



City of Phoenix

To: Jack F. Harris
Police Chief

Date: December 22, 2005

From: M. L. (Andy) Anderson, Assistant Chief
Professional Standards Division

Subject: INTERNAL INVESTIGATION PSB05-60

Internal Investigators:

Commander Steven Campbell (Investigative Review)
Lieutenant Linda Johnson (Investigative Review)
Sergeant Mike Polombo (Primary Investigator)
Sergeant Clint Zeiner (Interviews)

Location Occurred:

800 West Jefferson Street, Phoenix, AZ

Date/Time Occurred:

Wednesday, August 10, 2005 at 4:20 p.m.

Allegation #1:

On August 10, 2005 at approximately 4:20 p.m., Officer Diana Pineda #7423 and Officer Richard Chrisman #7371 planted evidence (drug paraphernalia) on a mentally challenged female prisoner they had taken into custody for a drug paraphernalia warrant, in an effort to play a joke on her.

Findings:

Sustained

Allegation #2:

On August 10, 2005 at approximately 4:20 p.m., Officer Mark Post #7056 and Officer Adam Applegate #6847, failed to report the misconduct of two other officers who played a joke on a mentally challenged female prisoner by planting evidence on her.

Findings:

Sustained

Employees Involved:

1. Officer Diana Pineda #7423
Date of Hire: 2-5-01
Division: Patrol Operations South
Precinct: South Mountain
Squad: 41F
Hours: 1430-0030
N-Days: S/S/M
Supervisor: Sergeant Carlson

Professional Standards Bureau

Discovery Review: Y X N
Dishonesty, integrity, bias, moral turpitude
Reviewed by: HALSTEAD/SOB
Date: 4-11-06

2. Officer Richard Chrisman #7371
Date of Hire: 11-27-00
Division: Patrol Operations South
Precinct: South Mountain
Squad: 41F
Hours: 1430-0030
N-Days: S/S/M
Supervisor: Sergeant Carlson
3. Officer Mark A. Post #7056
Date of Hire: 5-3-99
Division: Patrol Operations South
Precinct: South Mountain
Squad: 41F
Hours: 1430-0030
N-Days: S/S/M
Supervisor: Sergeant Carlson
4. Officer Adam D. Applegate #6847
Date of Hire: 2-9-98
Division: Patrol Operations South
Precinct: South Mountain
Squad: 41F
Hours: 1430-0030
N-Days: S/S/M
Supervisor: Sergeant Carlson

Summary of Investigation:

On August 17, 2005, representatives from the Maricopa County Attorney's Office (MCAO) met with Police Chief Jack Harris and investigators from the Professional Standards Bureau to discuss an incident involving the actions of four Phoenix police officers which was captured on a Maricopa County video surveillance camera. While conducting routine video surveillance utilizing a fixed camera mounted on the Maricopa County Medical Examiner's Office, County security officials observed and video recorded four Phoenix police officers in the 800 block of West Jefferson Street, contact and ultimately arrest an adult Black female. During the contact, the female suspect, who MCAO investigators identified as Ms. Misty Mosley, was handcuffed and searched. During the search, a female officer could be seen putting her left hand behind her back, and a male officer placing something in her hand. The female officer then put the object down the back of Ms. Mosley's dress, and then pulled it out and showed it to her as if to display something she

had found during her search. Ms. Mosley was visibly upset and began to lunge toward the female officer, who in turn lunged back at her. The video was unclear whether or not either Ms. Mosley or the female officer spit on one another during this portion of the incident. Ms. Mosley became upset to the point where one of the officers had to physically restrain Ms. Mosley by the back of the neck to control her actions. The video showed Ms. Mosley being seated in the back of one of the patrol cars, and after some conversation, all four officers drove away.

The Maricopa County Attorney's Office subsequently initiated a criminal investigation. On August 13, 2005, MCAO investigators identified and located Ms. Mosley. She was questioned about her arrest by Phoenix officers on August 10, 2005. During their interview with her, Ms. Mosley was asked if the officers found any contraband on her. She told them that they didn't but when they searched her they told her that they had found a "pipe and Brillo." She also said a "blonde cop" may have planted something on her. The MCAO investigators found that Ms. Mosley was very uncooperative, and appeared to have "problems understanding the simplest of questions," noting that Ms. Mosley appeared to be suffering from severe mental health issues.

Further research revealed that Ms. Mosley had only been booked on an existing warrant, and the officers did not charge her with any additional charges stemming from any evidence or contraband seized from her during her arrest. Based upon their investigation, the Maricopa County Attorney elected to conclude their investigation and forwarded the video to the Phoenix Police Department for review/disposition.

PSB investigators identified the four officers involved as Officers Diana Pineda #7423, Richard Chrisman #7371, Mark Post #7056 and Adam Applegate #6847, all Field Training Officers assigned to the 41F squad. Upon close review of the video supplied by the Maricopa County Attorney's Office, coupled with the interviews with the employees involved, investigators have concluded that Officer Chrisman initially handed the previously seized paraphernalia, a portion of

Brillo scrubbing pad commonly used to filter drugs, to Officer Pineda, who was going to conduct the physical search of Ms. Mosley. Officer Pineda agreed to play the joke on Ms. Mosley by pretending to find drug paraphernalia on her, in an apparent attempt to provoke a reaction from her. Their actions did provoke a reaction, as Ms. Mosley became extremely upset to the point where when she denied having possessed the paraphernalia and accused Officer Pineda of planting it on her, she yelled so loud that she began to spit on Officer Pineda. Ms. Mosley had to be physically restrained by Officer Chrisman, who can be seen holding her by the back of the neck as she was physically escorted to the patrol car.

While there is no evidence to conclude that the officers involved planted evidence in an attempt to charge Ms. Mosley with a crime, their actions had no legitimate law enforcement function, as the incident was clearly contrived to provide some sort of entertainment for the officers involved.

Allegation #1 is subsequently sustained.

There was no evidence to conclude that either Officer Post or Officer Applegate had any prior knowledge that Officer Pineda was going to pretend to plant drug paraphernalia on Ms. Mosley. The independent evidence provided by the video surveillance camera corroborates the assertion that they could not have seen what Officers Pineda and Chrisman did at the trunk of their patrol car, nor could they have seen the exchange when Officer Chrisman handed the paraphernalia to Officer Pineda behind her back. Only after Ms. Mosley was shown the paraphernalia did they become aware of what had happened.

While both Officer Post and Officer Applegate recognized that this attempt at humor at the expense of Ms. Mosley was unprofessional and they would not allow any of their Officers-in-Training to participate in such activity, neither felt that the incident rose to the level where a supervisor needed to be notified. Based upon the totality of the circumstances, Allegation #2 is also sustained.