



## City of Phoenix

To: Daniel V. Garcia  
Chief of Police

Date: July 3, 2013

From: Dave Harvey, Commander *DH*  
Professional Standards Bureau

Subject: INTERNAL INVESTIGATION - PSB13-0002

**Internal Investigators:**

Lieutenant Clint Zeiner (Investigative Review)  
Sergeant Melissa Casillas (Primary Investigator)  
Sergeant Mark Doty (Interviews)

**Allegation #1:**

On January 6, 2013, Officers Ricardo Perez #9183, Nicholas French #8283, and James Jessen #9525, demonstrated Unprofessional Conduct, elements of a felony (Aggravated Assault), by administering multiple knee and hand strikes to Mr. Cortina while he was restrained in handcuffs, being physically held by officers and contained inside a holding cell at Southern Command Station.

**Findings:**

Sustained

**Allegation #2:**

Officers Ricardo Perez #9183 and Nicholas French #8283 gave false, incomplete, misleading, or willful omissions to SID investigators and to PSB investigators, while under Notices of Investigation.

**Findings:**

Sustained

**Allegation #3:**

On January 6, 2013, Officer Nicholas French #8283 demonstrated Unprofessional Conduct, elements of a misdemeanor (Criminal Damage), by purposely stepping on Mr. Cortina's prescription eyeglasses causing damage to his property.

**Findings:**

Sustained

**Allegation #4:**

On January 6, 2013, Officer Jeffrey Stevens #9436 failed to properly secure Mr. Cortina's property when he took possession of Mr. Cortina's prescription glasses from the holding cell floor, and failed to notify a supervisor of the damaged property.

**Findings:**

Sustained

**Allegation #5:**

On January 18, 2013, Officer Jeffrey Stevens #9436 provided false, incomplete, or misleading statements to SID investigators regarding his knowledge and involvement in the disposition of Mr. Cortina's prescription eyeglasses.

**Findings:**

Unresolved

**Allegation #6:**

On March 1, 2013, Officer Nicholas French #8283 demonstrated Unprofessional Conduct by sending Officer James Jessen #9525 harassing and intimidating text messages related to an active criminal and administrative investigation.

**Findings:**

Sustained

**Employees Involved:**

Officer Ricardo Perez #9183

Division: Support Services

Precinct: Centralized Booking Detail

Squad: W40

Schedule: 5:40 p.m. – 7:00 a.m. – S/M/T/W

Date of Hire: 01/28/2008

Officer Nicholas French #8283

Division: Patrol

Precinct: Centralized Booking Detail

Squad: W40

Schedule: 5:50 p.m. – 7:00 a.m. – S/M/T/W

Date of Hire: 04/25/2005

Officer James Jessen #9525

Division: Support Services

Precinct: Centralized Booking Detail

Squad: W40

Schedule: 5:50 p.m. – 7:00 a.m. – S/M/T/W

Date of Hire: 04/05/2010

**Employees Involved:**

Officer Jeffrey Stevens #9436  
Division: Support Services  
Precinct: Centralized Booking Detail  
Squad: W10  
Schedule: 5:40 a.m. – 5:00 p.m. – Th/F/S/Su  
Date of Hire: 04/05/2010

**Witness Employees:**

See Employee Witness Section

**Complainant:**

Mr. Diodoro Cortina  
[REDACTED]  
[REDACTED]  
[REDACTED]

**Diagrams:**

See Diagrams Section

**Photographs:**

See Photographs Section

**Attachments:**

See Attachments Section

**Departmental Reports:**

Aggravated DUI/ 2013-00030531  
Aggravated Assault/ 2013-00033692

**SUMMARY OF INVESTIGATION:**

On January 6, 2013, between the hours of 3:00 a.m. and 3:30 a.m., Officers Ricardo Perez #9183, Nicholas French #8283, and James Jessen #9525 were inside holding cell five at the Southern Command Station when multiple knee and hand strikes were administered to a prisoner, Mr. Diodoro Cortina. At the time the strikes were administered, Mr. Cortina was seated inside the holding cell, restrained in handcuffs positioned to the front of his body, and being physically held by officers. The involved officers failed to provide justification for the strikes administered to Mr. Cortina and failed to report their actions and the incident to a supervisor.

Mr. Cortina, Detention Officers Andrew Mathews #A5526 and Leah Boardman #A5525, and Officer Jeffrey Stevens #9436 advised criminal and administrative investigators they observed Officer Perez administer multiple knee strikes to Mr. Cortina while he was restrained inside the holding cell. Additionally, from a position inside the cell, while in a kneeling position physically

holding onto Mr. Cortina's legs, Officer Jessen reported he observed Officer French administer three hand strikes to Mr. Cortina. Allegation #1 is Sustained.

Despite the evidence presented, Officers French and Perez have refuted all claims that they struck Mr. Cortina, a handcuffed prisoner, while inside the holding cell. Furthermore, contrary to four witnesses' statements reporting Officer French was directly involved in the incident and positioned inside the holding cell, Officer French reported he never entered the holding cell and did not have any physical contact with Mr. Cortina. The investigation has determined Officers French and Perez have provided false, incomplete, or misleading statements to criminal and to administrative investigators, while under Notices of Investigation, regarding their actions and involvement in the incident. Allegation #2 is Sustained.

When Officers Jessen and Perez placed Mr. Cortina into the holding cell, Mr. Cortina was in possession of a pair of prescription glasses that fell to the floor. Detention Officers Mathews and Boardman told investigators they observed Officer French purposely step on Mr. Cortina's prescription glasses causing damage to Mr. Cortina's property. Allegation #3 is Sustained.

Mr. Cortina reported to investigators his glasses were damaged during his booking process and were missing from his property bag upon release from jail. Officer Stevens reported to PSB investigators he picked up Mr. Cortina's broken glasses from the floor, discarded the broken lens into the trash receptacle, and placed the frames into Mr. Cortina's property bag, but neglected to properly list the glasses on Mr. Cortina's inventory sheet providing documentation of the item. However, jail personnel did not amend the property sheet to show the inclusion of the glasses, as is standard procedure, and the whereabouts of the prescription eyeglasses are unknown. Allegation #4 is Sustained.

Officer Stevens indicated he did not have a recollection of securing Mr. Cortina's glasses into the property bag on the day he was interviewed by criminal investigators. However, in a subsequent interview with PSB investigators, he reported the above mentioned control and possession of the missing eyeglasses. Officer Stevens had a recollection of the incident after reviewing interview material related to the incident during the administrative review process. The investigation did not provide sufficient evidence to prove or disprove Officer Stevens provided false, incomplete, or misleading statements to criminal investigators. Allegation #5 is Unresolved.

Investigators determined Officer French sent multiple harassing and intimidating text messages to Officer Jessen on March 1, 2013, after Officer French learned that Officer Jessen had implicated him in the assault. Allegation #6 is Sustained.

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