, Sergeant Garcia directed
20 Officer Armour not to book her and advised him to take her home. Although
21 Officer Armour advised Sgt. Garcia that he would not book the female, he
22 disobeyed the order given to him and processed the female through booking.
23 Officer Armour remained at booking in the holding area as the staff loaded the
24 female into the van to be transported to Fourth Avenue jail. Approximately 25
25 minutes after the female left booking, Officer Armour sent Sgt. Garcia a Mobile
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27
28

1 Data Computer (MDC) message stating the female had already been transported to
2 the jail.
3

4 When Sgt. Garcia received the MDC message, he made arrangements for the
5 female to be returned to booking and transported back to her residence. The
6 female was in custody for over five hours. (Id.)
7

8 In sustaining the five allegations, the Phoenix Police determined Officer
9 Armour:
10

- 11 1. Unlawfully entered an apartment while conducting follow up on a
12 domestic violence call.
- 13 2. Falsely arrested a female resident inside her apartment for hindering
14 prosecution.
- 15 3. Gave a false verbal report to a patrol supervisor regarding the
16 circumstances surrounding a misdemeanor arrest.
- 17 4. Provided false information in an Incident Report, when he failed to
18 accurately document the circumstances surrounding a misdemeanor
19 arrest.
- 20 5. Disobeyed a lawful order given to him by a supervisor and booked a
21 female subject after being directed to release her from custody.

22 (Attachment 2)
23

24 This evidence is clearly exculpatory and became available on April 27,
25 2016. The State had a duty to turn this evidence over to the petitioner. When
26 dealing with *Brady* material, “the individual prosecutor has a duty to learn of any
27 favorable evidence known to the others acting on the government's behalf in the
28

1 case, including the police.” *Canion v. Cole*, 208 Ariz. 133, 138, 91 P.3d 355, 360
2 (App. 2004).
3

4 At trial, Officer Armour’s testimony was significant in proving the State’s
5 case against Ms. Salazar. (Appellant’s opening brief, p. 18). In fact, only Officer
6 Armour’s testimony was presented as to what Ms. Salazar did or didn’t do, say or
7 didn’t say regarding her knowledge of the presence of the crack cocaine/pipe
8 located between the front passenger seat and center console of the Jaguar, in which
9
10 Petitioner was a front seat passenger. There is a real danger that the jury simply
11 accepted Officer Armour’s testimony, disregarding its inconsistencies and
12
13 tendency to replace his words for those that Petitioner actually uttered, because the
14
15 jury was aware that Ms. Salazar had a history of using crack cocaine and had
16
17 recently relapsed into using it. (Id.)

18 Viewing Officer Armour’s testimony in its entirety, it is clear that he
19
20 carefully chose his words to leave the impression with the jury that those were the
21 words of Ms. Salazar when questioned about the pipe and its contents. His
22 credibility was key to the conviction. The fact that he had lied in a previous
23 investigation was exculpatory, and the prosecutor had a duty to discover that
24
25 exculpatory information and give it to the petitioner. “I didn’t know,” will not
26
27 serve as an excuse.
28

1 Officer Armour's credibility was important because he is a police officer,
2 and the jury convicted Ms. Salazar even though another person admitted to owning
3 the pipe and its contents. The petitioner should have been given exculpatory
4 evidence of Officer Armour lying, among other things, and the jury should have
5 been made aware of the same.
6
7

8 **Conclusion**

9
10 For the reasons stated, Ms. Salazar requests an evidentiary hearing to
11 determine the remedy for this Brady violation, including a new trial. Officer
12 Armour knew he was under investigation during the time leading up to the trial,
13 and the conclusion that he in fact lied to his superior and disobeyed a direct order
14 was known to the police, therefore the State, over three months before the trial
15 began.
16
17

18 RESPECTFULLY SUBMITTED this 30th day of March, 2018.
19
20

21 By _____/s/_____
22 Stephen M. Johnson
23 2601 N. 16th Street
24 Phoenix, Arizona 85006
25 Attorney for Petitioner Salazar
26
27
28

1 Original e-filed this
2 March 30, 2018, to:

3 Maricopa County Superior Court
4 201 W. Jefferson Street
5 Phoenix, AZ 85003

6 Original emailed to:

7 Clerk of the Superior Court
8 Maricopa County Superior Court
9 201 W. Jefferson Street
10 Maricopa, AZ 85003

11 Judge Douglas Gerlach
12 Judge of the Superior Court
13 175 W. Madison Street
14 Maricopa, AZ 85003

15 Diane M. Meloche, Esq.
16 Assigned Appeals Attorney
17 Maricopa County Attorney's Office
18 301 W. Jefferson Street
19 Phoenix, AZ 85003

20 By: /s/
21 Stephen M. Johnson
22
23
24
25
26
27
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ATTACHMENT 1

State's Supplemental Motion to Disclose New Evidence

WILLIAM G MONTGOMERY
MARICOPA COUNTY ATTORNEY

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Attorney for Plaintiff

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF MARICOPA

THE STATE OF ARIZONA,

Plaintiff,

vs.

FRANCIS SALAZAR,
aka FRANCES M SALAZAR
aka FRANCES MARIE HIGUERA
aka FRANCIS HIGUERA
aka MARIA L LEON
aka FRANCIS MARIE SALAZAR
aka FRANCES MARIE SALAZAR
aka FRANCES SALAZAR

Defendant.

CR2013-462384-001


STATE'S SUPPLEMENTAL MOTION TO
DISCLOSE NEW EVIDENCE PURSUANT
TO RULE 15 AND/OR ER 3.8

(Assigned to the Honorable Michael Gordon)

The State of Arizona, by and through undersigned counsel, hereby notifies the court and opposing party that the state has disclosed newly discovered evidence, Bates stamped 0115-0130, material pertaining to the state's witness, Officer Anthony Armour, Jr., #8605.

Submitted February 22, 2017.

WILLIAM G MONTGOMERY
MARICOPA COUNTY ATTORNEY

BY: 
/s/ Elizabeth M Lake

Deputy County Attorney

Copy mailed\delivered February 22, 2017, to:

The Honorable Michael Gordon
Judge of the Superior Court

Christopher Michael Doran
DUMONT LAW PLLC 1006 W ADAMS ST STE 101
Phoenix, AZ 85007
Attorney for Defendant

BY: 

/s/ Elizabeth M Lake
Deputy County Attorney

EML

ATTACHMENT 2

City of Phoenix Police Internal Investigation



City of Phoenix

To: Joseph G. Yahner
Police Chief

Date: April 27, 2016

From: John Collins, Commander
Professional Standards Bureau

*SJC: KBC
07/31/16*

Subject: INTERNAL INVESTIGATION – PSB15-0126

Internal Investigators:

Lieutenant Steve Martos (Investigative Review)
Sergeant Amy Breitzman (Primary Investigator)
Sergeant Mark Kincannon (Secondary Investigator)

Allegation #1:

On November 4, 2015, Officer Anthony Armour #8605 unlawfully entered an apartment while conducting follow up on a domestic violence call.

Findings:

Sustained

Allegation #2:

On November 4, 2015, Officer Anthony Armour falsely arrested a female resident inside her apartment for hindering prosecution.

Findings:

Sustained

Allegation #3:

On November 4, 2015, Officer Anthony Armour gave a false verbal report to a patrol supervisor regarding the circumstances surrounding a misdemeanor arrest.

Findings:

Sustained

Allegation #4:

On November 4, 2015, Officer Anthony Armour provided false information in an Incident Report, when he failed to accurately document the circumstances surrounding a misdemeanor arrest.

Findings:

Sustained

Allegation #5: On November 4, 2015, Officer Anthony Armour disobeyed a lawful order given to him by a supervisor and booked a female subject after being directed to release her from custody.

Findings: Sustained

Employee Involved: Officer Anthony Armour #8605
Desert Horizon Precinct, 61K

Complainant: Department Initiated

Attachments: See Attachments Section

SUMMARY OF INVESTIGATION:

On November 4, 2015, Officer Anthony Armour #8605, entered an apartment at _____ in search of a domestic violence suspect. He did not have consent from the female resident, _____ to enter the apartment nor were there any exigent circumstances surrounding the initial contact with _____ necessitating entry.

Officer Armour made contact with _____ at the front door of the apartment. After being told the suspect was not inside, Officer Armour entered the apartment and located the suspect, _____ in the back bedroom of the apartment. Officer Armour arrested _____ for misdemeanor criminal damage and _____ for hindering prosecution.

Following the arrests, Sergeant Patrick Garcia #5413 (62J) reviewed the probable cause for both arrests and the circumstances surrounding the entry into the apartment. After reviewing the reports, Sergeant Garcia questioned Officer Armour about the details of arrest. Officer Armour made false statements to Sergeant Garcia concerning the entry into apartment and included those false statements in the Incident Report.

After learning the details of _____ arrest, Sergeant Garcia directed Officer Armour not to book her and advised him to take her home. Officer Armour advised Sergeant Garcia he would not book _____ however disobeyed the directives given to him and processed

through Central Booking. Officer Armour remained at Central Booking in the holding area, as the staff loaded into the van to be transported to the Fourth Avenue Jail. Approximately 25 minutes after left Central Booking, Officer Armour sent Sergeant Garcia a Mobile Data Computer (MDC) message stating had already been transported to the jail. When Sergeant Garcia received the MDC message, he made arrangements for to be returned to Central Booking and transported back to her residence. was in police custody for over five hours.

DETAILS OF INVESTIGATION:

On October 29, 2015, during squad briefing, Officer Joshua Edelson #9011, advised the squad he had responded to a domestic violence call, involving possible strangulation allegations, at the Camelback Cove Apartments.¹ Officer Edelson advised he had probable cause to arrest who lived in the complex with his girlfriend, Officer Edelson said he did not have a strong case for the impeding/strangulation charge, but felt if anyone contacted after the fact, could be arrested for misdemeanor criminal damage and assault.

Later the same night, after responding to an unrelated call, Officer Armour discussed the incident with Officer Edelson. Officer Armour and Officer Edelson reviewed a photograph of on their MDC and confirmed the address where the crime occurred.²

On November 4, 2015, (five days later) Officer Armour responded to an unrelated call at the Camelback Cove Apartments. Upon completion of the call, Officer Armour recalled the domestic violence incident and decided to attempt to make contact and arrest As he was walking through the complex, a neighbor, who lives across from the couple's apartment, was sitting on the balcony smoking a cigarette. The neighbor, whose name and identification was not obtained, advised Officer Armour the suspect from the call, went into his apartment approximately 15 minutes earlier. Officer Armour asked if Officers Brooks Naegeli #8762 and Earl Erickson #8477 (612M) were available to assist him at his location in reference to an aggravated assault from the previous week.

When Officers Naegeli and Erickson arrived, Officer Armour went to his vehicle to review the Incident Report and asked radio for a phone number for an available supervisor. Officers Naegeli and Erickson had very little information about the situation and did not know what the suspect looked like, so Officer Erickson called Officer Edelson by phone, while Officer Naegeli

watched the front of the apartment. Officer Erickson confirmed with Officer Edelson probable cause existed to arrest [redacted] for a misdemeanor criminal damage offense.

Officer Armour returned to the front of the apartment, and met with Officers Naegeli and Erickson. Officer Naegeli advised them he saw the blinds move inside the apartment, and while he could not tell who moved them, he saw someone inside. Officer Erickson advised Officer Armour he confirmed they had probable cause for a misdemeanor arrest only. Officer Naegeli was told to cover the rear window while Officer Armour and Officer Erickson approached the front door. Officer Armour knocked on the front door, and after a short period of time, [redacted] answered, donning only a towel.

Officer Armour immediately placed his foot into the threshold of the doorframe thus preventing [redacted] from closing the door. [redacted] told Officer Armour [redacted] had just left and she tried to shut the door. [redacted] and Officer Armour began to argue and Officer Armour advised her he was going to enter the apartment.³ They continued to argue until she became so frustrated the door swung open and she said "whatever," and told Officer Armour to shut the door behind him. [redacted] never invited the officers in and there were no exigent circumstances requiring entry into the apartment. Officer Erickson refused to enter the apartment and cleared over the radio for Officer Naegeli to come to the front of the apartment. When he arrived, Officer Erickson went to cover the rear of the apartment and Officer Naegeli entered the apartment to ensure Officer Armour had a back-up.

[redacted] went into the back bedroom to get dressed and the officers remained in the front room. During this time, Officer Armour asked Officer Naegeli to confirm he saw [redacted] inside the apartment. Officer Naegeli advised him he saw blinds move inside the apartment and while he did not know who moved them, he knew someone was inside.⁴ When [redacted] returned to the main room of the apartment, she told the officers they needed a warrant to be inside her house and attempted to close the door leading to the back bedroom. Officer Armour prevented her from closing the door so [redacted] placed her body in the doorway and blocked the path into the bedroom. Officer Armour grabbed [redacted] left hand and told her to move. When she refused to move, he moved her out of the way and went to look for [redacted] [redacted] emerged from the closet in the back bedroom and Officer Armour took him into custody. Officer Armour then placed [redacted] under arrest for hindering prosecution. Both subjects were transported to the Mountain View Precinct for processing.

Officer Armour completed two separate Incident Reports and sent an MDC message to both Sergeant Patrick Garcia #5413 (62J) and Sergeant Matt Verthein #5881 (63J) requesting one of

them review his reports. Sergeant Garcia responded and said he would conduct the review.⁵ At 12:42 a.m. Sergeant Garcia sent Officer Armour an MDC message requesting he call him as soon as possible.⁶ One minute later, Officer Armour called Sergeant Garcia and they reviewed the details of the arrests.

During this initial conversation, Sergeant Garcia told Officer Armour he was not comfortable with the details of the arrest of _____ and advised Officer Armour he probably should not have arrested her. Sergeant Garcia asked Officer Armour if there were any details left out of the report and Officer Armour replied "Well, Naegeli said he saw him (Mr. Hunter) inside."⁷ This was after Officer Naegeli advised Officer Armour he had not seen Mr. Hunter through the window.

Sergeant Garcia advised Officer Armour to add any additional details to the report not already included, and he would get back to him with instructions on how to move forward.⁸ Sergeant Garcia advised Officer Armour he did not have a reason to enter the apartment and asked where _____ was. Officer Armour advised him she was at Central Booking and they hung up.⁹ Sergeant Garcia then called Central Booking to ensure _____ was still there and spoke to Ms. Sarah Howell #A3380. He gave instructions to hold _____ at Central Booking and not transport her to jail until Sergeant Garcia or Officer Armour was on site.¹⁰ Ms. Howell called the detention area and relayed the information to Ms. Jackeline Morataya #A5848, and asked Ms. Morataya to have Officer Armour call her when he arrived at Central Booking.¹¹

Sergeant Garcia called Sergeant Verthein to seek the advice of another on-duty supervisor and also notified Lieutenant Dave Odell #6073.¹² He advised them both he was going to direct Officer Armour to release _____ and both agreed with his decision. Sergeant Garcia also reviewed Operations Orders to verify absent lawful consent, officers are not permitted to enter a private residence in pursuit of misdemeanor suspects without a warrant to search the premises.

Sergeant Garcia sent Officer Armour an MDC message to call him and had the radio dispatcher clear Officer Armour however he never responded.¹³ Sergeant Garcia queried Officer Armour's location, which showed him at Mountain View Precinct. Sergeant Garcia drove to the precinct to make contact with him. Sergeant Garcia could not find him when he arrived because while Officer Armour's status showed him at the precinct, he was actually at Central Booking and had been there for approximately 30 minutes. Officer Armour manually updated his status to reflect the booking, transport and processing of _____ and _____. Many of the updates he entered were inaccurate, making it difficult for Sergeant Garcia to contact him.

Sergeant Garcia called Central Booking again and spoke to Ms. Howell. Following the conversation with Sergeant Garcia, she called the cage area and spoke to Officer Armour. She advised him Sergeant Garcia wanted to speak to him regarding his female prisoner and she believed she told Officer Armour Sergeant Garcia did not want _____ booked.¹⁴

Ms. Peggy Bassett #A4358 was also working in the detention area and was present when Ms. Howell called to relay the information from Sergeant Garcia. She spoke with Officer Armour about the incident and Officer Armour told her the sergeant covering his area did not want him to arrest or process _____¹⁵ Ms. Bassett offered to hold the booking until Officer Armour spoke with Sergeant Garcia and she asked Officer Armour inform her when they had made a decision.¹⁶ Officer Armour then left the detention area. After approximately 20 minutes, Ms. Bassett went to the parking lot to find Officer Armour. He was in his vehicle and she asked him what he wanted to do with _____ Officer Armour advised her to continue the booking process. Ms. Bassett asked if he was sure, and Officer Armour stated he had already talked to Sergeant Garcia and to continue to process her.¹⁷

Officer Armour called Sergeant Garcia from the parking lot at Central Booking. They spoke for nine minutes and during the conversation, Sergeant Garcia directed Officer Armour to release _____ and submit his report detailing the circumstances of her arrest. Sergeant Garcia told Officer Armour an officer from his squad, Officer Virginia Wuollet #9392 (624J,) was on her way to collect _____ Officer Armour advised Sergeant Garcia he was going to delete the report and he was close to Central Booking and would take care of transporting _____ home.¹⁸ Sergeant Garcia stated during this conversation, he gave Officer Armour a direct order not to book _____ and to complete the Incident Report.¹⁹

Following the last conversation with Sergeant Garcia, Officer Armour is captured on video entering Central Booking's holding room. Within the next few minutes, video captured _____ being loaded into the transport van in the parking lot at Central Booking. Officer Armour stood by while _____ was processed and taken out to the van. Ms. Bassett asked him several times if he had changed his mind or if he wanted them to hold _____ Each time, Officer Armour confirmed to go ahead and process her.²⁰ _____ and _____ can be seen being loaded into the transport van and leaving the parking lot.²¹

Ms. Bassett indicated Officer Armour left the booking area a short time after the transport van left with _____

Sergeant Verthein received a phone call from Officer Armour between 3:15-3:45 a.m. Officer Armour asked Sergeant Verthein if he could go home early and said he did not want to deal with _____

Sergeant Garcia anymore. Sergeant Verthein advised him he could go home, and ended the conversation.²² Officer Armour did not leave work early as requested and did not verify [redacted] had returned home. Sergeant Verthein did not know why Officer Armour did not leave early.

Investigators developed the following time line to delineate the entry into apartment and her subsequent arrest and transportation to the 4th Avenue Jail:

- 10:15 p.m. Officer Armour took [redacted] and [redacted] into custody. He transported [redacted] to Mountain View Precinct and remained there until 12:41 a.m. when he left with both prisoners and drove to Central Booking. He did not update his status or provide transport miles.
- 12:43 a.m. Officer Armour called Sergeant Garcia for the first time. They talked for 12 minutes and Sergeant Garcia advised Officer Armour to add additional details to his report to justify the arrest and asked where [redacted] was.
- 12:56 a.m. Officer Armour arrives at Central Booking/Southern Command Station at the south gate. His status reflected he was at Mountain View Precinct, and he never provided transport miles.
- 1:11 a.m. Sergeant Garcia attempted to call Officer Armour but did not reach him. He then called Central Booking and spoke to Ms. Howell. He advised her not to process [redacted] and to hold her until he or Officer Armour arrived.
- 1:30 a.m. Officer Armour updated his status to reflect he arrived at Central Booking and provided transport miles for his vehicle on the MDC. He had been there for over 30 minutes.
- 1:53 a.m. Sergeant Garcia called Officer Armour and advised him not to book [redacted] and supplement the report indicating a submittal instead of a booking. The call lasted 9 minutes. Prior to this, Ms. Howell advised Officer Armour Sergeant Garcia did not want [redacted] booked.
- 2:03 a.m. Officer Armour returned to the Central Booking holding area following his conversation with Sergeant Garcia. He had been given a direct order not to process and book [redacted] At 2:07 a.m. video shows [redacted] and [redacted] being loaded into the transport van and the van left for the 4th Avenue Jail. Officer Armour was present and observed the prisoners leave.

- 2:25 a.m. Officer Armour sent Officer Virginia Wuollet #9392 (624J) an MDC message stating "Sorry about that, I didn't think he was going to involve anyone else in his issues."
- 2:26 a.m. Officer Armour sent Sergeant Garcia an MDC message advising him "She is already over at the jail." This was 19 minutes after Officer Armour observed leave Central Booking. At 2:27 a.m. Sergeant Garcia called Central Booking and arranged for to be transported back to Central Booking as soon as possible.
- 2:43 a.m. Sergeant Garcia called Officer Wuollet (624J) and arranged to have picked up at Central Booking and returned home.
- 2:46 a.m. Sergeant Garcia sent Officer Armour an MDC message advising him would be en route back to Central Booking and asked Officer Armour to change the reports to reflect the submittal.
- 2:48 a.m. Officer Armour replied to Sergeant Garcia's MDC message advising "Someone else can transport her home, I'm going to go."
- 3:21 a.m. Officer Wuollet transported from Central Booking to her apartment. Officer Wuollet went back into service at 3:40 a.m.

On January 27, 2016, Mr. Ean White, Assistant City Attorney, was asked to review the report authored by Officer Armour. Mr. White is assigned to the Phoenix Police Department's Legal Unit as a legal advisor. In an email, Mr. White stated after reviewing the report, entry into apartment violated Operations Orders, was absent exigency and Officer Armour required a warrant prior to entering the residence. Furthermore, Officer Armour was not granted consent to enter and formed his probable cause to arrest after he located the suspect inside the residence. Mr. White instead recommended obtaining a search warrant for the suspect or waiting for him to exit the residence.

Interview with

PSB investigators made several attempts to contact and meet with . She was contacted once briefly over the telephone and an appointment was made to meet with her. When investigators arrived at her apartment on the day of the scheduled appointment, no one answered the door. During the initial brief phone conversation with she indicated the incident with Officer Armour was the worst she had ever been treated by a police officer and what he did that night was wrong.²³

Interview with Officer Erickson

Officer Erickson confirmed he called Officer Edelson prior to making contact with He indicated Officer Edelson was not comfortable arresting with the strangulation offense but had probable cause for a misdemeanor criminal damage offense. Officer Erickson advised the only information he relayed to Officer Armour while at the scene was the charging information from Officer Edelson and the information regarding Officer Naegeli seeing someone look through the window through the blinds. He said he could not tell if it was a man or a woman but someone looked through the blinds.²⁴ Officer Erickson advised Officer Armour included information in his report which was inaccurate. He said he never advised Officer Armour Officer Naegeli saw inside the apartment. Officer Erickson advised he did not want to get into trouble and was not comfortable going inside the apartment so he waited outside. When Officer Armour asked if Officer Erickson was going to make him go in by himself, Officer Erickson replied "You do not have to go in at all." He said he was fed up with the situation and cleared for Officer Naegeli to come to the front of the apartment while he covered the back. Officer Erickson said he was not concerned about Officer Armour's welfare or his safety when Officer Armour initially entered the apartment alone because he kept an eye on him until Officer Naegeli relieved him. Officer Erickson did not notify a supervisor following the incident because he knew a sergeant would have to review the report and would know what happened. He also indicated by the end of his shift, word spread Sergeant Garcia was involved.

Interview with Officer Naegeli

Officer Naegeli told investigators he never told Officer Erickson or Officer Armour he saw inside the apartment. Additionally, prior to the call, he never had any contact with and therefore did not know what he looked like.²⁵ Officer Naegeli confirmed he told Officer Erickson and Officer Armour he saw the blinds moving inside the apartment but, he could not see who moved them. He said he knew someone was inside, but he never told Officer Armour he thought he saw inside the apartment. He said he did not know what looked like and the information Officer Armour wrote in the report concerning him seeing inside, never happened. Officer Naegeli advised investigators when he came back to the front of the apartment, he could hear Officer Armour and arguing. He did not know what was going on, but did not want Officer Armour inside the apartment alone with a possible suspect, so he went in to back him up.

Officer Naegeli said after he entered the apartment, he looked to ensure no one was hiding behind the door, but he did not do a protective sweep as indicated in the report. He observed Officer Armour attempting to pass by [redacted] who was blocking the hallway to the back bedroom with her body and grabbing onto Officer Armour. Officer Naegeli said the next thing he knew, Officer Armour was in the back bedroom taking [redacted] into custody and he was trying to calm [redacted] down. Officer Naegeli said [redacted] was not compliant and was angry. He advised after the arrests, neither he nor Officer Erickson advised a supervisor about the incident. He said prior to making contact at the apartment, Officer Naegeli asked Officer Armour to contact a supervisor. When Officer Armour was at his vehicle, he heard him clear over the radio for a supervisor's phone number. While he never confirmed with Officer Armour he had spoken to a supervisor, he assumed Officer Armour had worked out a plan over the phone. Officer Naegeli also said he knew all arrests would require an arrest review by a supervisor and later learned Ms. Franklin had been released and there was possibly a Notice of Investigation (NOI) issued.

Interview with Officer Armour:

Officer Armour was interviewed by PSB investigators and initially stated Officer Edelson advised him he had probable cause to arrest [redacted] for aggravated assault.²⁶ Later in the interview, Officer Armour clarified Officer Edelson only felt he had probable cause for a misdemeanor offense on [redacted]. However, Officer Armour felt he might be able to develop information to charge [redacted] with a felony once he made contact at the apartment. Officer Armour acknowledged he did not respond to the original call and the officer who did, felt the only probable cause was for a misdemeanor arrest.

Officer Armour said [redacted] attempted to close the door of the apartment following his initial contact with her and he prevented her from doing so by placing his foot in the threshold of the doorframe. Officer Armour acknowledged there were no exigent circumstances necessitating his entry into the apartment and he never asked [redacted] for permission to go inside. Officer Armour said when [redacted] became frustrated with him and relinquished the doorway, he told her he was going to come in, and felt he had a right to do so.²⁷ He advised it was impractical to obtain a search warrant for a misdemeanor offense on [redacted] and he did not feel a supervisor would approve one.²⁸

Officer Armour believed, at the time [redacted] lied to him. He chose to enter her residence to look for [redacted] despite [redacted] telling him he needed a warrant, and refusing him entry into her bedroom. Despite this, Officer Armour believed he did not violate

Fourth Amendment rights by entering her residence, without warrant and absent consent or exigent circumstances.²⁹ Officer Armour stated he was 100% certain [redacted] was inside the apartment, though he had not seen him inside, the front and back of the apartment was not always covered, and he had not confirmed the information the initial neighbor had provided him.³⁰ Officer Armour believed he followed Departmental policy and he had the right to go inside and locate [redacted].³¹ Officer Armour also advised investigators he was not aware Officer Naegeli had not seen [redacted] inside the apartment until after they had made entry.³² However once inside and after being made aware [redacted] was not seen by officers, Officer Armour continued past [redacted] into a closed bedroom despite her refusal.

Officer Armour stated he believes he had accurately documented Officer Naegeli's statements about not seeing [redacted] inside the apartment in his report. When asked if he accurately relayed the information to Sergeant Garcia, Officer Armour stated he felt he had.

Officer Armour said he had no reason for omitting the fact Officer Naegeli told him he had not seen [redacted] after entering the apartment in his Incident Report. Officer Armour said when he spoke to Sergeant Garcia, he did not feel this was an important fact. Officer Armour advised investigators he is used to providing only the bare bones of an investigation to his supervisor and, he had done so with Sergeant Garcia. Officer Armour indicated during his interview, when he spoke to Sergeant Garcia on the phone, he did not give him 100% of the information.³³ Officer Armour felt he encompassed the situation clearly in his Incident Report despite omitting the information provided by Officer Naegeli.³⁴

In reference to his MDC status, Officer Armour said he always manually types in his vehicle miles in his computer when he transports a female prisoner. He confirmed he did so that night.³⁵ He felt he made a mistake when he updated his status to reflect he was at Mountain View Precinct, when in reality he was at Central Booking. He also advised his status was not correct and he had not provided miles transporting [redacted] to Central Booking almost an hour prior. When he realized his mistake that night, he went out to his vehicle and updated his status to reflect he arrived at Central Booking.³⁶

Officer Armour acknowledged he violated a direct order from Sergeant Garcia when he allowed [redacted] to be processed through Central Booking.³⁷ He felt like he was having a discussion with Sergeant Garcia and, might be able to plead his case and change Sergeant Garcia's mind.³⁸ The final time they spoke on the phone, Officer Armour said he advised Sergeant Garcia he would not book [redacted] but said he told Sergeant Garcia he did not like the fact [redacted] would not be booked.³⁹ Officer Armour confirmed he waited about 20

minutes before advising Sergeant Garcia that [redacted] had left Central Booking. Officer Armour confirmed he did not stop [redacted] from being transported to jail; even after Ms. Bassett asked several times if he was sure he wanted her processed.⁴⁰ Officer Armour said he had the time and opportunity to follow Sergeant Garcia's directives but, felt the situation was frustrating, overwhelming, and confusing.⁴¹ He said he was not trying to disobey his order but was confused and there were so many moving parts. He stated he was not being malicious or intentional and he felt he still had time to stop [redacted] from being booked once she arrived at the jail.⁴²

CONCLUSION:

On November 4, 2015, while conducting follow up on a domestic violence call which occurred five (5) days earlier, Officer Anthony Armour unlawfully entered an apartment without a warrant or exigent circumstances. He was not invited in or given consent and the female resident, [redacted] told him to leave. Despite [redacted] objections and requests to leave, Officer Armour searched the apartment until he located and arrested [redacted] in the back bedroom. Therefore, allegation #1, Officer Armour unlawfully entered an apartment while conducting follow up on a domestic violence call is Sustained.

Following the arrest of [redacted] Officer Armour subsequently arrested [redacted] for hindering prosecution. [redacted] asked him to leave multiple times and went so far as to use her body to prevent him from searching the back bedroom of her apartment. Officer Armour took [redacted] left hand and physically moved her from the hallway and proceeded passed her to search the back area of the apartment.⁴³ Therefore, allegation #2, Officer Armour falsely arrested [redacted] for hindering prosecution is Sustained.

Officer Armour reviewed the details of the arrest with Sergeant Garcia. He told Sergeant Garcia one of his backup officers saw Mr. Hunter look out the apartment window. Following the entry into the apartment, Officer Armour asked Officer Naegeli if he had seen [redacted] through the window. Officer Naegeli told Officer Armour he had not. Even after re-confirming this information, Officer Armour informed Sergeant Garcia Officer Naegeli saw [redacted] inside the apartment thereby bolstering his probable cause to enter. Therefore, Allegation #3, Officer Armour provided false statements to a supervisor is Sustained.

In the report, Officer Armour, stated "Officer Erickson advised me that Officer Naegeli believed he had seen [redacted] come to the front window and look out through the vertical blinds, but was

not 100% certain whether it was him." According to Officer Erickson, the only information he relayed to Officer Armour while at the scene, was Officer Naegeli told him he saw someone look through the window blinds but could not tell if it was a man or a woman who looked out.⁴⁴ Officer Naegeli said he never told Officer Armour he saw _____ inside the apartment and he did not even know what _____ looked like.⁴⁵ Officer Naegeli confirmed he did say he saw the blinds move in the apartment and while he didn't know who moved them, he knew someone was inside. Neither officer advised Officer Armour they saw _____ look out the window. Therefore, Allegation #4, Officer Armour documented false information in an Incident Report is Sustained.

Following the arrests, and prior to _____ transport to the jail, Officer Armour was given specific directives to release _____ from custody and return her to her residence. Officer Armour told Sergeant Garcia he would not book _____ and then stood by Central Booking and watched as _____ was loaded into the transport van, heading to the 4th Avenue Jail. He did not intervene or attempt to stop _____ from being processed, even though he had the opportunity to do so. Therefore, allegation #5, Officer Armour failed to follow directives given to him by a supervisor is Sustained.

This investigation concluded Officer Armour's actions are in violation of the following policies:

- Operations Order 2.2.2.E(1).a "All employees will obey any lawful order of a supervisor, including any order relayed from a supervisor by an employee of the same or lesser rank, unless an employee believes the supervisor is guilty of misconduct, negligence, or unfairness."
- Operations Order 3.13.5.B(1) "Employees will not make false reports or knowingly enter or cause to be entered into any Department book, record, or report any inaccurate or false information."
- Operations Order 3.13.6.A(2) "Employees will not lie during any Department criminal and/or administrative investigation or in matters of legitimate concern to the Department."
- Operations Order 4.10.3.F(4) "Absent lawful consent, officers will not enter a private residence in pursuit of misdemeanor suspects without a warrant to search the premises."
- Operations Order 4.10.3.F(1) "Officers may arrest without a warrant under the following circumstances: In a public place, a place open to the public, or a place an officer has a legal right to be, with the probable cause to believe a crime occurred and probable cause to believe the person to be arrested committed the crime."

The most significant policy violation for Officer Armour is designated in Operations Order 3.18, Addendum A, Sub-Section 3.C.(4) "The incident involved the intentional abuse of police powers, authority, and privileges" and Operations Order 3.18, Addendum A, Sub-Section 2.D.(1)(c)

"Knowingly submitted a criminal investigation/internal investigation report with false information. These are Class III Violations, which "will be referred to the DRB for a possible demotion and/or 40, 80, or 240 hour suspension without pay, or termination/Loudermill Hearing."

CLOSING:

This Professional Standards Bureau investigation is complete. The investigation was reviewed and approved by the involved employee. Upon finalization, this investigation will be forwarded to the Disciplinary Review Board for review. This investigation will be retained in the Professional Standards Bureau in accordance with retention policies/law.

Endnotes:

- ¹ Edelson interview 10:30-11:18.
- ² Edelson interview 14:20-18:41.
- ³ Armour interview 05:00-06:00.
- ⁴ Naegeli interview 05:35-05:43.
- ⁵ Attachment #4 MDC messages—Page 2.
- ⁶ Attachment #4 MDC messages---Page 2.
- ⁷ Officer Armour interview #4 32:30-32:39.
- ⁸ Sergeant Garcia interview 03:05-03:25.
- ⁹ Sergeant Garcia's email Attachment #2.
- ¹⁰ Sergeant Garcia interview 4:10-06:33.
- ¹¹ Ms. Howell interview 01:55-02:17.
- ¹² Sergeant Garcia interview 5:20-5:50.
- ¹³ Attachment #5---Page 7.
- ¹⁴ Ms. Howell interview 2:25-2:50.
- ¹⁵ Ms. Bassett interview 3:48-4:10.
- ¹⁶ Ms. Bassett interview 4:28.
- ¹⁷ Ms. Bassett interview 5:04.
- ¹⁸ Sergeant Garcia interview 09:00-10:19.
- ¹⁹ Sergeant Garcia interview 17:11.
- ²⁰ Ms. Bassett interview 6:00-6:30.
- ²¹ Attachment #9.
- ²² Sergeant Verthein interview 06:40-08:05.
- ²³ interview 03:14.
- ²⁴ Erickson interview 5:10-5:29.
- ²⁵ Naegeli interview 13:15-13:40.
- ²⁶ Armour interview #1 11:18-12:56.
- ²⁷ Officer Armour interview # 1 5:05-09:57.
- ²⁸ Officer Armour interview #3 16:44-24:28.
- ²⁹ Officer Armour interview #3 25:34 and #6 7:37.
- ³⁰ Officer Armour interview #3 8:14.
- ³¹ Officer Armour interview #3 23:00-31:46.
- ³² Officer Armour interview #3 35:01-35:33.
- ³³ Officer Armour's interview #4 28:55-29:51.
- ³⁴ Officer Armour's interview #4 05:14-07:14.
- ³⁵ Officer Armour's interview #4 25:06-25:37.
- ³⁶ Officer Armour's interview #6 00:53-06:24.
- ³⁷ Officer Armour's interview #5 15:03 and #6 7:27.
- ³⁸ Officer Armour's interview #4 20:15-20:30.
- ³⁹ Officer Armour's interview #4 15:55-16:25.
- ⁴⁰ Officer Armour's interview #5 14:11-15:20.
- ⁴¹ Officer Armour's interview #6 07:27-11:30.
- ⁴² Officer Armour's interview #6 10:45-11:02.
- ⁴³ Officer Armour's interview #1 09:00-09:30.
- ⁴⁴ Erickson interview 5:10-5:29.
- ⁴⁵ Naegeli interview 13:15-13:40.

**Professional Standards Bureau
Investigations Unit**

PSB15-0126

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