



City of Phoenix

To: Jack F. Harris
Police Chief

Date: July 14, 2006

From: M. L. (Andy) Anderson, Assistant Chief
Professional Standards Division



Subject: INTERNAL INVESTIGATION PSB 05-07

Internal Investigators:

Commander Steven Campbell (Investigative Review)
Lieutenant Linda Johnson (Investigative Review)
Sergeant Jodi L. Bell (Primary Investigator)
Sergeant Ben Henry (Interviews)
Sergeant Dennis Nebrich (Interviews)
Detective Patricia Reardon (Interviews)

Employees Involved:

1. Officer Lars N. Peterson #5228
Division: Patrol Support
Precinct: Traffic Bureau South
Squad: T35
Hours: 1900-0300
N-Days: Sun/Mon
Supervisor: Sergeant Philip L. Haller #4612
2. Officer Ryan E. Barendt #7274
Division: Patrol
Precinct: Squaw Peak
Squad: 71J
Hours: 1930-0530
N-Days: S/M/T
Supervisor: Sergeant Brett D. Ivankovich #6862
3. Sergeant Christopher J. Moore #5545
Division: Patrol
Precinct: Squaw Peak
Squad: 73F
Hours: 1430-0030
N-Days: S/M/T
Supervisor: Lieutenant D. Harvey #5272

Location Occurred:



Date/Time Occurred:

May 27, 2004, after 9:46 p.m.

Allegation #1:

Officer Lars N. Peterson #5228

Officer Ryan E. Barendt #7274

On Thursday, May 27, 2004, at approximately 9:50 p.m., while conducting a DUI investigation at 3500 E. Pinchot, Officers Peterson and Barendt caused injury to the front seat passenger, Michael Henry Haynes, by violently pulling him from the violator's vehicle, dragging him, and hitting him with a club causing abrasions, bruises, and a double fracture of his left ankle.

Findings:

Unfounded

Allegation #2:

Officer Lars N. Peterson #5228

Officer Ryan E. Barendt #7274

On Thursday, May 27, 2004, Officers Peterson and Barendt failed to take appropriate action and to provide emergency medical assistance when they left an injured and extremely intoxicated Michael Henry Haynes, unattended in the parking lot of his apartment complex without rendering aid or requesting Fire personnel respond to treat him.

Findings:

Sustained

Allegation #3:

Officer Lars N. Peterson #5228

Officer Ryan E. Barendt #7274

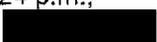
On Thursday, April 14, 2005, Officers Peterson and Barendt were interviewed at PSB concerning this investigation. At that time, they were each given a direct order not to discuss the investigation, including their interview with any unauthorized persons. The officers failed to obey the admonition.

Findings:

Sustained

Allegation #4:

Sergeant Christopher J. Moore #5545

On Thursday, May 27, 2004, at 11:24 p.m., Sergeant Moore was dispatched to 

██████████ by Phoenix Fire in reference to a seriously injured subject claiming that Phoenix Police Officers were responsible for his injuries. Sergeant Moore then learned that Officers Peterson and Barendt failed to take appropriate action and to provide emergency medical assistance when they left the injured and extremely intoxicated Michael Henry Haynes, unattended in the parking lot of his apartment complex without rendering aid or requesting Fire personnel respond to treat him. Sergeant Moore failed to investigate the alleged or suspected misconduct that was brought to his attention surrounding this incident.

Findings:

Sustained

Allegation #5:

Sergeant Christopher J. Moore #5545

On Wednesday, April 13, 2005, Sergeant Moore was interviewed as a witness at PSB concerning this investigation. At that time, he was given an admonition not to speak to any of the involved parties, to include Officers Peterson and Barendt. Sergeant Moore failed to obey the admonishment.

Findings:

Unresolved

Allegation #6:

Officer Ryan E. Barendt #7274

On November 10, 2004, while testifying in a DUI jury trial at Phoenix City Court Division 605 involving defendant Raymond K. Johnson, Officer Barendt answered in the affirmative when the Prosecutor asked if he had ultimately gotten a confirmation by his sergeant to go ahead and leave an intoxicated and injured Michael Henry Haynes sitting in the parking lot of his apartment complex at ██████████ unattended and without medical attention. It is alleged that Officer Barendt's response was untruthful.

On April 14, 2005, during his PSB interview involving the Michael Haynes incident, Officer Barendt was untruthful regarding his conversation with Sergeant Moore on the night before his interview.

Findings:

Sustained

Allegation #7:

Officer Lars N. Peterson #5228

On November 22, 2004, while testifying in a DUI jury trial at Phoenix City Court Division 605 involving defendant Raymond K. Johnson, Officer Peterson knowingly made untruthful statements when he denied having any communication with his supervisor or any of the involved officers concerning the investigation of the injured Michael Haynes and when he denied any knowledge of the injuries Michael Haynes suffered the night of the DUI arrest until that day in court.

Sustained

Findings:

Allegation #8:

Officer Lars N. Peterson #5228

On Wednesday, April 13, 2005 at approximately 9:23 p.m., Officer Peterson was contacted by radio and instructed to call a supervisor. He was provided with a call sign, supervisor's name, and telephone number. He chose to disregard the directive. On Thursday, April 14, 2005, while being interviewed at PSB, when questioned about his failure to make the call as directed, he claimed he was not provided with information as to who he was supposed to call. His actions and untruthful responses when asked about the matter are in violation of policy.

Sustained

Findings:

Complainant:

Mr. Michael Henry Haynes
[REDACTED]
(6 [REDACTED])

Witnesses:

See Witness section

Departmental Reports:

Alcohol Influence Report – Defendant Raymond Johnson, Injured Person departmental report #2004-41021242

Attachments:

See Attachment section

Photographs:

See Attachment section

Summary of Investigation:

On May 27, 2004, at approximately 9:40 p.m., Officer Lars Peterson and Officer Ryan Barendt were riding a two-man patrol unit in the area of 32nd Street and Pinchot Avenue. While driving through the parking lot of the Udder Ox bar, they were flagged down by a concerned citizen who pointed out an injured subject being forced into a vehicle by several males. The officers followed the car as it pulled away and stopped it at 3500 E. Pinchot, to check the welfare of the passenger (Michael Henry Haynes).

Passenger Haynes was intoxicated, stuporous and had a small cut, wet with blood, on the back of his head. The driver was also intoxicated and ultimately arrested for DUI. Prior to securing the driver's vehicle, Officers Peterson and Barendt removed Mr. Haynes from the vehicle. Because Mr. Haynes was not able to walk on his own, the officers provided assistance. They walked him from the curb through the apartment parking lot and sat him up against a wrought iron gate adjacent to the apartment building. Officers Peterson and Barendt did not request the Fire Department to examine Mr. Haynes. They left him in the apartment parking lot and left the area to process the driver for DUI.

Within 40 minutes of Officers Peterson and Barendt leaving the passenger (Michael Haynes), residents of the complex found him lying in the parking lot with a head injury and abrasions on his back and legs. They requested medical help for him. Phoenix Fire Department responded and discovered that in addition to abrasions on his hands, knees, and head, Mr. Haynes had a broken left ankle. Mr. Haynes told Fire personnel that police had thrown or pushed him out of a moving vehicle. Fire requested police and a police supervisor to respond. Mr. Haynes was transported to County Hospital for treatment.

Sergeant Chris Moore and Officer Blake Carlson were dispatched on the check welfare call. Officer Carlson arrived some time before his supervisor and learned that it had been suggested Phoenix police officers had caused the injuries to Mr. Haynes. Officer Carlson informed Sergeant Moore of the situation, then conducted follow-up to County Hospital.

Mr. Haynes was admitted to the hospital for five days with a double fracture (tibia and fibula) of his leg. Medical records described the fracture as a "closed left distal tibia fracture that was very comminuted"¹ (broken into several parts, pulverized). There were multiple abrasions in the area of the fracture although it was not an open wound. His blood alcohol level measured .277 more than

three hours after his contact with Officers Peterson and Barendt.² Officer Carlson reported that Mr. Haynes told him that he was hit by someone and fell in the parking lot.

Sergeant Moore met with Officers Peterson and Barendt on the street, then sent them to conduct follow-up at the Udder Ox bar, where Mr. Haynes had been drinking prior to police contact. Officer Carlson returned to [REDACTED] met with Sergeant Moore and together they spoke with the residents/friends who had contact with Mr. Haynes earlier. Officer Carlson completed an injured person report.³ The report did not contain any information about Officer Peterson and Officer Barendt having contact with Mr. Haynes prior to his being found in his injured condition. It did not list any of the residents as witnesses or their involvement, nor did it contain any mention of Haynes' allegation of mistreatment by police to Fire personnel.

In November 2004, Officers Peterson and Barendt attended the trial on the DUI arrest they made that night involving driver Raymond Johnson. Mr. Johnson's defense attorney appeared to focus on the police contact of Mr. Haynes and the injuries he suffered that night, instead of the facts of the DUI. The defense attorney questioned the credibility of Officer Barendt and Officer Peterson. The case prosecutor asked questions of both Officer Peterson and Barendt about the Haynes matter with the intent of portraying them in a better light. Officer Peterson and Officer Barendt each gave responses to these questions. They later recanted certain portions of their testimony in this administrative investigation, which resulted in untruthful statements given under oath. It is not known how their answers affected the outcome of the trial.

On November 22, 2004, a Notice of Claim was filed against the City on behalf of Michael Haynes in the amount of \$5,000,000.⁴ The claim alleged that Officers Peterson and Barendt pulled Mr. Haynes out of a vehicle, dragged him, and hit him with a club. After causing road rash, bruises, and a broken leg to Mr. Haynes, the officers did not render aid or call for medical assistance, but left him lying on the ground in the parking lot.

City Risk Management forwarded the claimant's information to Professional Standards Bureau. As a result, an internal investigation was initiated in January 2005. All involved parties were interviewed Fire Department personnel, any citizens that had contact or knowledge of Mr. Haynes' condition the night of May 27, 2004, the prosecutor who tried the Johnson DUI case, and the involved officers and supervisor. Court transcripts from the Johnson DUI trial were reviewed in an effort to determine how Mr. Haynes received his injuries that night.

The investigation determined that Officers Peterson and Barendt did not assault Mr. Haynes as was alleged in the Notice of Claim. However, investigators were unable to establish exactly how or when Mr. Haynes was injured. His injuries were not consistent with the methods suggested, reported, or stated. In addition, it is unclear as to whether Mr. Haynes was injured prior to police contact or after officers left him. When Officer Peterson and Officer Barendt contacted Michael Haynes, he had a fresh injury to his head that was bleeding, was semi-conscious and was extremely intoxicated. It is not disputed that the officers left Mr. Haynes in this condition, unattended in the parking lot of his apartment complex and did not call for medical assistance for him. Approximately 30 to 40 minutes later, residents of the complex found Mr. Haynes lying in the parking lot and after being unable to get him to his feet, summoned medical help. Fire responded to treat Mr. Haynes and found he had multiple abrasions and a broken left ankle. Statements were made to Fire personnel by Mr. Haynes and by residents that police were responsible for his injuries. Sergeant Moore became aware of the information and circumstances surrounding this incident, but failed to fully investigate and/or document the alleged or recognized misconduct.

When PSB investigators were attempting to schedule interviews for this investigation, Officer Peterson disregarded a message to call a police supervisor. When asked about ignoring the instruction to call, Officer Peterson was not truthful in his responses. He claimed the dispatcher did not know who it was that he was supposed to call, yet she had provided him with a police call sign and a supervisor's name.

When interviewed by PSB investigators, Officer Peterson, Officer Barendt, and Sergeant Moore each were given an admonition not to discuss the investigation with any of the involved parties. After Sergeant Moore's initial witness interview, he acknowledged information to Officer Barendt about the investigation which enabled Officer Barendt to deduce what his pending PSB interview related to. This allowed him the opportunity to meet with and discuss the incident with Officer Peterson prior to their PSB interviews. Following their respective interviews, Officers Peterson and Barendt met and discussed the investigation.

