



City of Phoenix

To: Jeri L. Williams
Police Chief

Date: May 11, 2017

From: Paula T. Veach, Commander 
Professional Standards Bureau

Subject: INTERNAL INVESTIGATION – PSB16-0090

Internal Investigators: Lieutenant Steve Martos #6125 (Investigative Review)
Sergeant Steve Mulligan #5698 (Primary Investigator)
Sergeant Amy Breitzman #6148 (Secondary Investigator)

Allegation #1: On October 2, 2016, at approximately 3:13 a.m., Sergeant James Groat #6179 used unreasonable force during his contact with a citizen at the location of 2424 West Greenway Road.

Findings: Sustained

Allegation #2: On October 2, 2016, following the aforementioned incident, Sergeant James Groat #6179 knowingly provided a false verbal report to a supervisor and later authored an incident supplement containing false and/or inaccurate information.

Findings: Unresolved

Allegation #3: On October 2, 2016, Officer Scott Lindsey #9725 authored an incident report containing inaccurate information.

Findings: Sustained

Employee/s Involved: Officer James Groat #6179
Traffic Bureau Headquarters, T23

Officer Scott Lindsey #9725
Black Mountain Precinct, 22K

Complainant: See Civilian Witness Section

Attachments: See Attachments Section

SUMMARY OF INVESTIGATION:

On October 2, 2016, at approximately 3:02 a.m., Sergeant James Groat #6179 was patrolling in the area of 2300 West Greenway Road when he observed a vehicle parked behind a convenience store. Upon further investigation, Sergeant Groat observed the vehicle was occupied by a single subject, later identified as Mr. Joshua Sample, who was seated in the driver's seat. Sergeant Groat contacted Mr. Sample and engaged in a lengthy conversation as additional officers arrived. Mr. Sample was described as being belligerent and uncooperative by both the responding officers and Sergeant Groat who said Mr. Sample exhibited the signs and symptoms of alcohol intoxication.

During the course of the contact, Mr. Sample exited his vehicle and continued yelling and screaming. Sergeant Groat said he leaned in towards Mr. Sample at one point and raised his voice at him, yelling at him to quiet down and cooperate. Sergeant Groat said he felt Mr. Sample's leg against his own and believed Mr. Sample was going to kick him. In response, Sergeant Groat said he shoved Mr. Sample in the chest with one hand to create distance between them. Sergeant Groat said his hand impacted Mr. Sample's chest but then slid up to a position on Mr. Sample's neck. At this point, Mr. Sample began yelling Sergeant Groat had choked him. Mr. Sample was subsequently taken into custody for consumption of alcohol as a minor.

Sergeant Groat contacted Lieutenant Brian Issitt #7475 by phone and reported he had used force on a suspect after believing the suspect was going to kick him. Lieutenant Issitt responded to the scene and received a more in-depth briefing from Sergeant Groat. Sergeant Groat told Lieutenant Issitt that after feeling Mr. Sample's leg raise up, he shoved Mr. Sample with one hand to the chest to control him and create distance. When he did this, Sergeant Groat said his hand inadvertently slid up to Mr. Sample's throat. Lieutenant Issitt said Sergeant Groat demonstrated what occurred and emphasized he immediately withdrew his hand from Mr. Sample after the inadvertent contact to his throat.

Lieutenant Issitt left, but later returned to the scene to determine if there was video of the incident prior to completing his administrative report. After learning there was video, Lieutenant Issitt watched the video and noted inconsistencies in what he observed and what Sergeant Groat told him. Specifically, Lieutenant Issitt said the video appeared to contradict Sergeant Groat's statement that his hand slid up onto Mr. Sample's neck and he then immediately withdrew his hand from Mr. Sample. To the contrary, Lieutenant Issitt said he observed

Sergeant Groat's hand appeared to move directly into the neck area of Mr. Sample and remained there for approximately 14 seconds.

Mr. Sample said Sergeant Groat grabbed him by the throat out of anger and quickly lowered his hand to Mr. Sample's chest until he was taken into custody. Mr. Sample denied he attempted to kick Sergeant Groat. None of the involved officers involved observed Mr. Sample raise his leg towards Sergeant Groat. Officer Jonathan Jackson #9247 said he observed Sergeant Groat grab Mr. Sample by the throat as he tried to get Mr. Sample to calm down and said he believed Sergeant Groat got upset for a moment prior to the incident occurring. Officer Raul Razo #9842 said he believed Sergeant Groat's hand hit Mr. Sample in the chest and then slid up to his throat.

Officer Scott Lindsey #9725 said he did not see the initial physical contact between Sergeant Groat and Mr. Sample although he did see Sergeant Groat's hand on Mr. Sample's chest. Officer Lindsey authored an incident report in which he stated he observed Mr. Sample lunge at Sergeant Groat, resulting in the use of force by Sergeant Groat against him. Officer Lindsey acknowledged the lack of a factual basis for his written statement.

Sergeant Groat was shown the video of the incident prior to his interview with investigators of the Professional Standards Bureau (PSB). Sergeant Groat acknowledged his statement to Lieutenant Issitt indicating he immediately withdrew his hand from Mr. Sample was inconsistent with what is documented in the video. He stated his explanation to Lieutenant Issitt, however, was not intentionally inaccurate and was, in fact, what he believed to be true at the time he made the statement.

Sergeant Groat acknowledged the physical contact between his hand and the throat of Mr. Sample but said it was inadvertent and a response to Mr. Sample attempting to kick him. Mr. Sample denied attempting to kick Sergeant Groat and alleged Sergeant Groat grabbed his throat without justification and out of anger. Officer Jackson observed Sergeant Groat grab Mr. Sample by the throat after appearing to become upset with Mr. Sample for his behavior. None of the responding officers observed Mr. Sample assault Sergeant Groat, including Officer Lindsey. Officer Lindsey, however, documented in his report what he surmised from Sergeant Groat's action of leaning in and yelling at Mr. Sample, assuming Mr. Sample must have moved aggressively towards Sergeant Groat.

The allegation Sergeant Groat used unreasonable force is sustained. The allegation Sergeant Groat knowingly provided a false verbal report and authored an incident report containing

● inaccurate information is unresolved. The allegation Officer Lindsey authored an incident report containing inaccurate information is sustained.

