

ADMINISTRATIVE COMPLAINT CONTROL FORM

Supervisor initiated (NO CONTROL / NEEDED) Citizen complaint of police conduct (CONTROL / REQUIRED)

Attachments: Yes No SEP 28 2005 Control Number SIQS-0019

Complainant: PROFESSIONAL STANDARDS BUREAU

Address: _____ Ph: _____ Arizona _____ STATE _____ ZIP CODE _____ TELEPHONE NUMBER _____

Employer: _____ COMPANY AND ADDRESS _____ TELEPHONE NUMBER _____ WORK HOURS _____

R & I Checked: No Record See narrative I. A. Checked: No history See narrative

Employee Involved: David Dehority 5728 Traffic Bureau/T-22
NAME SERIAL NUMBER DUTY ASSIGNMENT

Employee Involved: _____
NAME SERIAL NUMBER DUTY ASSIGNMENT

Employee Involved: _____
NAME SERIAL NUMBER DUTY ASSIGNMENT

Witness: _____
LAST NAME M.I. ORIGIN SEX DOB SS NUMBER

Address: ATTACHMENT _____
AUDIO TAPES _____ STATE _____ ZIP CODE _____ TELEPHONE NUMBER _____

Employer: VIDEO TAPES _____
COMPANY AND ADDRESS TELEPHONE NUMBER WORK HOURS

Witness: PHOTOS _____
LAST NAME M.I. ORIGIN SEX DOB SS NUMBER

Address: MEDICAL RECORDS _____
NUMBER AND STREET STATE ZIP CODE TELEPHONE NUMBER

Employer: _____
COMPANY AND ADDRESS TELEPHONE NUMBER WORK HOURS

Complaint received: In person Telephone Letter Fax

Received by: _____
SUPERVISOR ONLY TEL# ONE NUMBER DATE TIME ROUTED TO

Verification letter sent to complainant: Yes No If not, why? Supervisor initiated investigation.

Investigating Supervisor: Sgt. Steve Fullerton Duty Assignment: Traffic Bureau/T-22

Findings of Complaint: Allegation #1:Sust Allegation #2:Sust Allegation #3:Sust Allegation #4:Sust Allegation #5:Sust

Complainant contacted at conclusion of investigation: Yes No Notice of Findings served: Yes N/A

If not, why? _____

Location of occurrence: 6180 West Encanto Boulevard Date: July 6, 2004 Time: 1800

Complaint/Accident summary: On July 6, 2004, approximately 1800 hours, Detective Dehority obtained a marked patrol vehicle from Maryvale Precinct without authorization and used it for an off-duty job at 5802 West Thomas Road. On July 8, 2004, during initial questioning, Detective Dehority concealed facts through omission and deception. Additionally, during the July 14, 2004 and August 7, 2004 post NOI interviews, Detective Dehority was untruthful.

Investigator (1): _____
Investigator's Bureau/Prct. Commander (1): _____

PHOENIX POLICE DEPARTMENT INVESTIGATOR'S SIGNATURE: [Signature]
INVESTIGATOR'S BUREAU/PRCT. COMMANDER: [Signature]
80-580A REV. 1/99

Professional Standards Bureau

Discovery Review: Y X N

Dishonesty, integrity, bias, moral turpitude

Reviewed by: HALSTEAD (508)

Date: 12-20-05

Supervisor Initiated
Detective David Dehority #5729
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INVOLVED EMPLOYEE:

Detective Dave Dehority #5729
T-22, 0900-1700, Saturday/Sunday
620 West Washington Avenue
Police Headquarters,

DATE/TIME:

July 6, 2004, 1800 hours

WITNESSES:

Police Assistant (P.A.) Tony Alvarado #A4407
1400-2200, Thursday/Friday

Administrative Assistant (I) Dawn Allen #A3377
0600-1600, Saturday/Sunday/Monday

Police Assistant (P.A.) Cristina Rudder #A4313
0900-1700, Saturday/Sunday

ALLEGATION #1:

Detective Dehority failed to obtain authorization for use of a city vehicle to work an off-duty job on July 6, 2004. This is a violation of Operations Order 3.11.8.J(3)

FINDING: SUSTAINED

ALLEGATION #2:

Detective Dehority submitted an untruthful verbal report to his supervisor during fact finding questioning on July 8, 2004, prior to service of Notice of Investigation. This is a violation of Operations Order 3.13.6.A.

FINDING: SUSTAINED

ALLEGATION #3:

Detective Dehority submitted an untruthful written report to his supervisor during an administrative investigation in his memorandum dated July 14, 2004, after service of Notice of Investigation. This is a violation of Operations Order 3.13.6.A.

FINDING: SUSTAINED

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ALLEGATION #4:

Detective Dehority submitted an untruthful verbal report to his supervisor during an administrative investigation on July 14, 2004, after service of Notice of Investigation. This is a violation of Operations Order 3.13.6.A.

FINDING: SUSTAINED

ALLEGATION #5:

Detective Dehority submitted an untruthful verbal report to his supervisor during an administrative investigation on August 7, 2004, after service of Notice of Investigation. This is a violation of Operations Order 3.13.6.A.

FINDING: SUSTAINED

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ATTACHMENTS:

1. Investigative Review Control Form
2. Three Notices of Investigations to Detective Dehority
3. Detective Dehority's memorandum dated July 13, 2004
4. Detective Dehority's memorandum dated July 14, 2004
5. Four cassette recordings of interviews
6. Transcript of July 14, 2004, interview with Detective Dehority (pages listed as numbers 1-15)
7. Transcript of August 7, 2004, interview with Detective Dehority (pages listed as numbers 16-33)
8. July 2004 Vehicle Sign Out Card for the Maryvale Precinct, equipment #111632
9. Off-Duty Vehicle Sign Out Log of the Maryvale Precinct.
10. Notice of Findings

SUMMARY OF INVESTIGATION:

On Tuesday, July 6, 2004, at approximately 1700 hours, Detective David Dehority and I completed the initial investigation of a serious injury collision in the area of 3600 West Bethany Home Road. At that time, Detective Dehority left the scene and concluded his scheduled workday.

Approximately 15 minutes later, I contacted Detective Dehority by phone in an attempt to call him back to the scene to assist me. I explained to Detective Dehority information had developed, which necessitated additional investigation at the original collision scene. After explaining the situation, I asked Detective Dehority for his location. Detective Dehority did not respond to the question asked, but instead stated only, if I wanted him to, he would return. I asked a second time and received the same response. I asked for his location a third time, again Detective Dehority neglected to answer the same question that was asked twice previously. It was obvious to me that Detective Dehority was purposely avoiding direct answers to my questions. During his third response, I stopped Detective Dehority mid-sentence and demanded he respond with his exact location. His reply, "Maryvale." Due to my proximity to the scene and Detective Dehority's distance, I informed Detective Dehority I would conduct the follow-up investigation myself and re-contact him if I needed his assistance.

When my follow-up investigation concluded at the scene, approximately 1745 hours, I considered Detective Dehority's failure to directly respond to my questions pertaining to his whereabouts. I recalled Detective Dehority worked a great deal of off-duty in the Maryvale area. Therefore, just prior to 1800 hours, I phoned the Maryvale Precinct and spoke to Police Aid Tony Alvarado. I asked Mr. Alvarado if Detective Dehority was

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signed in the Off-Duty Work Log to work off-duty that night. Mr. Alvarado stated, at that time, Detective Dehority had not signed in the log to work off-duty.

On July 8, 2004, I rechecked the Maryvale Precinct Off-Duty Log and discovered Detective Dehority had in fact signed into the Off-Duty Work Log to work off-duty on July 6, 2004, from 1800 to 2400 hours, at the Phoenix Ranch Market located at 5802 West Thomas Road. Evidently, Detective Dehority had been entered into the off-duty work-log sometime after my phone conversation with Mr. Alvarado.

During the afternoon of July 8, 2004, I met with Detective Dehority in my office and explained I was going to ask him a fact finding question. I asked Detective Dehority if on July 6, 2004, he utilized his city vehicle to work an off-duty job; his response was simply, "No." Only through more comprehensive questioning did Detective Dehority divulge that he took a marked patrol car to his off-duty job, after parking his assigned city vehicle at the Maryvale Precinct. He disclosed no further information regarding this situation. Detective Dehority left me with the impression that the patrol car was authorized for the off-duty job, therefore I asked no more questions.

Following our conversation on July 8, 2004, Detective Dehority turned in a transfer request for the South Mountain Precinct.

On July 9, 2004, I met with Lt. Silbert to address Detective Dehority's failure to directly answer my questions and suspicions as to whether or not Detective Dehority had authorization to use the marked patrol car for the Phoenix Ranch Market off-duty job. Lt. Silbert phoned the Maryvale Precinct and discovered the off-duty job at the Phoenix Ranch Market did not have authorization to utilize a patrol car.

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At approximately 1430 hours, while inside of Lt. Silbert's office, Lt. Silbert and I met with Detective Dehority. Lt. Silbert advised Detective Dehority that the next week I would serve him with a Notice of Investigation to address Detective Dehority's alleged misuse of a city vehicle.

On July 13, 2004, I served Detective Dehority with a Notice of Investigation, at which time, I directed Detective Dehority to write a memorandum to address his unauthorized use of the marked patrol car for an off-duty job on July 6, 2004 and his use of deception when I questioned him about his use of his city vehicle on July 8, 2004. Detective Dehority's respondent memorandum failed to address the unauthorized use of the marked patrol car and neglected to address his use of deception during my initial questions to him on July 8, 2004.

On July 13, 2004, I interviewed Maryvale Police Assistant Tony Alvarado. Mr. Alvarado said that on July 6, 2004, Detective Dehority asked him for a patrol car to use at an off-duty job; Mr. Alvarado provided the requested vehicle. Mr. Alvarado said Detective Dehority asked for the vehicle shortly after he (Detective Dehority) ended a conversation with patrol officers in the building. Detective Dehority signed out patrol car #111632 on the Vehicle Sign Out Card; however, he purposely failed to properly sign out the vehicle in the Off-Duty Vehicle Sign Out Log.

On July 14, 2004, Detective Dehority was issued a second Notice of Investigation. This NOI specifically addressed Detective Dehority's deception during my questioning of him on July 8, 2004. I again compelled Detective Dehority to complete a memorandum to address the specified allegations in the NOI. Detective Dehority's respondent

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memorandum stated that on July 8, 2004, he answered fact finding questions I asked him truthfully and to the best of his knowledge and stated he did not know how he was deceptive during my fact finding questions.

On July 14, 2004, I conducted a tape-recorded interview with Detective Dehority, also present was PLEA representative Officer Brian Miller #2177. During that interview, Detective Dehority acknowledged he obtained the marked patrol car on July 6, 2004 for use at his off-duty job. Detective Dehority inferred his unauthorized use of the patrol car stemmed from his ignorance of policy related to use of a patrol car for off-duty jobs, stating the policy is "pretty vague." Detective Dehority attempted to substantiate his ignorance of policy by mentioning that when this allegation was brought to his attention, he contacted his Phoenix Law Enforcement Association (PLEA) representative.

Detective Dehority insinuated that he thought there was a difference in his use of his assigned city vehicle and a marked patrol car for his off-duty job. Detective Dehority's PLEA representative told him that there was no difference between the two vehicles, a city vehicle was a city vehicle whether marked or unmarked. Detective Dehority continued and said that he felt his use of the patrol car was okay in this situation, but during his interview on August 7, 2004, Detective Dehority acknowledged he knew his actions were a violation of policy when he committed them. Additionally, Detective Dehority stated that when he drove to the Maryvale Precinct on July 6, 2004, his intentions were to obtain a marked patrol car to take to his off-duty job, but quickly changed that story during the interview and said he initially intended to get a ride to the Ranch Market off-duty job from officers. Detective Dehority's statement that he sought a ride, illustrated Detective Dehority at least understood the policy, and knew the policy

was in place. Several other details substantiate this fact.

During the post NOI interviews of July 14, 2004 and August 7, 2004, Detective Dehority made contradictory statements about his intended use of a city vehicle for use at his off-duty job, illustrating his initial intentions were not to obtain a patrol car for his off-duty job or a ride, but instead to utilize his assigned city vehicle. His intentions related to obtaining a patrol car or a ride from patrol officers were merely a scheme developed by Detective Dehority in order to conceal his true intentions, which were to utilize his assigned city vehicle. This is most simply revealed in contradictory statements made by Detective Dehority during both the July 14, 2004 and August 7, 2004 interviews. During part of these interviews, Detective Dehority said his initial intention was to get a patrol car for use at his off-duty job, but he quickly changed his story and said his intention was to attempt to obtain a ride to the off-duty job from on-duty officers at the precinct.

Detective Dehority said the on-duty officers were busy with a prisoner; therefore, they were unable to transport him. Thus, it was not until then that Detective Dehority decided to obtain a patrol car from the desk aid. It was during this conversation with the desk aid that Detective Dehority requested the aid not to properly log the vehicle out in the Off-Duty Vehicle Sign Out Log.

Detective Dehority stated the reason he did not disclose the unauthorized use of the patrol car for his off-duty job during my questions of him on July 8, 2004 was because he was not asked. By Detective Dehority's own admission, he did not believe he was being deceptive; he simply chose not to volunteer any information when I asked him about it. Detective Dehority indicated he was not going to provide any additional information unless he was asked a specific question to illicit a specific response.

During the July 14, 2004 interview, Detective Dehority said he was not familiar with the policy concerning the use of a patrol car for a non-movie related off-duty job. He said the policy was "pretty vague." Eventually, during both the July 14, 2004 and August 7, 2004 interviews, Detective Dehority admitted that though he was not familiar with the exact policy, he knew there was a policy in place and in fact, he was aware of the requirement for off-duty employers to pay an additional fee for use of a patrol car.

Though Detective Dehority claimed ignorance of policy, he had worked as the off-duty coordinator for the Ranch Market at 5802 West Thomas Road for a number of years.

Detective Dehority acknowledged that he had never used a patrol car previously to work the Maryvale Phoenix Ranch Market off-duty job. Additionally, Detective Dehority acknowledged he had previously been the job coordinator for the Foothills Plaza Ranch Market, at 5833 South Central Avenue in South Phoenix. Detective Dehority stated this job had the approval for the utilization of a patrol car, during the time Detective Dehority had been coordinator. Detective Dehority added, that during the period of time he was coordinator, the authorization for the use of the patrol was withdrawn; whereupon Detective Dehority said he stopped using the patrol car; again demonstrating Detective Dehority's understanding of policy. Although Detective Dehority stated he did not know or understand the policy, in his words stating, it was "pretty vague", he did acknowledge during the August 7, 2004 interview, he knew this particular job, the Maryvale Phoenix Ranch Market, did not have departmental approval to use a marked patrol car.

During the investigation, Detective Dehority admitted that on the afternoon of July 6, 2004, he specifically asked Maryvale Precinct Police Aid Tony Alvarado not to enter his use of a patrol car into the Off-Duty Vehicle Sign Out Log and that Mr. Alvarado

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complied with his request. Detective Dehority said his reason for not signing the vehicle out was to avoid the off-duty employer being billed for the use of the vehicle. Although he knew it was against departmental policy, Detective Dehority rationalized the patrol car's use, in this instance, was okay.

On July 19, 2004, Detective Dehority was transferred to the South Mountain Precinct, 43K Squad, at his request.

On August 7, 2004, I issued Detective Dehority a third NOI pertaining to his untruthfulness stemming from the post NOI interview on July 14, 2004. The issuance of this NOI and proceeding interview took place at the South Mountain Precinct. Present for service were Lt. Heston Silbert #5111, Officer Joe Clure #4089 and Officer Bob Palma #3477. Immediately following service of the NOI, Lt. Silbert and I conducted a tape-recorded interview with Detective Dehority. Present during the interview was Officer Palma.

During the August 7, 2004 interview, Detective Dehority admitted during my initial questioning of him on July 8, 2004, he knew the spirit in which I had asked the questions, but he did not answer the questions to the best of his ability. Detective Dehority acknowledged he did not volunteer or disclose any information that was not specifically addressed and/or requested. Detective Dehority said he believed and hoped that after my initial questions of him on July 8, 2004, no further questions or additional investigation would be conducted.

Detective Dehority also disclosed during the August 7, 2004 interview that during his post NOI interview on July 14, 2004, he had stated he felt his use of the patrol car for his

off-duty job on July 6, 2004 was okay. However, during the August 7, 2004 interview, Detective Dehority admitted while referring to his acquisition of the patrol car on July 6, 2004, "I knew it was against policy. I took the vehicle. I didn't know it was going to be a big deal" (Transcript Pg 29).

Also, during the August 7, 2004 interview, Detective Dehority said he did not want to disclose his location to me by telephone on July 6, 2004 because he had an off-duty job (Transcript Pg. 27). Detective Dehority acknowledged his actions at the Maryvale Precinct on July 6, 2004 (to utilize a patrol car for his off-duty job or obtain a ride from on-duty officers, as well as his later story to substantiate these actions) were conducted and stated to elude any suspicions I may have developed stemming from my phone call to him (Transcript Pg. 21). Detective Dehority's concern about my knowledge of his location and having an off-duty job would relate to the improbability of Detective Dehority obtaining his personal vehicle and arriving at the Maryvale Precinct within the time frame that transpired between him leaving the collision scene and my phone conversation with him when he was at the precinct. Through facts and statements made by Detective Dehority (Transcript Pg. 28) revealed during the investigation I logically deduced that Detective Dehority's initial intentions were to utilize his assigned city vehicle for transportation to his off-duty job that night.

Another fact revealed during the investigation related to Detective Dehority's post NOI memorandum dated July 13, 2004. In this memorandum Detective Dehority states he asked Mr. Alvarado not to log out the patrol car in the Off-Duty Vehicle Sign-Out Log. Detective Dehority acknowledged that as the result of his request, the vehicle was not

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logged out properly. During the July 14, 2004 interview, Detective Dehority said the only reason he did not want the vehicle logged out properly was because he did not want the off-duty employer billed for the vehicle (Transcript Pg. 12). During the August 7, 2004 post NOI interview, Detective Dehority again articulated the sole reason he did not want the patrol car properly signed out was due to the extra expense to the off-duty employer (Transcript Pg. 22). However, much later, during this same interview, Detective Dehority recanted and said there was also a secondary reason he did not want the patrol car logged out properly on July 6, 2004, and that reason was to hide the unauthorized use of the patrol car from me, his supervisor, since his utilization of the patrol car for off-duty was clearly a violation of policy (Transcript Pg. 32).

Through the course of this investigation, it was discovered that Detective Dehority made deceptive statements, omitted critical information, and was untruthful; both in an attempt to avoid detection of his intention to use his assigned city vehicle for an off-duty job and his attempt to conceal his use of an unauthorized marked patrol unit for an off-duty job. Near the conclusion of the August 7, 2004 interview, Detective Dehority was asked why he did not tell the truth, to which he responded, "Because I was scared" (Transcript Pg. 30 & 31).