



City of Phoenix

Professional Standards Bureau

Discovery Review: Y N

Dishonesty, integrity, bias, moral turpitude

Reviewed by: ND4488

Date: 6/26/10

To: Jack F. Harris
Public Safety Manager

Date: August 11, 2009

From: Blake A. McClelland, Assistant Chief
Professional Standards Division

BAM

Subject: INTERNAL INVESTIGATION - PSB09-0064

Internal Investigators:

Commander George Richards
Lieutenant Ben Henry (Investigative Review)
Sergeant Mandy Faust (Primary Investigator)
Sergeant Jodi Bell (Interviews)
Sergeant Bob Griffin (Interviews)
Detective Tom Walters (Interviews)

Allegation #1:

On June 4, 2009, at 701 East Camelback Road, Officer Zilles used unreasonable force when he kicked a handcuffed prisoner.

Findings:

Sustained

Allegation #2:

On June 4, 2009, Officer Zilles provided an untruthful verbal report to Sergeant Carbajal when he denied kicking a handcuffed prisoner at 701 East Camelback Road.

Findings:

Unresolved

Allegation #3:

On June 5, 2009, Officer Zilles knowingly submitted a false statement in Departmental Report 2009-90901848, supplement #1, when he stated he did not kick a handcuffed prisoner at 701 East Camelback Road.

Findings:

Sustained

Employee/s Involved:

Officer Mike Zilles #8116
Division: Patrol Operations North
Precinct: Squaw Peak Precinct
Squad: 72J
Schedule: 2100-0700/ S, Su, M
Date of Hire: June 21, 2004

<u>Complainant:</u>	See Complainant section
<u>Witness Employees:</u>	See Witness Employee section
<u>Civilian Witnesses:</u>	See Civilian Witness section
<u>Diagrams:</u>	See Diagram section
<u>Photographs:</u>	See Photograph section
<u>Departmental Reports:</u>	2009-90901848/Suspicious Person
<u>Attachments:</u>	See Attachment section

SUMMARY OF INVESTIGATION:

On June 4, 2009, at 701 East Camelback Road, Officer Michael Buvala # 8107, stopped Mr. Ziad George for violating ARS 28-817, operating a bicycle without a light at night. Officer Buvala asked for another unit after he had a difficult time obtaining identifying information from Mr. George. Officers Abigail Frost #9283 and Michael Zilles #8116 responded as back up units.

Officer Frost arrived first and asked the seated Mr. George to stand up from this position for the purpose of a "pat down" for weapons. Officer Zilles responded second and arrived as Mr. George was standing. Officer Zilles said he immediately handcuffed Mr. George for "everyone's safety" due to Mr. George passively resisting when he turned his upper body towards Officer Frost twice.

After being handcuffed, Officer Zilles placed his right hand on Mr. George's upper right shoulder and placed his left hand onto Mr. George's left handcuffed wrist. Mr. George stated that he was pushed to the ground when he became nervous and moved because Officer Frost (a female) was touching him. Mr. George's religious beliefs prohibit that from occurring. The civilian witnesses observed Mr. George being pushed to the ground by the officers. Officer Zilles stated that he does not recall doing anything that would have caused Mr. George to fall to the ground; however, said if his actions contributed to him falling, it was unintentional.

When Mr. George fell to the ground, the left side of his face struck the pavement. His body positioning was such that his buttocks were in the air with his knees pulled up underneath him. His face was against the asphalt and his hands were still handcuffed behind his back. Officer Frost used her hands to apply pressure to Mr. George's back to prone him out on the ground.

Officer Frost was successful in this and stated that Mr. George was compliant and not physically resisting, when Officer Zilles delivered two kicks to the left leg area of Mr. George. Three civilian witnesses observed Mr. George being kicked by a police officer while lying on the ground handcuffed. Mr. George said he did not recall being kicked when interviewed.

Sergeant Armando Carbajal #6244, responded to the scene and observed Mr. George's having a minor abrasion to the left side of his temple. Sergeant Carbajal said he asked Officers Buvala, Frost and Zilles if they delivered any kicks, punches or strikes, and they all replied they had not. Mr. George was eventually seen by the Fire Department for medical treatment of the abrasion to his face and released to his home with no citations.

Officers Buvala, Frost and Zilles completed a report for a "Suspicious Person" to document their interaction with Mr. George. Officer Frost stated in her report that she observed Officer Zilles deliver two kicks to Mr. George. Officer Zilles stated in his report that he did not kick Mr. George at any time.

During his administrative interview, Officer Zilles acknowledged that he used inappropriate force when he kicked Mr. George twice on the left leg with his right foot. This allegation is sustained.

Officer Zilles acknowledged that he knowingly submitted a false statement in his departmental report when he wrote he had not kicked Mr. George at any time. This allegation is sustained.

Officer Zilles said he did not recall having an on scene conversation with Sergeant Carbajal in which he denied any uses of force on Mr. George involving kicks, punches or strikes. This allegation is unresolved.

