



## City of Phoenix

To: Joseph G. Yahner  
Acting Police Chief

Date: December 5, 2011

From: Blake A. McClelland, Assistant Chief  
North Patrol Division

*DK abc*

Subject: INTERNAL INVESTIGATION - PSB11-0086

**Internal Investigators:**

Commander Dave Harvey  
Lieutenant John Collins (Investigative Review)  
Sergeant Mark Doty (Primary Investigator)  
Sergeant Crista McCarthy (Interviews)

**Allegation #1:**

On September 5, 2011, Officer Jared Adair #9324 knowingly submitted a criminal investigation report (2011 01532658) with false information.

**Findings:**

Sustained

**Allegation #2:**

On September 5, 2011, Officer Jared Adair #9324 witnessed an incident of excessive force used by another officer and failed to appropriately report the use of force to a supervisor.

**Findings:**

Sustained

**Allegation #3:**

On September 5, 2011, Officer Jason Brooks #9418 displayed unprofessional conduct where elements of a felony are met after using excessive force on a handcuffed prisoner.

**Findings:**

Sustained

**Allegation #4:**

On September 5, 2011, Officer Jason Brooks #9418 failed to appropriately report his excessive use of force to a supervisor.

**Findings:**

Sustained

**Allegation #5:**

On September 5, 2011, Officer Anthony Deida #9242 witnessed an incident of excessive force used by another

officer and failed to appropriately report the use of force to a supervisor.

**Findings:** Unfounded

**Allegation #6:** On September 5, 2011, Officer Anthony Deida #9242 used unreasonable force on a handcuffed prisoner.

**Findings:** Unfounded

**Employee/s Involved:** Officer Jared Adair #9329  
Division: Patrol Operations North  
Precinct: Desert Horizon  
Squad: 62K  
Schedule: 2030 – 0630 / Wed, Thu, Fri  
Date of Hire: 04/21/08

**Employee/s Involved:** Officer Jason Brooks #9418  
Division: Patrol Operations North  
Precinct: Desert Horizon  
Squad: 62K  
Schedule: 2030 – 0630 / Wed, Thu, Fri  
Date of Hire: 06/30/08  
Resigned: In lieu of being interviewed.

**Employee/s Involved:** Officer Anthony Deida #9242  
Division: Patrol Operations North  
Precinct: Desert Horizon  
Squad: 62K  
Schedule: 2030 – 0630 / Wed, Thu, Fri  
Date of Hire: 03/10/08

**Complainant:** Department Initiated

**Witness Employees:** See Witness Employee Section

**Civilian Witnesses:** See Civilian Witness Section

**Diagrams:** N/A

**Photographs:** See Photograph Section

**Attachments:** See Attachment Section

Departmental Reports:

2011 01532658 Aggravated Assault on a P.O.

SUMMARY OF INVESTIGATION:

On September 5, 2011, Officers Adair, Brooks and Deida all responded to a call for service at 2800 East Kathleen Road, concerning a security guard who had a suspicious subject in custody. During the investigation, the subject, Mr. Ervin Nez, in handcuffs and seated on the ground, kicked Officer Brooks in the leg. Officer Brooks responded to this action by striking Mr. Nez numerous times with a closed fist to his chest and back areas. Officer Adair remained back with the security guard while Officer Deida stepped in and attempted to stop the excessive force. While changing out the handcuffs that belonged to the security guard Officer Brooks commented to leave the handcuffs off and allow Mr. Nez to stand up. The comment was not heard by Officer Deida who was caught off guard when Mr. Nez began to stand up while the handcuffs were being transitioned from the security guards. Mr. Nez made it to one knee before Officer Brooks utilized his Oleoresin Capsicum (OC) to spray Mr. Nez in the face, striking Officer Deida also in the process. Mr. Nez was placed into handcuffs, placed in a patrol vehicle and transported to jail. The incident was documented in a departmental report by Officer Adair, who did not document any of the excessive force. Officer Deida advised he would notify a supervisor about the force used; having Officer Adair advise that he would, as he would be doing the report. No use of force was advised to any supervisor by Officer Adair or Officer Brooks. The opportunity to report was available during a phone conversation between Officer Adair and his supervisor as well as in person during a conversation of facts between Sergeant Cain, Officer Adair and Officer Brooks.

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