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City of Glendale

SEP 26 2018



a memorandum from the

Glendale Police Department

Employee Relations

Integrity • Courage • Excellence • Respect • Compassion • Dedication

DATE: 9-26-2018
TO: Matthew Schneider #12251, Police Officer
FROM: Rich LeVander, Assistant Chief of Police *RL*
SUBJECT: **NOTICE TO SUSPEND WITHOUT PAY FOR THIRTY (30) WORKING HOURS**

This memorandum serves as a Notice of Suspension without pay for thirty (30) working hours from your position as a Police Officer with the City of Glendale. This action is based on your violation of City of Glendale Human Resources Policies and Procedures and Glendale Police Department General Orders. The Glendale Police Department conducted Administrative Investigation [2017-073] into allegations of unlawful traffic stop, unlawful arrest, and excessive force used against a handcuffed subject. The finding of this investigation sustained allegations made against you. Your misconduct constitutes major performance deficiencies and gross negligence in the performance of your job responsibilities.

BACKGROUND

On July 26th, 2017 at approximately 1930 hours you were conducting intensive patrol at the Motel 6 located at 7116 N. 59th Ave. You were riding as a two-man unit assigned to the Neighborhood Response Squad (NRS) out of the Gateway Division. You were driving in the north alleyway of the Motel 6 when you stated you observed the violator vehicle fail to use a turn signal when turning into the Motel 6 off Glenn Drive. You were the driver of the police vehicle and told your partner you observed the vehicle fail to signal prior to its turn. After initiating the traffic stop, you contacted the front passenger. Also, in the vehicle was the driver and two children in the back seat with their mother.

You asked for all the occupants IDs and notified the driver the reason for the stop was failure to signal turning into the Motel 6. The front passenger questioned you why he must provide ID because he did nothing wrong. You explained he must provide ID pursuant to ARS titles being a passenger in a vehicle on a traffic stop. You threatened to take him in for fingerprints if he failed to provide his information. The front passenger reached into a backpack and center console. You ordered him to stop reaching into his bag. You opened the passenger door and went hands on to detain the subject. You placed the subject in an arm bar. You threatened to use your taser and placed the taser on the subject's shoulder. The subject was compliant and didn't resist. You applied more pressure to the arm bar which caused the subject to pull away from the pain further into the car. Officer Lindsey drive-stunned the subject in the back which caused him to turn away from you and Officer Lindsey. The female passenger swung a grocery bag filled with soda cans from the back seat which hit Officer Lindsey in the head and he was rendered unconscious. You took a step back and deployed probes onto the male suspect. The subject was handcuffed with his hands behind his back by Officer Fernandez. You

assisted getting the subject into handcuffs by drive-stunning him in the upper back for pain compliance. The subject got tangled in the seatbelt and was taken to the ground by Officer Fernandez. Officer Fernandez had control of the subject who was face-down and handcuffed on the ground. The male suspect was no longer resisting once the handcuffs were applied. You delivered a 2 or 3 second drive stun to the suspect's right shoulder. This application of force was not within policy as the resistance had stopped.

The male suspect was complying with Officer Fernandez while your attention was directed towards the female suspect, who was now being taken into custody. The suspect's feet were close to where you were standing, when the male suspect swung his legs around and appeared to kick you. You reacted by kicking him in the groin. You stated you kicked the suspect in the groin with the tip of your right boot. You then placed your taser on his right buttock near his intergluteal cleft (taint) and drive-stunned the subject in the right lower buttocks/groin. The pain of the drive-stun caused him to kick away, hitting your taser. The subject stopped kicking and put his legs in the fetal position and was stood up by Officer Fernandez, when you delivered a second kick to his groin.

Based upon the suspect's lack of resistance at the time of your use of force, review of the video-recordings, and subject matter expert review of all of the circumstances, the amount of force you used against the suspect was unreasonable and unnecessary. Therefore, the allegations against you are **SUSTAINED**.

Additionally, you did not report to Patrol Supervisor Sgt. Bousman that you delivered kicks to the suspect's groin. Pursuant to G.O. 23.006 Reporting/Documenting Response to Resistance, hard empty hand strikes and/or kicks must be immediately reported to a Patrol Sergeant.

Your actions clearly impact the efficient operation of the Department. Your conduct in this incident demonstrates a serious lack of judgment and is unbecoming of a Glendale police officer. You clearly violated policy. You have displayed conduct that not only causes the public to lose trust in the employees of the Glendale Police Department, but also affects the day-to-day operations of this organization, as well as the morale of its employees.

PREVIOUS DISCIPLINARY ACTIONS

DI2017-055, you were investigated for Workplace Harassment. As a result of this investigation, on June 29, 2018 you received a Written Reprimand.

POLICY VIOLATIONS

Your conduct demonstrates major performance deficiencies and is in violation of the following **City of Glendale Human Resources Policies and Procedures**:

No. 504 – Employee Conduct

Employees shall at all times conduct themselves in a way that reflects favorably on the public they serve. The City upholds, promotes, and demands the highest standards of ethics from all of its employees. Employees should maintain the utmost standards of personal integrity, truthfulness, honesty, and fairness in carrying out their public duties,

avoid any improprieties in their roles as public employees, and never use their City position or power for improper personal gain. All employees are expected to respect and comply with all federal, state, and local laws, including all municipal policies, rules, regulations, directives, and procedures.

No. 513 – Disciplinary System, Section II.E.2 Major Deficiencies

These are acts that involve questions of trust or honesty, constitute a threat to the orderly City operations or pose a threat to the health, welfare or safety of employees or other individuals.

- Conduct unbecoming of a City employee
- Abuse of authority over the public
- Unauthorized physical contact, upon another person, while on duty
- Conduct, which is a conflict in the performance of your duties

Your conduct is also in violation of the following Glendale Police Department General Orders:

G.O. 23.002 Response to Resistance

Employees will follow policies, orders, directives and regulations, either written or oral.

23.002 Philosophy

A. Response to Resistance (RTR): It is the philosophy of the Glendale Police Department to use only the amount of force or control reasonably necessary to conduct lawful public safety activities and the mission of the department. The method of force/control used is predicated on the circumstances of the contact and the amount of resistance presented by the suspect. Employees will only use the amount of force/control reasonably necessary to overcome this resistance, protect property, and save lives. Under no circumstances will the force/control used be greater than necessary to achieve lawful objectives. Deadly force should not be used unless an employee reasonably believes it is necessary to protect the employee or other persons from imminent danger of death or serious physical injury.

Sanction: G.O. 23.002 Response to Resistance

Failure to comply with policies, orders, directives, regulations, etc., either oral or written when violation of such policy, order, directive, regulation, etc. involves untruthfulness or other ethical offenses, any felonious conduct, or offenses that create or pose the potential for critical adverse impact on public safety or the professional image of the Department.
CLASS 6

SUMMARY

Your actions described in this Notice are not in keeping with the image and high standards of performance expected of City employees and reflect poorly on the Department. Your conduct demonstrates a serious lack of judgment and professionalism. Such conduct diminishes the public's trust and is inconsistent with the manner in which the Police Department expects officers to conduct themselves.

Your actions constitute major performance deficiencies in violation of City of Glendale Human Resources Policies and Procedures and Police Department General Orders. As a result of your violation of Department and City rules and policies, I am suspending you without pay for thirty (30) working hours.

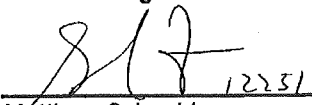
Consistent with General Order 21.073 Testing Guidelines for Performance Based Assignments, this memorandum shall become part of the Professional Standards Unit file review, and will be considered throughout the duration of the disciplinary probation and in the selection process for future assignments and promotional opportunities.

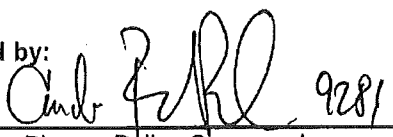
You are further notified that immediate and sustained improvement in your job performance is expected. Your failure to adhere to the direction provided in this memo or other performance deficiencies will not be tolerated and will result in further disciplinary action, up to and including termination.

DUE PROCESS

You are hereby notified that Human Resources Policies and Procedures 513.II.G.2.e gives you fourteen (14) calendar days from receipt of this letter in which to file a written Notice of Appeal of this action to the City Personnel Board. This Notice should be directed to Jim Brown, Director Human Resources and Risk Management, 5850 West Glendale Avenue, Glendale, AZ 85301. Failure to file a written Notice of Appeal by 5:00 p.m. on 10-10-2018, 2018, waives your procedural due process rights and terminates your right to a hearing relative to your suspension.

Acknowledgement of Receipt:

 12251
Matthew Schneider
9/26/18
Date Received

Served by:  9281
Brandon Blanco, Police Commander
9/24/18
Date Served