



City of Phoenix

To: Joseph G. Yahner
Acting Police Chief

Date: September 1, 2011

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

Subject: INTERNAL INVESTIGATION - PSB 11-0028

Internal Investigators: Commander Dave Harvey
Lieutenant Nick DeBenedetto (Investigative Review)
Sergeant Jeff Webbe (Primary Investigator)
Sergeant Eric Pagone (Interviews)

Allegation #1: On March 16, 2011, Officer Oswald Grenier #7080 unjustly arrested Mr. Froylan Tavizon during a traffic stop.

Findings: Sustained

Employee/s Involved: Oswald Grenier #7080
Division: Patrol Operations North
Precinct: Central City
Squad: 51F
Schedule: 1400-0000 / S,S,M
Date of Hire: June 14, 1999

Complainant: Froylan Tavizon
H/M [REDACTED] / 511, 170
[REDACTED]

Witness Employees: See Witness Employee section

Attachments: See Attachment section

SUMMARY OF INVESTIGATION:

On March 16, 2011, Officer Oswald Grenier #7080 conducted a traffic stop on Mr. Froylan Tavizon for civil traffic violations at 1600 East Washington Street. Officer Grenier told investigators that during the stop, Mr. Tavizon was argumentative, used foul language and made a statement that he wasn't signing anything during their contact. While completing the citation at Mr. Tavizon's vehicle, Mr. Tavizon refused to provide his phone number.

Officer Grenier then instructed Mr. Tavizon to get out of the vehicle and arrested him for failing to sign the citation. Mr. Tavizon alleged Officer Grenier unjustly arrested him since he was never asked to sign the citation and was only arrested after he refused to give his phone number. Additionally, Mr. Tavizon denied that he ever made a statement that he wasn't signing anything.

Unbeknownst to Officer Grenier, during the traffic stop Mr. Tavizon had used his cell phone to surreptitiously record a portion of his conversation with Officer Grenier which totaled ninety seconds in duration. The recording captured Officer Grenier's attempt to complete the citation as well as the arrest of Mr. Tavizon. On the recording, when Mr. Tavizon asks about the specifics of the violations, Officer Grenier can be heard telling Mr. Tavizon that he doesn't have to explain a "damn thing" to him. The recording then captured Mr. Tavizon's refusal to provide his phone number and this immediately preceded his arrest. Officer Grenier is then heard telling Mr. Tavizon that he just asked him to sign the citation and that he refused; Mr. Tavizon is heard vehemently disputing this. Officer Grenier admitted to investigators that his statement to Mr. Tavizon was false, but he had no explanation for doing so. Officer Grenier told investigators that Mr. Tavizon's broad statement of refusing to sign anything occurred before the recording started as he was walking up to Mr. Tavizon's vehicle.

After handcuffing and searching Mr. Tavizon, Officer Grenier placed him in the rear of his patrol vehicle and requested his supervisor, Sergeant Harry Sexton #5400, to respond to his location. Sergeant Sexton arrived and upon learning that Mr. Tavizon was arrested for failing to sign a citation for civil traffic offenses, he ordered Officer Grenier to release Mr. Tavizon.

Mr. Tavizon then spoke with Sergeant Sexton about Officer Grenier's rude conduct and the reasons for the traffic stop. Mr. Tavizon told investigators that he attempted to share the recording with Sergeant Sexton, but he refused to listen to it. Sergeant Sexton did not recall Mr. Tavizon informing him of a recording. Sergeant Sexton told Mr. Tavizon that he would speak to Officer Grenier about Officer Grenier's conduct. Officer Grenier told Sergeant Sexton and later told PSB investigators that he was mistaken and that he thought failing to sign a citation was grounds for an arrest.

The allegation that Officer Grenier unjustly arrested Mr. Tavizon is sustained.