

Administrative Inquiry IA No: INQ17-0125 Received: Oct 20, 2016

Case No: IA17-00326

Classification/Sub-classification: Rules and Regulations / Truthfulness

Officers involved:

Off Clark G Schwartzkopf [04869]

Officer current info:

Division: Investigations Division
Bureau: Violent Crimes Bureau
Work Unit: C13

Snapshot - Officer information at time of incident:

Network User Name: 04869
Division: Investigations Division
Bureau: Violent Crimes Bureau
Work Unit:
Squad: C30
Rank/title: Off
Age: 55 Years of employment: 29 Years with unit: 4
Off duty: Unk Off duty employed: Unk

Allegations:

Perjury - Provide misleading statement to Grand Jury
Jan 24, 2017 Unfounded

Actions taken:

Jan 21, 2017 - No Further Action Required Days/hrs suspended/assessed:

Summary:

BLUE TEAM ENTRY

On October 20, 2016, Detective Clark Schwartzkopf #4869 briefed Lieutenant Ed Decastro #7314 and I on a concerning minute entry from the Honorable Hugh Hegyi from the Superior Court of Arizona. The minute entry was from a ruling document dated October 10, 2016, and electronically filed October 17, 2016 concerning CR2014-120137-001 DT (State of Arizona v. Dean Richmond Babbitt IV). As background on this issue, Detective Schwartzkopf is the case agent on this ongoing homicide trial and was involved in a recent evidentiary hearing which led to this ruling/opinion statement.

Detective Schwartzkopf pointed out page 12 of this document written by Judge Hegyi which reads, "The Court finds that Detective Schwartzkopf's statements to the grand jury at pages 16-17 of the May 7, 2014, Reporter's Transcript of Proceedings were false and misleading. They intentionally implied that the area surrounding the business was a low crime area that had no problems with criminal elements. Detective Schwartzkopf knew or should have known that not to be the case. Nonetheless, in light of evidence implicating the Defendant recited in the preceding paragraph, the Court finds the statements to be immaterial."

Detective Schwartzkopf then referred us to pages 16-17 of the May 7, 2014, Reporter's Transcript of Proceedings cited in the aforementioned ruling by Judge Hegyi. In reading these two pages, Detective Schwartzkopf specifically responded to a question regarding whether the Police Department or he checked to see if the area had problems with gang members. Schwartzkopf

said that he did and there were none. He went on to say that the only reported problem in the area was graffiti which occurred around the business. Further, he added "that was the only reported problems of anything significant in and around the Merchandise Outlet." It should be noted that we were unable to find any statement where Detective Schwartzkopf stated that the area surrounding the business was a "low crime area" and had "no problems with criminal elements" as alleged by Judge Hegyi.

It should be noted that Detective Schwartzkopf also provided to me a full transcript of the evidentiary hearing from June of 2016. He referred me to pages 40-44 which encapsulated his testimony in regards to the matter in question regarding the crime area. I was unable to find where Detective Schwartzkopf claimed as alleged that the business was in a "low crime area" or had "no problems with criminal elements."

Based on the documents set forth along with Detective Schwartzkopf's statements, as his direct supervisor, I do not see any misconduct or any reason to believe that his statements were false or misleading as alleged.

Attached are documents showing minutes and transcripts.

Reviewed by Cmd Edward Decastro [07314] on Jan 21, 2017 at 13:38

Since this was not brought to our attention as a Brady violation by MCAO, on the advise of the Police Legal Unit, this review serves as documentation of the investigation by our Department demonstrating no false statements were made by the Det. Schwartzkopf during his interview. Furthermore, the decision made by Judge Hegyi were subjective and not factual. He has since been reassigned to civil court.

I concur with Sgt. Hillman's findings and based on the evidence from the court transcripts Det. Schwartzkopf did not make any false statements during his testimony. Further investigation is unwarranted since no misconduct was found. This case is considered closed.

When/where:

Date/time occurred: Oct 17 2016 08:00

Incident location: 111 S 3rd Avenue Phoenix AZ 85003
County: Maricopa

Linked files:

Investigation Files:

CR2014-120137-001 DT Minutes from Judge Hegyi (pdf)
CR2014-120137-001 DT Grand Jury Transcript (pdf)
June 2016 Evidentiary Hearing Transcript (pdf)

Associated Case Nos:

CR2014-120137-001 DT Superior Court Case #

Status/assignment information:

Status: Active Priority: Low

Opened: 10/25/2016 Assigned: 10/25/2016 Due: 11/19/2016

Completed: 01/21/2017

Disposition: Case Closed

Unit assigned: Violent Crimes Bureau
Handled at field/unit level: Yes
Outside/file investigator: Veach, Paula T Cmd [07041]
Investigator assign: Blue-Team
Supervisor assign: Un-assigned
Source of information: Internal

Organizational component(s):

Division: Investigations Division
Bureau: Violent Crimes Bureau
Squad: C30

BlueTeam chain routings

Oct 26, 2016 13:13: Sent from Sgt Troy A Hillman [08529] to Cmd Edward Decastro [07314]

Instructions:

Lt,
For your review.
Thanks,
Troy

Reviewed by Cmd Edward Decastro [07314] on Jan 21, 2017 at 13:38

Decision: Approved

Reviewer comment:

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Apr 20, 2017 10:39: Sent from Civ Candy Elizalde [A5521] to Cmd Sean P Connolly [05648]

Instructions:

Sent to you per Sgt. Chad Ryan

Reviewed by Cmd Sean P Connolly [05648] on May 05, 2017 at 07:51

Decision:

Reviewer comment:

Incident assignment and routing were closed out by IAPro user Civ Krista Campagna and the incident was re-assigned and re-routed to Cmd Paula T Veach [07041]

May 05, 2017 07:51: Sent from Civ Krista L Campagna [A4871] to Cmd Paula T Veach [07041]

Instructions:

Routed to you per your request.

< Open routing >

Entered via BlueTeam by: Sgt Troy A Hillman [08529] on Oct 25, 2016 at 08:11