



City of Phoenix

To: Harold L. Hurtt
Police Chief

Date: January 4, 2000

From: Cecile T. Woodward, Assistant Chief
Professional Standards Bureau

Subject: INTERNAL INVESTIGATION PSB99-35

Internal Investigators:

Lieutenant Ken Johnson (Investigative Review)
Sergeant Mike Polombo (Primary Investigator)
Sergeant Dennis Nebrich (Interview)

Location Occurred:

48th Street & Wakial Loop, Phoenix

Date/Time Occurred:

November 1, 1999 at 2115 hours

Allegation:

Sergeant Kelly Frizzell #4466, who had his eight year old daughter with him, was driving his personal vehicle under the influence of prescription drugs when he collided into two parked vehicles.

Findings:

Sustained

Complainant:

Department initiated

Employee Involved:

Sergeant Kelly Frizzell
Duty Assignment: Patrol Operations South,
Maryvale Precinct
Squad: 82B
Hours: 0600-1600
N-Days: T/W/T

Attachments:

See Attachment section

Photographs:

See Photograph Section

Summary of Investigation:

On November 1, 1999 at approximately 9:15 p.m., Sergeant Kelly Frizzell, who had his eight year old daughter [REDACTED] with him, was driving his personal 1996 Toyota Celica eastbound on Wakial Loop from 48th Street, in Ahwatukee, when he collided into a legally parked 1998 Chevrolet pickup truck. Sergeant Frizzell's vehicle struck the Chevrolet truck and then collided into a legally parked Nissan pickup truck. Neither Sergeant Frizzell nor his daughter sustained injuries during the collision. The speed of Sergeant Frizzell's vehicle at the time of

impact is estimated to be 25-30 mph. There was no skid found at the scene, nor any evidence of evasive maneuvers. There were no witnesses located.

At 9:19 p.m., a citizen called 911 and reported the accident. South Mountain Precinct Officers Rosenthal #6167 and McLuhan #6838 responded to the call. Upon their arrival, Officer Rosenthal recognized Sergeant Frizzell, who was standing next to his vehicle. While discussing the incident with Sergeant Frizzell, the officers suspected that he was impaired, due to his appearance, unsteady movements, and lack of balance while walking. Neither officer smelled the odor of alcohol on Sergeant Frizzell. When asked, Sergeant Frizzell told them that he had not consumed any alcoholic beverages. The officers then called for a supervisor and a motor officer.

Traffic Bureau motor officer Terry Sills #4149 responded to the scene and spoke with Sergeant Frizzell. After a short conversation Officer Sills also suspected that Sergeant Frizzell was impaired, so he administered a battery of Standard Field Sobriety Tests. Sergeant Frizzell performed so poorly on the field sobriety tests that Officer Sills was precluded from administering one of the six standard tests, out of concern for Sergeant Frizzell's safety. Having established probable cause to believe that Sergeant Frizzell was under the influence of drugs, Officer Sills placed Sergeant Frizzell under arrest and took him into custody.

South Mountain Precinct Sergeant Burk Roberts #5053 responded to the scene, and was briefed on the results of the initial investigation.

Sergeant Frizzell was transported to the South Command Station where Traffic Bureau motor officer Tim Hallahan #3701 conducted a DRE (Drug Recognition Expert) examination. During processing, Sergeant Frizzell's blood alcohol concentration was found to be .000%. Upon the conclusion of the testing, it was the opinion of the DRE certified officers that Sergeant Frizzell was driving under the influence of drugs, specifically [REDACTED] and could not safely operate a motor vehicle.

Due to Sergeant Frizzell's [REDACTED] the arresting officers elected not to book him into jail for the felony charge of Aggravated DUI/Drugs, and released him to the custody of PSB investigators.

Sergeant Frizzell told investigators that as a result of suffering from [REDACTED]

[REDACTED] The drugs that Sergeant Frizzell currently consumes

[REDACTED] (See [REDACTED]

Attachment #1 for full descriptions, uses, and effects). A PPD Crime Lab analysis of Sergeant Frizzell's urine sample confirmed the presence [REDACTED] however the test could not quantify the amount of each drug.

This investigation has concluded that Sergeant Frizzell's actions while driving, performance during the field sobriety tests, and the evaluation of the Drug Recognition Experts, are consistent with him having driven while under the influence of prescription drugs. The conclusions made by the DRE motor officers were subsequently corroborated by the Crime Lab's urine analysis.

