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PERSONNEL DEPARTMENT  
 CITY OF PHOENIX, ARIZONA

WHITE — PERSONNEL  
 YELLOW — DEPT.  
 PINK — EMPLOYEE  
 GOLDENROD — DEPT. CONTROL

# SEPARATION NOTICE

INSTRUCTIONS: Retain Goldenrod for Department control. Complete through #20. Send copies to Law Department (not Probationary) and then Personnel Department. Upon return, complete #23 and #24. Give Pink to employee and return White and Yellow to Personnel.

**EMPLOYEE DATA**

1. NAME (LAST, FIRST, MIDDLE) <b>HERNANDEZ, JUAN</b>		2. SOCIAL SECURITY NO. [REDACTED]	3. DATE SUBMITTED <b>MONDAY AUGUST 22, 1988</b>
4. CLASS CODE NO. <b>6221.0</b>	5. CLASS TITLE <b>Police Officer</b>	6. DATE APPOINTED TO PRESENT CLASS <b>January 13, 1986</b>	7. EFFECTIVE DATE <b>WEDNESDAY AUGUST 31, 1988</b>
8. DEPARTMENT/DIVISION <b>Police/South Mountain Precinct</b>		9. DEPARTMENT NO. <b>B2031</b>	10. INDEX NO. <b>184432</b>
11. MAILING ADDRESS [REDACTED] ZIP [REDACTED]			

**SEPARATION ACTION**

12.  SUSPENSION FROM **August 31, 1988** THRU **October 8, 1988** NUMBER OF WORK DAYS SUSPENDED **Two hundred-forty (240) working hours**

DEMOTION TO: \_\_\_\_\_ PAY RANGE \_\_\_\_\_ STEP \_\_\_\_\_

DEPARTMENT/DIVISION \_\_\_\_\_

14.  LAYOFF      15.  DISMISSAL

16. EMPLOYEE STATUS IN PRESENT CLASS  
 PERMANENT (COMPLETED PROBATION)     PROBATIONARY     PROVISIONAL

**EXPLANATION OF ACTION**

Pursuant to the provisions of Personnel Rule 19a of the Personnel Rules of the City of Phoenix, Arizona you are hereby suspended from duty, without pay for a period of 240 working hours effective August 31, 1988 through October 12, 1988

8/31-9/4 40 ✓  
 9/5-9/18 80 ✓  
 9/19-9/22 80 ✓  
 10/5-10/8 40 ✓

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**ENDORSEMENTS**

18. SUPERVISOR [Signature]	19. DIVISION HEAD [Signature]	20. DEPARTMENT HEAD [Signature]
21. LAW DEPT. [Signature]	22. PERSONNEL DEPT. [Signature]	23. CITY MANAGER (DELEGATED TO DEPT. HEAD) [Signature]
24. SERVICE OF NOTICE HOW SERVED: <input checked="" type="checkbox"/> PERSONALLY <input type="checkbox"/> CERTIFIED MAIL RETURN RECEIPT REQUESTED DATE SERVED: _____ BY WHOM: _____	25. CIVIL SERVICE BOARD [Signature]	26. APPEAL PROCEDURES The employee shall have seven days after date of service of notice upon him personally or by registered mail of the order of dismissal, suspension or demotion, to request a hearing before the Board. The request for hearing must be in writing and must state the specific allegations in the Separation Notice with which the employee disagrees. The request for hearing must be personally delivered to the Board within the seven day period, or deposited in the United States mail, registered, return receipt requested, postage prepaid addressed to the office of the Civil Service Board within the seven days. The employee shall also immediately thereafter file copies thereof with the complainant department head and the City Attorney. At the time the employee files request for hearing

HERNANDEZ, JUAN - SUSPENSION

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You have served as a uniformed police officer for the City of Phoenix since January of 1986.

Since that time your inability to properly perform your duty has resulted in your being counseled, given reprimands, poor performance ratings, and being suspended from duty without pay.

Specifically:

On June 6, 1987, you were counseled for losing citations;

On June 21, 1987, you were counseled for pursuing a vehicle contrary to departmental policy;

On August 2, 1987, you were counseled for missing court;

On September 8, 1987, you were given an interview record of unsatisfactory performance for unauthorized absences from duty;

On November 27, 1987, you neglected to secure a vehicle belonging to a citizen which resulted in your receiving a interview record of unsatisfactory performance;

In your December 1987 performance rating, you were given a "3 - Requires Improvement" rating; and it was recommended that your annual merit pay increase be denied;

On April 22, 1988, you were suspended without pay for forty (40) working hours for neglect of duty and making false reports.

Less than a month following your return to duty from this suspension you again engaged in conduct that has resulted in disciplinary action being taken against you.

On May 22, 1988, you were dispatched to a location in reference to a hit and run accident.

When you arrived the victim of the hit and run accident related to you the details of the incident. He also told you that he had followed the vehicle that had struck him and he had copied down the license plate number.

Notwithstanding the fact that you were given this information you elected not to make an accident report. Instead you ran a computer check on the license number that had been given to you and you gave the vehicle registration information you received to the victim.

The victim, using the information you gave him, then located the suspects vehicle without any assistance from you.

After locating the vehicle the victim contacted another officer, but, because you had originally been involved in this matter, this officer had the victim recontact you.

After the victim told you that he wanted you to investigate the situation, you told him, that you were getting ready to go home and that if he (the victim) wanted an officer to investigate he would have to call the Police Department and have another officer dispatched.

The victim did contact the Police Department and after going through several more officers and supervisors did finally have a police report made.

During the time that the citizen was attempting to have a report taken you were specifically asked by a police supervisor about the incident and you deceived the supervisor by telling him that the victim did not want to prosecute and did not want a report made.

All of the actions by the victim in contacting other officers and doing his own investigation was totally unnecessary and was a direct result of your failure to handle this matter properly in the first place by taking a police report and conducting an investigation.

You subjected this citizen who had just been the victim of a hit and run accident to a totally unnecessary and prolonged series of events that wasted his time and energy as well as the departments time and manpower.

You also created a very poor image of this department in the eyes of this citizen as well as the general public.

~~Following an investigation into this matter your supervisor, Sergeant D. Byers recommended that this matter be submitted to the Disciplinary Review Board.~~

This recommendation was agreed with by your Lieutenant, B. Lewis, your Captain, W. Campbell and your Major, G. Sparks.

A Disciplinary Review Board consisting of Major G. Leese, Captain I. Bakin, Captain J. Farmer, Detective G. Ball and Mr. J. Bugbee was convened.

You were invited to appear before the Board, however you declined.

The Board after careful consideration of the circumstances concluded that you had violated the following General Orders:

General Order B-2.2.C (2) Neglect of Duty, in that you failed to make an accident report as required by Operations Order F-1.4A (1).

General Order B-2.1.C (5) Relating a false, deceptive or misleading account of an incident, in that you told a supervisor that the victim did not want to prosecute or have a report made.

HERNANDEZ, JUAN - SUSPENSION

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Based upon this incident and your past disciplinary history, the Board recommended that you be terminated from your position as a Phoenix Police Officer.

However, Assistant Police Chief B. Click reviewed this recommendation and suggested that the termination be reduced to a two hundred-forty (240) working hour suspension.

This reduction was agreed to by Police Chief Ruben B. Ortega.



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# SEPARATION NOTICE

INSTRUCTIONS: Retain Goldenrod for Department control. Complete through #20. Send copies to Law Department (not Probationary) and then Personnel Department. Upon return, complete #23 and #24. Give Pink to employee and return White and Yellow to Personnel.

**EMPLOYEE DATA**

1. NAME (LAST, FIRST, MIDDLE) <b>HERNANDEZ, JUAN #4551</b>		2. SOCIAL SECURITY NO. [REDACTED]	3. DATE SUBMITTED <b>4-20-88</b>
4. CLASS CODE NO. <b>6221</b>	5. CLASS TITLE <b>Police Officer</b>	6. DATE APPOINTED TO PRESENT CLASS <b>1-13-85</b>	7. EFFECTIVE DATE <b>WEDNESDAY</b>
8. DEPARTMENT/DIVISION <b>Police/Patrol</b>		9. DEPARTMENT NO. <b>B-2031</b>	10. INDEX NO. 88 <b>184432</b>
11. MAILING ADDRESS [REDACTED] ZIP [REDACTED]			

**SEPARATION ACTION**

12.  SUSPENSION FROM **WEDNESDAY 4-27-88** THRU **SATURDAY 4-30-88** NUMBER OF WORK DAYS SUSPENDED **Forty (40) Working Hours**

DEMOTION TO: \_\_\_\_\_ PAY RANGE \_\_\_\_\_ STEP \_\_\_\_\_

14.  LAYOFF      15.  DISMISSAL

18. EMPLOYEE STATUS IN PRESENT CLASS  
 PERMANENT (COMPLETED PROBATION)     PROBATIONARY     PROVISIONAL

**EXPLANATION OF ACTION**

Pursuant to the provisions of Personnel Rule 19a of the Personnel Rules of the City of Phoenix, Arizona, you are hereby suspended from duty, without pay, for a period of forty (40) working hours effective Wednesday, April 27, 1988 through Saturday, April 30, 1988.

*40 hrs TH of 41*

RECEIVED

APR 25 1988

PAYROLL *hr*

Page 1 of 4

RECEIVED

APR 22 1988 *for*

PAYROLL

**ENDORSEMENTS**

18. SUPERVISOR <i>Sgt D. B. [Signature]</i>	19. DIVISION HEAD <i>[Signature]</i>	20. DEPARTMENT HEAD <i>[Signature]</i>
21. LAW DEPT. <i>[Signature]</i>	22. PERSONNEL DEPT. <i>[Signature]</i>	23. CITY MANAGER (DELEGATED TO DEPT. HEAD) <i>[Signature]</i>
24. SERVICE OF NOTICE HOW SERVED: <input checked="" type="checkbox"/> PERSONALLY      DATE SERVED: <b>4-23-88</b> BY WHOM: <i>Sgt D. B. [Signature]</i> <input type="checkbox"/> CERTIFIED MAIL RETURN RECEIPT REQUESTED <i>LT A. A. [Signature]</i>	25. CIVIL SERVICE BOARD	26. APPEAL PROCEDURES The employee shall have seven days after date of service of notice upon him personally or by registered mail of the order of dismissal, suspension, or demotion, to request a hearing before the Board. The request for hearing must be in writing and must state the specific allegations in the Separation Notice with which the employee disagrees. The request for hearing must be personally delivered to the Board within the seven day period, or deposited in the United States mail, registered, return receipt requested, postage prepaid addressed to the office of the Civil Service Board within the seven days.  The employee shall also immediately thereafter file copies thereof with the complainant department head and the City Attorney. At the time the employee files request for hearing,

Hernandez, Juan - Suspension

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On November 27, 1988, you were involved in an incident which resulted in a recommendation that you be suspended without pay from your position as a Phoenix Police Officer for forty (40) working hours.

The incident began at approximately 1:20 a.m. when you, as a uniformed Phoenix Police Officer, were involved in an arrest of a combative person for driving while intoxicated.

During the course of processing this person into the Maricopa County Jail, you wrote a departmental report and a booking slip charging this person with the additional crime of aggravated assault, a felony.

The filing of this charge was unnecessary and should not have been done.

You claim in your report to have seen the person charged with driving while intoxicated engage in conduct which amounted to assaulting a jail detention officer with a knife.

This assault simply did not take place.

When questions arose concerning this incident and you were interviewed about it, you physically demonstrated to your supervisor the manner in which the suspect drew the knife from his pocket and made a jabbing motion toward the jail guard. In describing this activity, you claim to have had a clear view of the incident.

You also wrote in a separate memorandum that you "observed him (the suspect) take out a knife and make an advance at (the) detention officer...."

These things simply did not happen.

Four separate independent witnesses to the incident say this did not happen.

One of these witnesses was a fellow Phoenix Police Officer.

Two of these witnesses were jail detention officers.

One of these witnesses was the person you claim was the victim of the assault.

Even though all of these people were present and available at the time you investigated this matter and wrote your report, you did not interview them.

The aggravated assault charge against this person was ultimately dismissed.

While it is difficult to understand why you wrote this report and charged this person with this crime, it is clear that you had searched this person and failed to find the knife prior to the booking process.

Your actions may have been an ill-conceived plan to cover up for your failure to find the knife that was later found by jail personnel.

DAK 4551

Your conduct in failing to properly search a prisoner is a violation of General Order B-2.1.c (2) which provides that disciplinary action can be taken for:

"Neglect of duty"

Your conduct in writing a false report and providing false information about this incident is a violation of General Order B-7.3.a (26) which provides, in part:

"Reports - Employees of the department will not make false reports...";

General Order B-2.1.c (6) which prohibits, in part:

"Relating a false, deceptive, or misleading account of an incident....," and;

General Order B-2.1.c (5) which prohibits, in part:

"Failure to honestly report all facts pertaining to an investigation....."

This incident is not the only problem that you have been involved in recently.

On June 6, 1987, you were counseled for losing citations.

On June 21, 1987, you were again counseled, this time for pursuing a vehicle contrary to departmental policy.

On August 2, 1987, you were counseled yet again for missing court.

On September 8, 1987, you were given a written reprimand for unauthorized absences from duty.

On November 27, 1987 (the same date of this infraction), you were involved in an incident where you left a car belonging to a citizen parked blocking an alley in downtown Phoenix and left two citizens stranded in the downtown area late at night unprotected.

In your December 1987 performance rating, you were given a "3 - Requires Improvement" rating. This was done primarily due to inappropriate judgement and following rules.

With this background, your supervisor, Sergeant D. Byers, recommended that the assault incident that happened on November 27, 1987, be referred to the Disciplinary Review Board.

This recommendation was agreed with by your Lieutenant, M. Yoshimura, your Captain, W. Campbell, your Major, G. Sparks, and your Assistant Chief, B. Click.

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Hernandez, Juan - Suspension

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A Disciplinary Review Board consisting of Major D. Brewster, Captain R. Griffith, Captain B. Fullam, Officer K. Robinson, and Mr. J. Bugbee was convened.

You appeared before the Board and made a presentation.

Following your presentation, the Board carefully considered the circumstances surrounding the incident and your past history.

After doing so, the Board recommended that you be suspended for forty (40) working hours.

This recommendation was accepted.

In the past year, you have been counseled, reprimanded, given poor performance ratings, and, now, suspended.

Let this suspension serve as a reminder to you that your continued employment as a Phoenix Police Officer is contingent upon your future ability to work within the framework of the department's rules and regulations.

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