



CHANDLER POLICE DEPARTMENT INCIDENT REVIEW WORKSHEET

LA 2015-14

ASSIGNED TO:	Sgt. Cooper	DATE ASSIGNED:	4/23/15	DATE DUE:	5/23/15
COMPLAINT TYPE	<input type="checkbox"/> INTERNAL	<input type="checkbox"/> COMPLAINT	INFORMATION PAMPHLET SUPPLIED?		
	<input checked="" type="checkbox"/> EXTERNAL	<input checked="" type="checkbox"/> INQUIRY	YES <input checked="" type="checkbox"/>	NO	
EMPLOYEE INVOLVED:	D. Rose	BADGE # or CIVILIAN EMPLOYEE #	280	RACE/GENDER	W/M
COMPLAINANT(S)					
NAME	RACE/GENDER	ADDRESS	ZIP	PHONE	
Esmerelda Rossi	H/F	[REDACTED]	85249	[REDACTED]	
WITNESS(ES)					
NAME	RACE/GENDER	ADDRESS	ZIP	PHONE	
Alahzay Rossi	H/F	SAA			
INCIDENT DATE	03/25/15	TIME	2028	DATE REPORTED	04/22/15
INCIDENT LOCATION	[REDACTED]	DISTRICT		BEAT	
METHOD COMPLAINT FILED:	In Person	OR #	2015-31888		
REPORT TAKEN BY:	Sgt. Cooper				
ALLEGATIONS					
	GENERAL ORDER / PERSONNEL RULE NUMBER			CLASS	OFFENSE
1	City of Chandler Personnel Rule 5, specifically section 4B: #4 – The employee has violated any lawful or official rule, policy or regulation, or order, or failed to obey any lawful and reasonable order given by a supervisor with authority to issue such an order. #16 – Conduct which might bring discredit to city service. #20 – The employee has engaged in any other conduct of equal gravity to the reasons enumerated in this rule.			A-B	1
2	B-12.100.D.17 Excessive use of force			A-B	1
3	B-12.100.D.18.b Employee violates a person's constitutional rights when they should have known the conduct was illegal			A-B	1
4	B-12.100.D.3.C Failure to complete an investigation, or make necessary reports, or accurately document facts			A	1

➤ I understand that I am the subject of an Internal Affairs Investigation. You are hereby directed NOT TO DISCUSS this inquiry with anyone other than the investigator, your employee representative, your attorney, or a professional counselor or physician during professional consultation or treatment.

EMPLOYEE SIGNATURE

BADGE # or
CIVILIAN EMPLOYEE #

DATE

INVESTIGATOR SIGNATURE

BADGE # or

DATE

Allegation Summary:

On March 25, 2015 you investigated a separated domestic disturbance. During the investigation the complainant alleges you entered her residence without a warrant or her permission. In addition, you used excessive force while placing her under arrest. After the arrest you asked her 15 year old daughter to remove the handcuffs because she was naked. The complainant also alleges your police report does not document all the facts or your actions during the investigation.

FINDINGS

SUSTAINED:

NOT SUSTAINED:

EXONERATED:

UNFOUNDED:

POLICY FAILURE:

The employee committed all or part of the alleged act.

Information is insufficient to prove/disprove allegation.

The act occurred but was justified, lawful and proper.

The alleged act did not occur.

The allegation is true, but the employee's actions were consistent with departmental orders or policies. The complaint will be designated Exonerated/Policy Failure.

	FINDING	STANDARD SANCTION (See Chart on Page 3)	RECOMMENDED SANCTION
1			
2			
3			
4			

ADMINISTRATIVE REVIEW

CHAIN OF COMMAND

	APPROVE/DISAPPROVE	SIGNATURE	BADGE # OR CIVILIAN EMPLOYEE #	DATE
1				
2				
3				
4				

COMMENTS:	

(Aggravating/
Mitigating
Circumstances)

Chandler Police Department's Progressive Discipline Sanction Chart

LEVEL I: Counseling Actions												
	First Occurrence			Second Occurrence Inside of a One-Year Period			Third Occurrence Inside of a One-year Period					
	Counseling Statement			Counseling Statement			Level II					
LEVEL II: Sanctions												
Class	First Violation			Second Violation			Third Violation			Fourth Violation		
	Mit	Standard	Agg	Mit	Standard	Agg	Mit	Standard	Agg	Mit	Standard	Agg
A	Letter of Admon	Letter of Repr	1 Day	Letter of Repr	1 Day	10 Day	4 Day	5 Day	10 Day	N/A	10 Days to Dismissal	N/A
B	Dismissal	Dismissal	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A

- The City of Chandler personnel rules provide that the department head may demote an employee whose ability to perform required duties falls below the minimum job requirements or for disciplinary purposes.



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ALLEGATIONS					
	GENERAL ORDER / PERSONNEL RULE NUMBER			CLASS	OFFENSE
1	B-12.100.D.13 No employee shall, with intent to deceive, knowingly cause to be made or recorded any false or inaccurate reports; nor shall any employee knowingly omit or cause to be omitted any information that is required to be recorded in any department. Knowingly making a false statement or entry in any departmental report, record, application, interview, hearing, or judicial proceeding			B	1
2					
3					
4					

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EMPLOYEE SIGNATURE

BADGE # or
CIVILIAN EMPLOYEE #

DATE

INVESTIGATOR SIGNATURE

BADGE # or
CIVILIAN EMPLOYEE #

DATE

Allegation Summary:

During your interview on April 29, 2015 you advised you intentionally omitted factual information from your written police report. When asked why, you advised "If I would have written in there, I would've had to arrest her."

FINDINGS

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NOT SUSTAINED:
EXONERATED:
UNFOUNDED:
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B	Supp / Demote	Dismissal	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A

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**INTERNAL INVESTIGATION
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Employee(s) Involved:

Officer Doug Rose

Investigator:

Sgt. Chris Cooper

Investigation Synopsis:

On March 25, 2015 at 2028 hours, Officer Doug Rose responded to a separated domestic disturbance in Chandler, Arizona. After contacting the male half of the altercation, Officer Rose responded to [REDACTED] to contact the female party. While at the residence, the female alleged that Officer Rose entered her home without permission or consent. In addition, the female alleged that officer Rose failed to properly document the facts of the investigation in his police report.

Investigation:

On April 21, 2015 I took a telephone complaint on Officer Doug Rose. The complainant, Esmeralda Rossi alleged that Officer Rose entered her residence without consent or her permission. While inside the residence, he used excessive force and then failed to properly document the facts of the investigation into his police report. Rossi stated after her interaction with Officer Rose, she obtained a copy of the police report and Officer Selvidge's Axon video footage. Rossi said Officer Rose told her he was recording the interaction, but when Rossi tried to obtain Officer Rose's video, she was told there wasn't one. Rossi said she watched the video and read the police report and she was shocked. Rossi alleged that Officer Rose left facts out of the report and didn't properly document his actions while in her residence. I told Rossi I needed the opportunity to review the report and watch the video so I could understand her complaints. I advised Rossi I would return her call after I completed my assessment.

After speaking with Rossi, I read Officer Rose's written police report. After reading the report, I watched Officer David Selvidge's Axon video of the incident. I was also not able to locate an Axon video recorded by Officer Rose.

After watching the video and reading the report, I noticed that Officer Rose failed to document important facts of the investigation. In addition, Officer Rose failed to properly document his actions during his encounter with Esmeralda Rossi.

I was unable to locate a supplement to Officer Rose's report from Officer Selvidge. It's not uncommon for an assisting officer on DV calls to not draft a police report. In these investigations the case agent is responsible for documenting the interviews and arrests.

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Although I didn't find a supplement, I had a concern that Officer Selvidge didn't intervene during Officer Rose's contact with Rossi. I knew that Officer Selvidge currently worked for Sergeant Lockwood as a Field Training Officer. I responded to Lockwood's office and contacted him. I advised Lockwood of the complaint and Selvidge's involvement. Lockwood immediately remembered that Selvidge contacted him and advise him of his issues with Officer Rose's actions. Lockwood advised he would draft a memo documenting the conversation and send it to me via email. Sergeant Lockwood's written memo will be entered into the report via IAPro.

Summary of Officer Rose's police report:

On March 25, 2015 Officer Rose responded to [REDACTED] in reference a separated domestic altercation. Upon his arrival he contacted the complaint or reporting party, Kenneth Rossi. Kenneth advised that he and his wife, Esmeralda Rossi were currently going through divorce and she came over to the residence because she wanted their tax returns from last year. While at the residence, Kenneth and Esmeralda engaged in a verbal altercation. Kenneth refused to give Esmeralda the paperwork she requested and she tried to enter the residence. Kenneth said the altercation was not physical but only verbal. During the altercation Kenneth told his daughter to call the police. In addition, the homeowner of the residence told Esmeralda to leave. Esmeralda left the residence after she was advised that the police were called. When Officer Rose asked Kenneth where Esmeralda went; he told Rose she went to her house. Kenneth gave Officer Rose the address of [REDACTED]. Officer Rose then asked Officer Selvidge to assist him at Esmeralda's residence.

Upon Officer Rose's arrival he approached the door and contacted Esmeralda's daughter, [REDACTED]. Officer Rose said [REDACTED] was very antagonistic from the start. Officer Rose told her that he needed to speak to her mother and she initially told him that Esmeralda was not home. Officer Rose told [REDACTED] that he thought she was home. [REDACTED] yelled to her mom; that she needed to come to the door and talk to the police. After yelling a few times, [REDACTED] walked into the residence to get her mother.

Officer Rose advised once Esmeralda finally came to the door she was dressed only in two towels and told him that she had been in the shower. Officer Rose articulated that Esmeralda was not wet and her hair was dry. Esmeralda then started to deny anything that Officer Rose told her about the incident. Esmeralda walked away from him, into the residence to get her cellular telephone. Officer Rose said he followed her into the residence. Officer Rose continued to tell Esmeralda what he was told not only by her husband, but also the homeowner of the residence. Officer Rose articulated that Esmeralda said he was only taking her husband's side because Officer Rose had not heard her side of the story. She then started to tell him that since they are going through divorce she decided to report her husband for fraud to the IRS. She told her husband several days ago about her appointment with the IRS and he responded to her residence and removed all of the business records. Esmeralda told Officer Rose that her husband's actions were a violation of the mediation process they were going through because of the

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divorce. Officer Rose told Esmeralda that she needed to make a report about the violation to the mediation company so it could be dealt with properly. Officer Rose said Esmeralda then started to get louder and louder when he tried to explain that she was not allowed back over to her husband's residence. Esmeralda then accused him of not wanting to listen to her because his mind was already made up.

Officer Rose said that he attempted to explain to Esmeralda the state statutes in reference to the domestic violence laws and how they were written to include various crimes. Officer Rose said Esmeralda demanded that he showed her the laws, or tell her where she could find them. Officer Rose said he then gave her the information and told her that the statute for disorderly conduct was also applicable in this case and she dared him to arrest her.

Officer Rose articulated that the situation finally calmed down enough that he could explain to Esmeralda the steps that she needed to take in order to start getting things to go her way. Officer Rose explained the process to get a court order against her husband, and advised her to get a divorce attorney on her side so she would not feel it was her against everyone else. Officer Rose told Esmeralda she could and should record all of her contacts with her husband, as well as keeping a journal of the incidents/contacts between them. Officer Rose articulated that Esmeralda said she understood and also that she would stay away from the residence so there wouldn't be additional incidents between her and her husband. This was the end of Officer Rose's written police report.

Summary of Officer Selvidge's Axon video:

The video is taken through Officer Selvidge's Axon camera. The video starts with Officer Rose speaking with Esmeralda at her front door. You are unable to observe Esmeralda but you can hear Rose speaking with her. Shortly after the video begins, Esmeralda walks into her residence and Rose follows her. Officer Selvidge follows both of them into the kitchen area. It's clear that Esmeralda is in a towel and it appears she came to the front door after exiting the shower.

Rose is speaking with Esmeralda and her daughter about the incident with her husband. Esmeralda stops Officer Rose and asks him to wait so she can record the conversation via her cellular telephone. Officer Rose raises his voice and tells her no, "He doesn't wait for her." Esmeralda locates her cell phone and begins recording the interaction. Officer Rose begins to explain the domestic violence laws and specifically speaks about disorderly conduct. Esmeralda appears to be antagonizing Officer Rose by being condescending with her dialogue. Officer Rose appears to get frustrated and asks Esmeralda if she wants to go to jail. She replies and tells him that going to jail didn't have anything to do with their conversation.

Officer Rose turns to Officer Selvidge and tells him to re-contact the reporting party for further information. Officer Rose tells Officer Selvidge to re-contact them and "He

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would just arrest her tonight." Officer Rose turns to Esmeralda and tells her she is under arrests. Esmeralda retreats further into the kitchen and tells him not to touch her. Officer Rose grabs her by the left wrist and tells her she is under arrest again. At this point Officer Selvidge looks towards Esmeralda's daughter. Her daughter is screaming and Officer Selvidge advises her to get Esmeralda clothing for her transport. Officer Selvidge turns back towards Officer Rose and Esmeralda is in handcuffs and her towel has fallen and is now just covering the front of her. Officer Rose is now yelling at her and telling her to calm down. Officer Rose keeps Esmeralda in handcuffs while he continues to lecture Esmeralda about her behavior and how she could not return to her husband's current residence.

Eventually, Officer Rose, asks Esmeralda's daughter to remove the handcuffs from her mother. Officer Rose issues her a handcuff key and she proceeds to remove them. After the handcuffs are removed Officer Rose continues to lecture Esmeralda about DV laws and attempts to give her advice about protecting herself against her husband's claims. Officer Rose tells her to keep a journal in relation to contacts with her husband, tells her about orders of protection, and to record her conversations with him. While speaking with her, Officer Rose demands that Esmeralda looks him in the eyes. Esmeralda is clearly upset and trembling from the arrest. Officers Rose and Selvidge leave the residence and the video ends.

After reading the police report and watching the video, I contacted Esmeralda Rossi and asked her to meet with me at the main station so I could conduct a recorded interview. I explained to her, I read the police report and watched the video and I too found discrepancies between them.

On April 22, 2015 I conducted a recorded interview with Esmeralda Rossi. Rossi entered the interview and immediately told me she had two videos of the incident with Officer Rose. Rossi said she and her daughter both recorded some of their interaction with Officer Rose. Rossi said she created a "Dropbox" account that contained both videos. Rossi advised she would email me the user name and password for the drop box file.

Rossi advised on March 25, 2015 she responded to her husband's location and confronted him for copies of their 2014 IRS papers. Rossi said she and her husband were going through a divorce and lived at separate residences. Rossi advised she told her husband she was going to report him to the IRS for business fraud. The next day, while she was away from her residence, he went to the house and took all of their IRS tax records. Rossi said she went to his residence with the idea of getting the papers back. While she was there, she and her husband got into a verbal disturbance. During the disturbance, Rossi attempted to enter his residence to gather the documents. Her husband blocked the door causing them to fall into each other. Rossi advised her husband was recording the entire altercation via his cell phone.

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After Rossi fell into the doorway, her younger daughter observed the disturbance and called the police. The owner of her husband's residence approached Rossi and told her to leave. Rossi left the residence and went home.

Rossi said she was in the shower when her older daughter, [REDACTED], came into the bathroom and said the police were at the front door. Rossi said she exited the shower, wrapped a towel on and went to the front door. Rossi said Officer Rose was extremely rude the minute she approached the door. Rossi said Officer Rose would not let her speak and wouldn't listen to her side of the story. Rossi said she didn't like the way the conversation with Officer Rose was going. She told Officer Rose to wait at the front door while she went to get her cellular phone to record the conversation. Rossi said as she walked away, Officer Rose entered her residence without permission and followed her into the kitchen area. Rossi asked Officer Rose to stop talking so she could record the conversation. Rossi said Officer Rose was rude and yelled at her that he did not wait for her, he was in charge. Officer Rose told Rossi he was recording and pointed to the camera on his shoulder. Rossi said she became angry and began to be condescending towards Officer Rose by being "Sassy."

Rossi said Officer Rose began to relay the domestic violence laws and she asked him to show them to her. Rossi said when she asked Officer Rose to show him the laws he said he wouldn't but would write the statute down for her. Officer Rose wrote the statute on the back of the business card and attempted to hand it to Rossi. Rossi said she told Officer Rose to set the card on the kitchen countertop because she didn't want to touch him. Officer Rose continued to raise his voice and asked Rossi if she wanted to go to jail that night. Rossi said she told Officer Rose that going to jail didn't have anything to do with their conversation. I asked Rossi if she dared Officer Rose to arrest her. Rossi said no, she said after Officer Rose arrested her and her daughter took off the handcuffs, Officer Rose continued to tell her she wasn't allowed to go back to her husband's residence. Rossi told Officer Rose if she went back over there, he could arrest her.

I asked Rossi what happened when Officer Rose arrested her. Rossi said, during her conversation with Officer Rose, he turned to the other officer and said he was going to arrest. Rossi said she was surprised and began to move away from Officer Rose. Rossi said Officer Rose grabbed her hand and forced it behind her back. Rossi said her towel fell off making her completely nude. Rossi was able to put her cell phone on the kitchen countertop before Officer Rose grabbed her. She said although it didn't get further video, it continued to capture the audio, Rossi said she was horrified and felt completely belittled. Rossi said Officer Rose continued to lecture her while she was in handcuffs. Rossi said her towel was placed on the front of her covering her front side.

After an unknown amount of time, Officer Rose asked Rossi's daughter if she knew how to take handcuffs off. Officer Rose gave her daughter a handcuff key and [REDACTED] removed the handcuffs. Rossi said once the handcuffs were removed, Officer Rose continued to lecture her about being trespassed from her husband's residence. Officer Rose also told her about orders of protection, keeping a journal, and recording her

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interactions with her husband. Rossi said she was still very upset and didn't want to look at Officer Rose. Rossi said Officer Rose made her look at him in the face. Rossi said she was mortified and embarrassed about being nude, but looked at Officer Rose in the eyes. Rossi said after Officer Rose finished his lecture, he and the other officer left her residence.

I asked Rossi to touch on the incident when Officer Rose entered her residence. Rossi said she specifically remembered asking Officer Rose to wait at the front door while she went to get her cell phone. She advised as she entered the kitchen area she looked back and the officers were directly behind her. I asked Rossi if Officer Rose told her why he un-arrested her. Rossi said she didn't know why he arrested her or un-arrested her. Rossi said she didn't think Officer Rose came to the residence to arrest her. She advised that Officer Rose seemed to get angry due to her attitude towards him.

I explained to Rossi that I would view her videos and interview the officers involved. I issued her "A Guide to a citizen's complaint process." I explained my process to Rossi and told her I would try to have the investigation completed in 30 days.

After speaking to Rossi, I went back to my office and watched her two videos. The videos confirmed Officer Selvidge's video. Both videos show Officer Rose inside the residence talking loudly with Rossi. The video shows Officer Rose arresting Rossi and her towel falling off. You can hear Rossi telling Officer Rose "I didn't want to touch you!" I remembered asking Rossi why she said she didn't want to touch Officer Rose. Rossi told me that comment stemmed from a past encounter with officers while growing up in California. In addition, the video captured Officer Rose saying "Don't get an attitude with cops, we don't play!" Officer Rose said this while he was lecturing Rossi after her daughter removed her handcuffs.

I read Officer Rose's police report again to ensure I didn't miss anything. Officer Rose documents his interviews with the reporting party and homeowner. He responds to Rossi's residence and doesn't explain how he developed exigency to enter the residence. While inside the residence, he only documents speaking with Rossi and her being upset. Officer Rose completely neglects Rossi's arrest, her towel coming off, and her un-arrest. Officer Rose documents that he gave Rossi information about DV laws and steps she could take to cover herself while dealing with her husband. Officer Rose closes the case "Closed- no further action."

The fundamental questions I had for Officer Rose dealt with his entry into the home, Rossi's arrest/un-arrest, and his probable cause for her arrest. Per Arizona Revised Statutes, if an officer has probable cause for an arrest due to a DV related crime; the officer must arrest the suspect and book them into jail. It was evident reading Officer Rose's report and watching the videos, this didn't happen. In addition, our policy clearly states that officers will fully document their actions and the force used during interactions with citizens. Officer Rose used force during his interaction with Rossi, and failed to document that force.

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On Thursday April 23, 2015 I called Officer Rose into my office and served him with his "Notice of Investigation" listing the allegations and a summary of Rossi's complaint. While there Officer Rose and I scheduled a date and time for his administrative interview. During my conversation with Officer Rose and told him numerous times he was eligible to bring a representative with him to his interview. Officer Rose told me he didn't feel he needed a representative and wouldn't bring one with him. Again, I told Rose he could contact his officer's association and obtain a rep. Officer Rose was adamant about not bringing one. This concluded our initial meeting.

Officer Doug Rose interview:

On April 29, 2015 at 1500 hours, I conducted a recorded interview with Officer Rose. Officer Rose was issued his Garrity Warnings and his Warnings and Assurances. I asked Officer Rose if he wanted a representative with him, and he declined. Officer Rose signed both documents and advised he understood them. The following questions were asked during Officer Rose's interview.

1. Have you had the opportunity to watch any related videos or read your report?
2. Is everything in your report accurate and true? Was anything omitted from the report when you wrote it?
3. Tell me what happened during the investigation of 15-31888, which was a separated DV call.
4. When you spoke to the RP did he have video evidence? Did you ask for a copy of the video? (Not in his report)
5. If not, why?
6. Tell me what the RP and witnesses told you at the RP's residence.
7. What happened when you responded to [REDACTED]. Did you have your body camera activated?
8. Please explain to me your understanding of the 4th amendment, and what are exigent circumstances associated with the exemptions to a search warrant.
9. Why did you enter Rossi's house without permission or a search warrant?
10. Rossi's daughter answered the door and later Rossi came to the door in a towel and told you she was in the shower. Did you think Rossi was nude under the towel?
11. Rossi said she asked you to stay at the door while she went to get her daughter to record the conversations. Why did you enter?
12. Were you investigating a misd or a felony crime?
13. Did you have probable cause to arrest Rossi?
14. According to your report, it appears you only went there to trespass her from the RP's property. Is that true and what changed?

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15. At one point Rossi's tells you to wait so she can record the conversations? You tell her no, that you were recording. Were you recording, or did you just tell her that?
16. Did Rossi's attitude cause you to change your mind and arrest her?
17. After you entered the residence, you appear to be angry or frustrated with Rossi. Why?
18. Did you have probable cause to arrest Rossi for a DV offense prior to getting to her residence?
19. Please explain the State laws in regards to an arrest with DV crimes?
20. Why did you arrest Rossi?
21. While she was in handcuffs you told her she committed disorderly conduct DV, and that you could prove it. Is this correct?
22. Why did you un-arrest her?
23. Why did you ask her daughter to take off the handcuffs? Is that normal practice?
24. Once Rossi was unhandcuffed why did you stay in the house and lecture her? Was she free to leave?
25. Is it against the law for citizens to record police officers while they are performing duties?
26. You can be heard on video saying "Don't take an attitude with the cops, we don't play." What did that mean?
27. You could see that Rossi was upset after she was placed in handcuffs. Why did you make her look at you? Is she required to look at you?
28. Why didn't you document Rossi's arrest, the force used, or her un-arrest in your police report? Did you intentionally omit the information?
29. Did you omit the information because you knew it was a DV call and your Sergeant would have rejected the report or found you out of policy?
30. Did you and Officer Selvidge talk after the call was over? What was discussed?
31. Do you feel that your actions during your contact with Rossi were within the law and our policies?
32. Is there anything you want to add?

Officer Rose advised he had the opportunity to read his report but did not watch any of the videos associated with the investigation. I then asked Rose if everything in his police report was accurate and if he omitted anything from the report. Officer Rose told me that he felt that everything in his report was true and that he didn't believe that he omitted anything from his report.

Officer Rose said that when he was dispatched the call he responded to the RP's residence. He spoke with the RP and spoke with the homeowner in reference to the altercation with Esmeralda Rossi. Officer Rose said that Rossi responded to the residence and asked the RP for some paperwork. The RP advised that he told Rossi to leave after a verbal altercation occurred. The RP advised that there was nothing physical between him and Rossi. The RP advised at one point Rossi tried to get into the residence and they both fell into the doorway, and the police were called. Officer Rose said the homeowner said that he wanted Rossi trespass from the residence

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and did not want her to return. I asked Officer Rose if he obtained the RP's video evidence. Officer Rose said he did not ask for the video. I asked Officer Rose why he didn't ask for the video. Officer Rose said the RP didn't want to get his wife in trouble.

Officer Rose advised that he and Officer Selvidge responded to Rossi's residence. Officer Rose said that he contacted a young female at the front door stated her mom was not home. Officer Rose said the young female was immediately antagonistic and started to scream. Officer Rose told the female that he believed that her mother was home. He advised the young female called into the residence and asked for her mother to come to the door. Shortly after the young female walked into the residence, Rossi responded to the front door. Officer Rose said Rossi was covered with a towel and advised she had just gotten out of the shower. Officer Rose said that he didn't believe Rossi because she was not wet and her hair was dry. Officer Rose said Rossi was immediately upset because she felt that Officer Rose already had his mind made up and would not listen to her side of the story. Officer Rose said that Rossi continued to scream and walked into the residence. Officer Rose said he followed her into the kitchen area. Officer Rose said that Rossi grabbed her cell phone and began to record him. Officer Rose said that he explained the state domestic violence laws to Rossi and wrote the statute numbers and report number on the back of his business card. Officer Rose said at one point he did put Rossi into handcuffs, and Rossi eventually calmed down. Officer Rose advised that once Rossi calmed down he explained to her the domestic violence laws and took her out of handcuffs and left the residence.

I asked Officer Rose if he activated his axon camera during his interaction with Rossi. Officer Rose said he attempted to turn on but it didn't work. He remembered it not recording prior to his contact with Rossi. I asked Officer Rose could explain to me his understanding of the fourth amendment and the exigent circumstances to a search warrant. Officer Rose was able to give me a brief understanding of the fourth amendment but stated he had probable cause cause for Rossi's arrest and she wasn't allowed to walk away from him into the residence. Officer Rose said because he had probable cause for Rossi's arrest for disorderly conduct/domestic violence, it gave him the right to follow her into the residence. I asked Officer Rose if he was investigating a felony or misdemeanor crime. Officer Rose said he was investigating and misdemeanor, but did have grounds to arrest her. Officer Rose continued and said it wasn't his intent to arrest her because the husband did not want her to get into trouble. Officer Rose added that he couldn't allow her to walk away from him into the residence. I asked Officer Rose if he could explain to me what his exigent circumstance was to enter the residence. Officer Rose said his exigent circumstance was, the suspect was walking away from him. I told Officer Rose that during Rossi's interview she advised that she asked you to stay and wait at the front door while she went grabbed her daughter's phone. I asked Officer Rose if he asked Rossi for permission to enter the residence and he said no.

I asked Officer Rose if he felt he had probable cause for Rossi's arrest. Officer Rose said he felt like he had pole cause for disorderly conduct and with further interviews with the RP could probably obtain probable cause for the assault. I explained to Officer Rose that

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his police report did not support that he had probable cause for a domestic violence arrest. Officer Rose said if he would have documented the probable cause in the report Rossi would have gone to jail in the towel. I then asked Officer Rose if he thought Rossi was nude under her towel. Officer Rose said he didn't think Rossi was nude, he felt she was just saying that because suspect's try to get out of things.

I told Officer Rose; according to his police report it appeared he only went to Rossi's residence to trespass her from the RP's property. I asked Officer Rose if this was true and why that changed. Officer Rose advised that Rossi was being uncooperative. I asked Officer Rose if the state law required officers to make an arrest if the crime was domestic violence related. Officer Rose said yes it is mandatory to make an arrest for domestic violence crimes unless you have the supervisor's permission. I asked Officer Rose if he had permission from a supervisor to not arrest Rossi. Officer Rose said he did not have supervisory permission because he did not put it into his report.

I asked Officer Rose why he arrested Rossi. Rose said that during his conversation with Rossi she was extremely uncooperative and dared him to arrest her. Officer Rose said it wasn't a dare, Rossi was telling him to do his job. Officer Rose said once he arrested Rossi and she was in handcuffs, she started to cooperate more. I advised Officer Rose that the video did not support that Rossi dared him to arrest her. Officer Rose said he didn't remember why he wrote the word dared in his report, but said Rossi was extremely uncooperative and would not listen to anything he said. Officer Rose said he ultimately arrested Rossi for disorderly conduct/domestic violence. I asked Officer Rose why he was angry and frustrated when he entered Rossi's residence. Officer Rose said he was angry and frustrated because Rossi would not listen to anything he had to say.

I asked Officer Rose why he decided to un-arrest Rossi. Officer Rose explained, once Rossi calm down and began to listen to him he was able to give her information and help on what she needed. He was able to tell Rossi about the mediation process and what she needed to do to protect her. Since Rossi calmed down and began to listen Officer Rose said he released her. I asked Officer Rose why she had Rossi's daughter take the handcuffs off. Officer Rose advised that once he realized that Rossi was naked under the towel he didn't want to go behind Rossi and try to take the handcuffs off. Officer Rose said he didn't want Rossi to think he was trying to molest her while he was trying to take the handcuffs off and wanted to keep his distance.

I told Officer Rose that he could be heard saying "don't take an attitude with the cops, we don't play" on the video. I asked Officer Rose what the statement meant. Officer Rose advised when he said that he meant that he was there to do a job and police officers aren't there to play games. Officer Rose added that Rossi had to listen to what he had to say.

I asked Officer Rose why he made Rossi look at him while she was in handcuffs. Officer Rose said he didn't want to look at Rossi's body because she was naked, and he wanted her to look at his eyes. I asked Officer Rose if suspect have to look at police officers in the eyes. Officer Rose said, "No, but it's a sign of disrespect."

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I asked Officer Rose why he didn't document Rossi's arrest, the force he used, or her un-arrest in his police report. I asked Officer Rose if he intentionally omitted the information from his report. Officer Rose advised "Yes I did because I didn't want her to go to jail at that point." Officer Rose said if he would've documented those things in his police report he would've had to arrest Rossi. Officer Rose said Rossi's 15 year old didn't want to go to her dad's residence and he didn't know what he would do with her if he arrested Rossi.

I asked Officer Rose if he and Officer Selvidge spoke about the call after they left the residence. Officer Rose advised they stood on the sidewalk and spoke but he could not remember what it spoke about.

I asked Officer Rose if he felt that his actions during his contact with Rossi within the state law and were within our departmental policies. Officer Rose advised "As far as my understanding of them, yes." Officer Rose said he used his discretion to not arrest Rossi.

I told Officer Rose that per The Officer's Bill of Rights he was allowed 10 minutes to consult with a representative. After the 10 minutes expired, he would have time to add anything he wanted to the interview. Officer Rose declined to speak with a representative and did not want to add any additional information.

Officer David Selvidge interview:

On May 5, 2015 at 1000 hours, I conducted a recorded interview with Officer David Selvidge. Officer Selvidge declined to have a representative present. Officer Selvidge was issued his Warnings and Assurances and his Garrity Warnings. Officer Selvidge advised he understood the documents and signed them.

I asked Officer Selvidge if he had the opportunity to read Officer Rose's written report and watch the axon video prior to the interview. Officer Selvidge advised he did in fact read Officer Rose's report but did not watch the video. I asked Officer Selvidge if there were any discrepancies or facts missing from the police report. Officer Selvidge advised there were facts missing from the report. He explained that he found a significant amount of facts left out from the interaction inside the home. Officer Selvidge said there was a detention in handcuffs, and significant conversations that were not in the report. I asked Officer Selvidge if Officer Rose's report accurately reflected Rose's interaction with Rossi. Officer Selvidge said, "Not completely." I asked Officer Selvidge what the department's policy was concerning the omission of facts in officer's reports. Officer Selvidge said he couldn't repeat the policy directly but he knew that you were not allowed to do that in that it was an integrity issue. Officer Selvidge also added that all the facts should be included in your police report to the best of your recollection.

I asked Officer Selvidge if he wrote a supplement to Officer Rose's written report. Officer Selvidge said no, he doesn't normally write a supplement if he doesn't take any investigative action while working as a backup officer.

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I asked Officer Selvidge to tell me what happened at the reporting party's residence and at the suspect's residence. Officer Selvidge advised he did not have a lot of information about the RP's statements. He advised he had an extended response time due to his location when he was sent to the call. Officer Selvidge said he was not present when Officer Rose interviewed the RP and the homeowner. Shortly after he arrived at the RP's residence, Officer Rose asked him to respond to Rossi's residence as his backup officer. I asked Officer Selvidge if Officer Rose articulated to him that he had probable cause to arrest Rossi prior to responding to her residence. Officer Selvidge told me no, Officer Rose did not tell him. Officer Selvidge said he felt like Officer Rose's plan was to go over and talk with Rossi trespass her from the residence. Officer Selvidge did not feel like the plan was to arrest her. Officer Selvidge stated again, that he was not told if Officer Rose obtained probable cause for Rossi's arrest.

I asked Officer Selvidge what happened when he and Officer Rose arrived to Rossi's residence. In addition, I asked Officer Selvidge if he felt like he and Officer Rose had the authority to enter Rossi's residence without permission or consent. Officer Selvidge advised that Officer Rose contacted Rossi's daughter at the front door. He said shortly after Rossi responded to the front door she began to argue with Officer Rose. I asked Officer Selvidge if he and Officer Rose had the authority to enter Rossi's residence. Officer Selvidge said he didn't know Officer Rose only had probable cause for a misdemeanor crime when they entered the residence. Officer Selvidge said it wasn't until after they were inside the house that he found out. I asked Officer Selvidge if he would have known prior to entering the residence, would he have gone inside. Officer Selvidge said no. I asked Officer Selvidge why he entered. He said Officer Rose went into the house and he had to follow him as his back up officer. Officer Selvidge said he thought Officer Rose would do the right thing.

I asked Officer Selvidge if he felt Officer Rose was professional with Rossi and her daughter while they were inside the house. Officer Selvidge advised that it appeared Officer Rose's temper got the best of them. I asked Officer Selvidge if he knew why Officer Rose changed his mind and arrested Rossi. Officer Selvidge stated that he had no idea why Officer Rose arrested Rossi. I asked Officer Selvidge if he knew why Officer Rose un-arrested Rossi. Again Officer Selvidge said she did not know and this took him by surprise. Officer Selvidge said he had never seen this in his career. I asked Officer Selvidge if he tried to correct Officer Rose's behavior or actions while he and Officer Rose were in the residence. Officer Selvidge advised me that he did not feel like he had enough of the information from the RP, the homeowner or Rossi. Officer Selvidge said he was afraid that if he attempted to correct Officer Rose that he could hinder the investigation.

I asked Officer Selvidge if he felt that Officer Rose violated Rossi's constitutional rights. Officer Selvidge said if he had all the information from my investigation and Rose didn't have an exigent circumstance to enter, then Officer Rose did violate her rights.

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I asked Officer Selvidge if he and Officer Rose spoke about the investigation after they exited the residence. Officer Selvidge said they did, but he couldn't remember what they talked about. Officer Selvidge said he only wanted to leave so he could contact Sergeant Lockwood and tell him about what happened. I asked Officer Selvidge if he indeed contacted Sergeant Lockwood after leaving the call. Officer Selvidge said he sent Lockwood a message asking him to meet with him. Officer Selvidge met with Lockwood and told him about the call and that he didn't feel comfortable with Officer Rose's actions. Officer Selvidge described the interaction and asked Lockwood for direction. (This is supported by Sergeant Lockwood's written memo) Officer Selvidge told Lockwood that Rossi was very antagonistic, and would not allow Officer Rose to speak. He said Rossi was able to "Push Rose's buttons."

Officer Selvidge didn't add additional information to the interview.

Summary:

Officer Rose responded to separated Domestic Disturbance. During his contact with the reporting party he failed to obtain a copy of the RP's video. After responding to Rossi's residence, Officer Rose entered the residence illegally. While inside the residence, Officer Rose arrested and un-arrested Rossi. After leaving the residence, Officer Rose drafted his police report. In his police report, Officer Rose failed to document his probable cause, exigency for entry, use of force, and Rossi's arrest.

During Officer Rose's interview he advised he intentionally omitted Rossi's arrest and un-arrest from his police report. Officer Rose said, "If I would have written that in there, I would've had to arrest her." During his interview, Officer Rose was unable to articulate his understanding of why his entry into Rossi's residence was illegal. Officer Rose failed to document the force he used on Rossi during Rossi's seizure. This investigation concluded that Officer Rose was delinquent in his duties to report the factual information into his police report and entered a residence without consent or a search warrant for a misdemeanor violation.

Officer Selvidge articulated that when Officer Rose entered the residence, he entered behind Officer Rose under good faith. Officer Selvidge said he was not present for the interviews at the RP's residence and didn't feel he had enough information to stop Officer Rose from entering the home and arresting Rossi. Officer Selvidge contacted his supervisor immediately after clearing the call, and told him he had issues with the way Officer Rose handled the call. This is supported by Sergeant Lockwood's written memo.

Progressive Discipline: (If the sanction for this investigation will result in progressive discipline as prescribed in the discipline chart please summarize discipline history)

N/A

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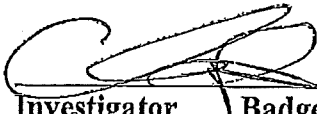
Aggravating or Mitigating Circumstances: (If the discipline for this investigation is to be aggravated or mitigated explain why)

N/A

Findings:

Prior to this investigation being presented to Officer Rose's chain of command, Officer Rose retired on May 29, 2015.

Attachments:

	502	6/3/15
Investigator	Badge#	Date