



To: Jack F. Harris
Police Chief

Date: November 4, 2004

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

Subject: INTERNAL INVESTIGATION PSB 04-52

Internal Investigators:

Commander William C. Louis
Lieutenant Ken Johnson
(Investigative Review)

Sergeant Kathy Johnson
(Primary Investigator)

Sergeant Patrick Kotecki
(Interviews)

Allegation #1:

On October 13, 2004, at 9:00 a.m.,
Officer John Sticca #7765 gave false,
incomplete or misleading statements or
willful omissions during an
administrative investigation.

Finding:

Sustained

Allegation #2:

On October 13, 2004; Officer Sticca
gave false, incomplete or misleading
statements or willful omissions during a
criminal investigation.

Finding:

Sustained

Complainant:

Department Initiated

Employee Involved:

Officer John Sticca #7765
Duty Assignment: Patrol Operations
South
Precinct/Bureau: Maryvale Precinct
Squad: 81B
Date of Hire: 08/02

Employee Witness:

Detective Jose Cisneros #4657
Duty Assignment Homicide Unit
Bureau: Violent Crimes Bureau
Squad: C34
Hours: 0700-1700
N-Days: F/S/S

Attachments:

See Attachment Section

Departmental Report:

2004-41952819

Summary of Investigation:

On October 12, 2004, at approximately 11:27 p.m., patrol officers from the South Mountain Precinct responded to emergency traffic of a possible stabbing at the [REDACTED] Apartments at [REDACTED]. Upon the officer's arrival, they were advised two victims had been stabbed by a suspect, later identified as Matt Cunningham, who was running southbound through the apartment complex.

Officer John Sticca #7765 completed an off duty job at 11:00 p.m., at 3000 East Thomas Road and was arriving home to his apartment complex where the stabbing occurred. Officer Sticca was told that the officers were investigating a double homicide and that a suspect was running through the complex. Officers Sticca and Shawn Hanson #7697 ran southbound through the complex at the direction of several residents to locate the suspect.

Officers Sticca and Hanson observed suspect Cunningham covered in blood in the southern part of the complex jumping an apartment patio wall. The officers noticed he had an injury to his forehead and fresh blood on his body. The officers gave him several verbal commands to get on the ground, but he refused and fled on foot. The officers chased suspect Cunningham. Officer Sticca tased him and took him to the ground. Suspect Cunningham continued to ignore the officer's commands to surrender and was subsequently tased two additional times by Officer Hanson.

Officers Tony Ruelas #5544, Jesse Serrano #3185 and Albert Flores #4272 arrived on the scene to assist taking suspect Cunningham into custody. During the arrest, Officer Ruelas attempted to deliver a leg strike to suspect Cunningham's right shoulder to force him to roll over and be handcuffed. Officer Reulas' leg strike missed and struck

Cunningham in the neck and cheek area due his attempts to remove the taser wires out of his chest. Suspect Cunningham was rolled onto his stomach and handcuffed. No other means of force were used.

It was later learned that Matt Cunningham stabbed a third victim in apartment [REDACTED] and was struck in the head several times with a baseball bat by the stabbing victim's wife. Upon evaluation by the Phoenix Fire Department personnel, suspect Cunningham was listed in critical condition due to the injury to his head. Investigators of the Professional Standards Bureau arrived on the scene to investigate the officer's use of force on suspect Cunningham due to the totality of his injuries. The four arresting officers received a Notice of Investigation and had a PLEA representative present during their interview.

On October 13, 2004, Officers Hanson, Flores, Ruelas, Serrano and Sticca were interviewed by investigators from the Professional Standards Bureau at the scene to determine their level use of force used on suspect Cunningham. Officer Ruelas advised the investigators that he attempted a leg strike to suspect Cunningham's shoulder area but made contact with his neck and cheek area. Officers Hanson, Flores, Serrano and Sticca advised investigators that they did not see Officer Ruelas kick suspect Cunningham. The officers were also interviewed in a separate interview by Detective Jose Cisneros of the Homicide Unit.

Officer Sticca was interviewed at 9:00 a.m. in his apartment and provided Professional Standards Bureau investigators with an interview of his involvement in the incident. The interview was completed at 9:29 a.m. At approximately 10:30 a.m., Officer Sticca called the investigators and advised that he wanted them to return to his apartment to provide them with further information about the incident. He provided no clarifying details.

Officer Sticca advised the investigators that he did not provide factual information to investigators in his prior interview. Officer Sticca voluntarily advised the investigators of the Professional Standards Bureau that he did in fact see Officer Ruelas kick suspect Cunningham. Investigators told Officer Sticca that he would be re-interviewed the following day in the Professional Standards Bureau and did not ask him any question pertaining to his first interview.

On October 13, 2004, Professional Standards Bureau investigators learned that Officer Sticca called Detective Cisneros and asked him to return to his apartment so that he could give him additional information that he did not provide him during his interview earlier that morning. In his first interview, Detective Cisneros asked Officer Sticca if he saw an officer kick the suspect in the head. Officer Sticca told Detective Cisneros that he did not see the suspect get kicked.

Officer Sticca told Detective Cisneros during a second interview that he did in fact see an officer kick the suspect in the head. Officer Sticca told Detective Cisneros he omitted the information about the kick in the first interview because he was afraid he would be considered a "rat" by the other officers.

Based on the above information, the allegation that Officer Sticca gave false, incomplete or misleading statements or willful omissions during a criminal investigation is sustained.

On October 14, 2004, Officer Sticca was interviewed in the Professional Standards Bureau. Officer Sticca admitted he committed a willful omission of facts and subsequently lied about those facts under a Notice of Investigation. Based on the above information, the allegation that Officer Sticca gave false, incomplete or misleading statements or willful omissions during an administrative investigation is sustained.

