

Marana Police Department
Office of Internal Affairs

Administrative Investigation

Reference: OIA # 2017-IA-014

Investigator: Sergeant Chriswell Scott

Background:

On September 17, 2017, at approximately 0156 hrs, Ofc Nicholas was on duty and assigned to districts 2/3. Ofc Nicholas spent over one hour with Ofc Sylvia at her residence while she was off duty in the Gladden Farms area (District 1) for personal reasons while he was on duty. At approximately 0703 hrs, Ofc Cazares ran two license plates associated with vehicles in the area around Ofc Sylvia's residence for personal reasons, attempting to find out who Ofc Nicholas had spent time with earlier in the night. Ofc Nicholas and Ofc Cazares work together on the same shift and are on the same squad. Ofc Nicholas has had prior sexual relationships with both Ofc Sylvia and Ofc Cazares.

Investigative Details:

The following personnel were interviewed as part of this investigation:

1. Sgt Art Figueroa – witness
2. Ofc Daniel Nicholas – subject of investigation
3. [REDACTED]
4. [REDACTED]
5. Ofc Kyla Sylvia – witness

Each MPD employee was served with a copy of the MPD Employee Administrative Interview – Advice of Rights / Notice of Investigation (NOI) form. Each employee read the form and stated they understood their rights. The forms were signed by each employee and are included in this case file. All of the interviews were audio recorded and transcribed.

Pre-Interview Information:

On September 17, 2017, at approximately 0800 hrs, Ofc [REDACTED] contacted me via telephone advising of possible officer misconduct. Ofc [REDACTED] told me that Ofc Cazares texted her and told her that Ofc Nicholas had lied to her (Ofc Cazares). Ofc Cazares further detailed that Ofc Nicholas had spent time at Ofc Sylvia's residence earlier that morning while on duty. This information was gleaned from GPS on the Spillman mapping module. Ofc Cazares then told [REDACTED] she ran license plates associated with two homes in the area in an attempt to find out where Ofc Nicholas had been during his shift, and that one of the plates returned to Ofc Sylvia. Both Ofc Cazares and Ofc Nicholas were on duty during this time period.

I advised Captain Jimenez the same day of the allegation of officer misconduct via telephone. After briefing Captain Jimenez, Deputy Chief Nunez, and Chief Rozema, I was given authorization to initiate an OIA investigation reference this matter.

Summary of Interviews:

Note: See transcripts for complete details on each interview. MPD personnel will typically be referred to by first name for ease of writing and understanding.

Marana Police Department
Office of Internal Affairs

[REDACTED]

On September 20, 2017, at approximately 1252 hrs, I spoke with [REDACTED] in the OIA office. [REDACTED]

[REDACTED] that on September 17, 2017, [REDACTED] received a text message from Ofc Dionysius Cazares (DD) explaining that Daniel Nicholas had lied to DD. DD then stated that Daniel has been at Kyla Sylvia's residence earlier that morning while on duty for an hour. DD [REDACTED] a picture via text message of the Spillman mapping screen that showed Daniel's GPS plotting in the area of [REDACTED] in the Gladden Farms area. The time stamp on the Spillman mapping screen was approximately 0248 hrs. DD then stated that she got nose-y, so she ran license plates associated with the area of the residence, and one of the vehicles returned to [REDACTED] (Kyla's husband). DD then stated that she lied and told Daniel that someone had asked her to run the plates. [REDACTED] questioned if DD had run the license plates to a vehicle. DD told [REDACTED] she ran the plates because she knew that Daniel's fiancée lives in another subdivision (San Lucas) and she was curious who he saw for so long. [REDACTED] asked DD to call [REDACTED] on the telephone. ****Please see the screenshots of the text conversation [REDACTED] and DD for complete details and context.****

[REDACTED] me that [REDACTED] telephone conversation with DD revolved around [REDACTED] belief that DD had committed an Arizona Criminal Justice Information System (ACJIS) violation by running the license plates for a non-law enforcement related purpose. DD told [REDACTED] Daniel had been assigned to District 2/3 that night with her (DD). [REDACTED]

[REDACTED]

On September 20, 2017, at approximately 1436 hrs, I spoke with [REDACTED] in the OIA office. [REDACTED]

Kyla Sylvia-

On September 21, 2017, at approximately 2115 hrs, I spoke with Kyla Sylvia in the OIA office. Kyla is currently assigned to Squad 3 as a patrol officer. Her direct supervisor is LPO Brian Neuman (acting Sgt).

Kyla confirmed that she worked 1400-2400 hrs on September 16, 2017, and logged off at midnight. This is her typical swing shift schedule. Kyla categorized her relationship with DD as being strictly work related. Kyla categorized her relationship with Daniel as being work related. Kyla told me that she is staying with a friend at a residence in Gladden Farms, [REDACTED] while going through a divorce. Her patrol vehicle and personal vehicle (2012 black Ford Focus) are parked at the residence. Kyla told me that Daniel came over to that residence on duty sometime after midnight for approximately one hour. Initially, they were speaking outside in the driveway area, and then they both entered the residence and were speaking in the living room. Daniel brought his work laptop (MDC) in with him. ****It should be noted that the GPS hardware module that tracks locations in Spillman CAD is housed inside the MDC**** Kyla advised that

Marana Police Department
Office of Internal Affairs

she witnessed Daniel going “10-8” on his MDC to refresh the timer while inside the residence. Kyla estimated that she was outside the residence in the driveway with him for approximately 20 minutes, and inside the residence with him for approximately 40 minutes. While he was at the residence, Kyla mentioned seeing Ofc. Allicia Caughlin and a squad group text message thread alert on Daniel’s cell phone, but did not know what the content of the messages was. Kyla did not see any text messages from DD.

Kyla stated that they discussed how work was going, and nothing really of a personal nature. She noted that he mentioned being frustrated with work because of his difficulty getting a backup officer on calls. She mentioned that he doesn’t really want to discuss personal issues with her.

Kyla remembered a conversation [REDACTED] reference rumors of Kyla and Daniel being involved. Kyla remembered [REDACTED] told her to be careful due to possible OIA implications because Kyla was married and Nicholas was reportedly engaged. Kyla agreed that she had not heeded [REDACTED] advice on the matter. Kyla agreed that the optics of this investigation were not good.

Kyla then told me that her relationship with Daniel has not always been strictly professional and that they have been romantically involved in the past. Kyla stated that Daniel had been evasive about the status of his engagement. Daniel had told her that he was attempting to end the engagement to his fiancée and that his living situation with his fiancée was complicated. Kyla indicated that she stopped seeing Daniel romantically because she didn’t know positively what his relationship status was, and she didn’t want to be in the middle of any drama at his home. She indicated that she wanted to speak with Daniel on the night in question because she wanted honesty from him, but that nothing romantic happened that night while Daniel was on duty.

I advised Kyla that she was not to discuss this investigation with anyone per the NOI or she would be terminated.

I then requested to see her cell phone reference calls or text messages to or from Daniel on the night in question until now. Kyla agreed to this, and I walked with her to her patrol car so she could retrieve her phone. There were no text messages between Kyla and Daniel on the phone. She indicated she texted him once after he left her residence, and he never responded. She could not remember the contents of the text message. Because Daniel didn’t respond, Kyla deleted the text thread. There was a phone call to and from Daniel on September 17, 2017, at approximately 0056 hrs and 0058 hrs. She made the outgoing call at 0056 hrs, and he returned the call at 0058 hrs. Kyla indicated that she was attempting to see if he was still coming over at that point, and he had not arrived at her residence yet. He did not pick up when she called, and he called her back.

Art Figueroa –

On September 22, 2017, at approximately 1538 hrs, I spoke with Art Figueroa in the OIA office. Art is currently assigned to Squad 6 as a patrol sergeant. His direct supervisor is Lt DeStefano.

Art told me that he worked as the Squad 6 patrol supervisor on September 16, 2017, from 2100-0700 hrs. He further advised that he made district assignments in briefing, assigning Nicholas and DD to districts 2/3. Art detailed that he has set the expectation that officers are expected to remain in their assigned districts unless taking a meal break. Generally speaking, Art expects to be notified if officers are going to be out of district for an extended period of time. Art advised that he did not know that Daniel was out of district in the Gladden Farms area for an extended period of time. Art explained that he (Art) was busy with paperwork

Marana Police Department Office of Internal Affairs

that night, so he was in the office for an extended time period. Art told me it would raise alarm to him if he heard an officer get Code 20'd several times during the night, indicating that the officer was likely not working. Art advised that it was unacceptable to him for an officer to be out of district for extended periods, while at someone's residence for a non-law enforcement related purpose.

Art told me that on/around September 17, 2017, he heard DD mention in passing during a conversation with him that she had been at Daniel's residence at some point in the past. The comment struck Art as odd, primarily because Art knew that Daniel had a fiancée and that DD was going through a divorce. Art did not press the matter and did not challenge DD on why she was at Daniel's residence.

Daniel Nicholas-

On September 22, 2017, at approximately 1618 hrs, I spoke with Daniel Nicholas in the OIA office. Daniel is currently assigned to Squad 6 as a patrol officer. His direct supervisor is Sgt Figueroa.

Daniel recalled that he was assigned to district 2/3 the night of September 16, 2017. Daniel recalled that Art had given shift expectations to the squad at the beginning of the shift rotation. Specifically, Daniel recalled being instructed that it was his responsibility to respond to calls in his assigned district, stay proactive in his assigned district, and stay within the perimeters of his assigned district.

Daniel initially advised that he didn't recall if he deviated from that expectation on September 16, 2017. I then detailed to him how shortly after midnight on September 17, 2017, he logged a series of "10-8" commands from his MDC at 0156, 0211, 0233, and 0304 hrs. He was dispatched to a call at 0320 hrs. When asked what he was doing during that time period, he told me that he met up with an off duty officer, Kyla Sylvia, at her residence in the Gladden Farms area. Daniel advised that he did not have approval from his supervisor to be in district 1. Daniel told me that he took his MDC out of the vehicle and into Kyla's residence. He estimated that he got to Kyla's residence at approximately 0156 hrs and left at approximately 0304 hrs. Daniel advised that he spent time that night both inside and outside of Kyla's residence, with the majority of the time being inside her residence in the living room/kitchen area. Daniel advised that he believed that Kyla's roommate was home, but never saw anything to indicate that anyone else was at the residence other than the two of them. Daniel told me they discussed their personal lives and work. Daniel told me that Kyla was asking how his home life is. Daniel told me that he is engaged, and living with his fiancée in the San Lucas area.

When asked, Daniel told me that the nature of his relationship with Kyla was just a friendship. When asked if he had ever been romantically involved with Kyla, he told me no. When asked if he had ever been sexually involved with Kyla, he told me no. When confronted with the fact that Kyla had told me differently, he still denied the romantic/sexual nature of their relationship. When I asked him if he was telling me that his relationship with Kyla was completely and entirely just friendship and never sexual/romantic, he told me that they had been flirtatious in the past, but nothing had happened beyond that. I asked if he had ever been physical with Kyla, he told me no. Daniel told me that Kyla sent him a text message after he left her residence said something like, "Don't worry about what people say, there is nothing inappropriate about how we hang out". Daniel advised that he didn't respond to the text message.

Daniel told me that he had never been to Kyla's house prior to that night while on-duty, but had been there before off duty. Daniel told me that he has met up with Kyla before when he was on duty and she was off duty at the QT on Cortaro Rd for approximately 20-30 minutes.

Marana Police Department

Office of Internal Affairs

Daniel told me that he probably got a text message from DD the morning that he had been at Kyla's house, but did not remember what the message said. Daniel then told me that message from DD said something about someone seeing his patrol vehicle at Kyla's residence and that she knew it was his because of the Spillman mapping screen. Daniel told me that DD sent additional messages that morning, but did not know what they said. When asked, Daniel told me that he had deleted all his text messages from DD from his phone. Daniel allowed me to look at his recent text log. There was nothing from DD in his message log from the night of incident to today. There was a phone call on September 11, 2017, from DD. Daniel then told me that he obtained a new cell phone earlier in the day.

When asked, Daniel described his relationship with DD as "friends and coworkers." He told me that they were not really friends anymore due to his friendship with Kyla. Daniel described that DD thought that his relationship with Kyla was more than just friends, and that DD thought that his friendship with Kyla was not good for him because Kyla could not be trusted.

When asked, Daniel admitted to having a romantic/sexual relationship with DD in the recent past. He told me that he stopped sleeping with DD approximately 1.5-2 months ago when DD brought up his relationship with Kyla.

I then told Daniel that I wanted to give him an additional opportunity to answer my questions fully and honestly. When asked again, Daniel admitted to having a sexual/romantic relationship with Kyla that ended around the same time he stopped sleeping with DD. Daniel advised that for a brief time period, he was sleeping with both Kyla and DD. He told me he stopped sleeping with Kyla because he questioned if she was actually getting divorced.

When I questioned Daniel on why he was untruthful with me when I asked him about the nature of his relationship with Kyla initially, he told me that he lied because he was fearful of the truth and/or real answer. He acknowledged that we had spoken prior to the interview starting, and how I had admonished him to be completely truthful with my line of questioning.

Daniel advised that on the night he was at Kyla's residence on duty, there was no sexual/physical activity that occurred, other than them kissing when he was leaving her residence.

I reminded Daniel of a conversation I had with him 4-5 months ago when I was assigned to patrol. I mentioned to Daniel at that time how I was hearing rumors about him being involved with Kyla. I cautioned him then due to the fact that Kyla was married and he is engaged. I reminded him at that time what we have an obligation to live our lives in a manner that our reputation and character are unsullied, both on and off duty. He told me during that conversation that nothing was going on and it was not a big deal. He acknowledged remembering the conversation and admitted that he did not heed my counsel.

Post-Interview Information:

A review of Ofc Cazares's Spillman radio log shows that on 9/17/17 at approximately 0700 hrs, she logged off as "42" indicating that she had ended her shift. This action was taken via MDC, not dispatch personnel. Approximately two minutes later, Ofc Cazares ran two AZ license plates, [REDACTED] and [REDACTED]. This action was taken via MDC, not dispatch personnel. Spillman CAD records the GPS coordinates when a license plate is queried from an MDC. Spillman recorded the GPS coordinates of Ofc Cazares as being in front of Ofc Sylvia's residence when the plates were queried. The [REDACTED] license plate is associated with a 2012 Ford Focus registered to [REDACTED] and Kyla Sylvia. The [REDACTED] license plate is associated with a 2009 Ford truck registered to [REDACTED] residence is in [REDACTED]

Marana Police Department
Office of Internal Affairs

close proximity to Kyla's residence. It should be noted; Ofc Cazares did not initiate any law enforcement actions (traffic stop/stop-field interview) based off the running of these two license plates via Spillman or radio. There were no further MDC queries until later that evening when she returned to work at approximately 1832 hrs.

Based on the information gleaned from my interviews and querying Spillman radio logs, I met with Chief Rozema and advised that I believed a criminal probe into the alleged ACJIS violation by Ofc Cazares was warranted. Chief Rozema authorized me coordinating with CIU Sgt Pridgett on the matter. I presented my findings to Sgt Pridgett, Detective Kesterson, and Detective Jordan. Detective Kesterson coordinated with the Pima County Attorney's Office, who requested that she formally present the case to them. Detective Kesterson and Detective Jordan then interviewed Ofc Cazares reference the criminal probe under MPD #1709-1132. Under Miranda, Ofc Cazares made a statement to detectives. Please see the criminal case for details on Ofc Cazares's statement, as she was not interviewed by OIA due to her pending felony indictment.

Additionally, Detective Kesterson forwarded me two emails from Ofc Cazares's attorney reference this matter. Please see the attached emails for further information.

Prior Discipline:

Neither Ofc Cazares or Ofc Nicholas has any recorded formal discipline pertaining to the MPD Discipline Matrix over the past two years.

Marana Police Department
Office of Internal Affairs

Attachments:

Internal Affairs Report

Interview Transcripts

- Art Figueroa
- Daniel Nicholas
- [REDACTED]
- [REDACTED]
- Kyla Sylvia

Notice of Investigation / Advice of Rights Form

- Art Figueroa
- Daniel Nicholas
- [REDACTED]
- [REDACTED]
- Kyla Sylvia

Additional Documents

- Shift Summary Printout for 9/16/17
- Printout of text message thread between Ofc Cazares and Ofc [REDACTED]
- Spillman Radio Log History for Ofc Cazares, Ofc Sylvia, and Ofc Nicholas on 9/17/17 Shift
- Two Emails from Ofc Cazares Attorney
- Spillman Radio Log History for Ofc Cazares from 8/22/17-9/20/17
- Spillman Vehicle Query Hit for Ofc Cazares on 9/17/17 ([REDACTED]) with GPS coordinates
- MVD return for [REDACTED] and [REDACTED]

Entered by Sgt C. Scott #407

 10/13/17

Marana Police Department
Office of Internal Affairs

Administrative Investigation

Reference: OIA # 2017-IA-014

Investigator: Sergeant Chriswell Scott


Supplement Report:

Deputy Chief Reuben Nunez requested that I document my reasoning for not interviewing Ofc Dionysius Cazares reference this investigation.

I spoke with Ofc Daniel Nicholas, Ofc [REDACTED], Sgt Art Figueroa, and Ofc Kyla Sylvia, reference this Internal Affairs query. At the conclusion of the interviews, I presented the information that I had obtained to the Marana PD Criminal Investigations Unit (CIU) reference the criminal element regarding the potential ACJIS violations perpetrated by Ofc Cazares. Marana PD CIU subsequently initiated a criminal investigation under MPD #1709-1132. The criminal investigation led to a felony indictment against Ofc Cazares.

Ofc Cazares was questioned by MPD detectives regarding this incident on September 27, 2017. Post Miranda, she waived her rights and gave a statement to detectives. On October 6, 2017, Detective Debra Kesterson emailed me the transcript of her interview with Ofc Cazares. After reviewing the contents of the interview, I determined that there were no further clarifying questions that I needed to ask of Ofc Cazares. Detective Kesterson summarized her interview with Ofc Cazares via a supplement to the criminal case report in such a manner that I did not need to re-summarize the interview in my Internal Affairs Report. The entire criminal case report is available to the Chain of Command for review regarding the OIA investigation. NFI

Entered by Sgt C. Scott #407

 407 10/10/17

NARRATIVE (Continued)

TO: Chief of Police
VIA: Deputy Chief
VIA: Captain

NAME OF PERSON ABOUT WHOM REPORT IS WRITTEN

NAME: Officer Cazares #460, Officer Nicholas #466, Officer Sylvia

EXECUTIVE REVIEW

Captain	Chief of Police	Deputy Chief
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*CONCUR FOR
TERMINATION FOR
OFC. NICHOLAS AND
WRITTEN RECOMMEND
FOR K. SYLVIA
JG*

OIA #2017-IA-014

Background:

On September 17, 2017, a Marana officer informed Internal Affairs of a possible ACIJIS violation committed by Officer Cazares.

An internal investigation (2017-IA-014) revealed that the incident started when Officer Cazares was upset that Officer Nicholas was at a residence outside of his assigned district for over an hour during his shift. Officer Nicholas was not dispatched to that residence but his vehicle, which was equipped with GPS, showed he was there and not at his assigned area. After completing her shift, Officer Cazares responded to the location and ran registration checks on two license plates, verifying her suspicions that Officer Nicholas visited Officer Kyla Sylvia.

To separate the criminal from the administrative investigation, two separate investigations were initiated to address possible procedural violations (OIA 2017-IA-014) and the other to address potential criminal conduct (OIA 2017-IA-015 & CASE #1709-1132). Sergeant Chriswell Scott handled the administrative portion of the investigation and the criminal portion was assigned to Detectives Kesterson and Jordan.

During the course of the investigations, we received additional information that two officers were acting inappropriately while on duty dating back to July 2017. The investigation was assigned IA number 2017-IA-016 and involves Officers Sylvia, [REDACTED] and Officer Nicholas.

[REDACTED]

[REDACTED]

Both Officers Sylvia and [REDACTED] were placed on imposed leave with pay pending the outcome of the internal investigation.

NARRATIVE (Continued)

The following MPD personnel were interviewed in the administrative investigation 2017-IA-014:

Officer Nicholas

Officer Sylvia

[REDACTED]
Sergeant Art Figueroa

[REDACTED]
Officer Cazares

Findings:

A chain of command review of this internal investigation was completed. Each level of the review identified policy violations and made disciplinary recommendations ranging from termination to written reprimands. The following highlights my findings and recommendations for each employee found in violation of department and Town policies:

Officer D. Cazares #460:

Recommendations on discipline for Officer Cazares were addressed in OIA 2017-IA-015.

Officer Dan Nicholas #466:

Officer Nicholas admits during his interview that he left his district and responded outside his assigned area to visit Officer Sylvia for about an hour from 2:00 a.m. to 3:00 a.m. [Nicholas' interview - page 6, line 11-15]. By not being available in his assigned area, Officer Nicholas was derelict in his duties in violation of the following General Orders:

130.25 On Duty Conduct Standards

C. Prohibited on Duty Conduct: Employees are prohibited from engaging in any activity, action, or conduct that detracts from their obligations and responsibilities while on duty.

D. Completion of Assignments: Employees are expected to thoroughly and professionally complete any and all assignments, duties, or tasks for which they are responsible.

General Order - 130.7 General Standards of Expected Conduct Employees shall not engage in any conduct, whether on or off duty, which is unbecoming or detrimental to their duties, position, or the Department. All employees shall conduct their private and professional lives in such a manner as to avoid adverse reflection upon the Department or themselves as employees of the Department. Employees shall treat each other and all persons with whom they have contact with respect and courtesy.

Town of Marana Personnel Policies - Section 5-5-5 Grounds for Disciplinary Action

Grounds for disciplinary action, up to and including termination, include, but are not limited to, the following:

(O). Inability or unwillingness to perform the assigned job; failure to perform assigned work in an efficient or effective manner.

(R). Any action, on or off the job, bringing discredit to the Town.

In Officer Nicholas transcribed statement, page 9, line 21, Officer Nicholas was asked what the nature of his relationship was with Officer Sylvia and Nicholas replied "just a friendship." Nicholas was then asked if he was romantically or sexually involved with Sylvia and Nicholas replied "no".

In Officer Nicholas transcribed statement, page 19, lines 20-43, Officer Nicholas was asked "What was the purpose of you taking your MDC inside the house and sending a 10-8 while you're inside the house?" Officer Nicholas explains "It was mostly just so if a call came out where I was supposed to be, you know where they dispatched me so I could already be en-route."

It should be noted, there is an officer safety feature in Spillman, Marana's computer aided dispatch system, that alerts the dispatcher when an officer is out on a traffic stop or area check (code 9) over ten (10) minutes or is inactive over an hour. When a dispatcher gets the alert, they ask the officer for their "Code 20," (Status-welfare) and the officer responds with "Code 4" (Okay) and their location. If an officer does not respond or acknowledge the "code 20" then an immediate welfare check by a supervisor or another officer is required. If the officer does not respond with a "Code 4" then officers will respond to the officer's last known location.

NARRATIVE (Continued)

Officer Nicholas' statements about sending multiple "10-8" (in-service) messages while inside the house including admitting that his supervisor did not know he was in a different district, shows a deliberate and concerted effort to deceive and conceal his actual location.

Officer Nicholas statements regarding his relationship with fellow officer Kyla Sylvia were untruthful and he finally admits to his untruthfulness [See Nicholas statement page 17 lines 33-41 and page 18 lines 1-43. Officer Nicholas is in violation of:

General Order 130.19 Untruthfulness

A. No employee shall knowingly make an untrue statement about a fact, either orally or in writing, in connection with any investigation, assignment or inquiry.

C. Employees are required to report completely, honestly, and accurately all facts and information pertaining to any investigation, whether criminal or administrative, or other matter of concern to the Department.

Town of Marana Personnel Policies - Section 5-5-5 Grounds for Disciplinary Action

Grounds for disciplinary action, up to and including termination, include, but are not limited to, the following:

A. Dishonesty, including, but not limited to, intentionally giving false information, intentionally falsifying records or making false statements when applying for employment, lying to supervisors in connection with the employee's job, or an investigation, giving false information or lying about the reason for an absence from work, or falsifying time sheets or other payroll records.

RECOMMENDATION:

Pursuant to the discipline matrix, this is a sustained "E" violation: A violation of policy that involves untruthfulness or other ethical offenses, any felonious conduct, or offenses that create or pose the potential for critical adverse impact on public safety or the professional image of the department.

In accordance with General Orders and the Discipline Matrix, the recommendation is termination.

Officer Kyla Sylvia #469:

On page 5, line 27-33 of Officer Sylvia's transcribed statement, Officer Sylvia admits that Officer Nicholas came to her residence after midnight and stated "We did talk just strictly like kind of his friend like work friend and that was all that happened..... I know him as a work friend." During her interview, Officer Sylvia was asked what her relationship was with Officer Nicholas and she replied "work related" [page 2-line 34-36] and later admits that she and Officer Nicholas were involved [page 13, lines 37-43 & page 14, lines 1-8].

Officer Sylvia's contradictory statements about her relationship with Officer Nichols concerned me about the veracity of her statements; however, I did not find in this instance that her statements rose to a convincing level that she was being untruthful and in violation of General Order 130.19 Untruthfulness

Officer Sylvia admits observing Officer Nicholas "go 10-8 on his MDC... so they wouldn't call him on the radio" [page 7 lines 9-23]. Officer Sylvia did not correct Officer Nicholas nor did she report his dereliction of duty to her chain of command as required under:

General Order - 130.5 Reporting Violations of Laws, Ordinances, General Orders

or Policies Required: Employees having knowledge of other employees violating laws, ordinances, Town Personnel Policies and Procedures or Administrative Directives, Department General Orders, policies or procedures, or otherwise disobeying orders, whether on or off duty, shall report such violation in writing to the Chief of Police through their chain of command.

General Order - 130.7 General Standards of Expected Conduct Employees shall not engage in any conduct, whether on or off duty, which is unbecoming or detrimental to their duties, position, or the Department. All employees shall conduct their private and professional lives in such a manner as to avoid adverse reflection upon the Department or themselves as employees of the Department. Employees shall treat each other and all persons with whom they have contact with respect and courtesy.

RECOMMENDATION:

Pursuant to the discipline matrix, this is a **sustained "B" violation**: A violation of policy that does not involve a misuse of authority or an ethical offense and has some adverse impact on public safety or the professional image of the department.

In accordance with General Orders and the Discipline Matrix, the recommendation is a **Written Reprimand**.

Addendum:

On Monday 10/16/2017, Officer Nicholas, who is currently on imposed leave with pay, was questioned about new allegations made in interviews (2017-IA-016) and refused to answer the Internal Affairs investigator's questions.

In a NOI (Notice of Investigation) form that Officer Nicholas signed, the NOI states: "If you refuse to answer questions relating to the performance of your official duties or fitness for duty, you will be subject to disciplinary action up to and including dismissal from the Police Department"

This admonition on the NOI was explained by Sergeant Scott to Officer Nicholas and Officer Nicholas still refused to cooperate with OIA. When the internal investigation on IA 2017-IA-016 is complete it will be reviewed by the officers' chain of command for recommendations.

On Wednesday October 18, 2017, Officer Cazares and Nicholas were interviewed regarding new information that was gleaned from witness statements and text messages regarding 2017-IA-014. Both officers confirmed the information that alleges Officer Nicholas while on duty visited Officer Cazares, who was off-duty, at Cazares home for several hours during his shift and watched movies and "made out" with Officer Cazares. See statements for details.

Following his interview, Officer Nicholas submitted his letter of resignation from the Marana Police Department.



Reuben Nuñez
Deputy Chief
Marana Police Department

October 19, 2017
1100 hours

Marana Police Department

Investigation Summary Report

Case Type: Internal Affairs Investigation

Case Number: 2017-IA-014

Incident Date: 09/17/2017

Date Reported: 09/17/2017

Origin: Internal

Report Number:

Location:

Address:

Shift: Midnight **Assignment:** Patrol

Status: Open

Date Closed:

Case Summary

<u>Case Summary Item</u>	<u>Date</u>
Internal Affairs Deadline	10/17/2017
Chain of Command Review	11/16/2017
120 Day Deadline	1/15/2018

Case Tracking

<u>Case Tracking Item</u>	<u>Date</u>
Internal Affairs Investigation	
Chain of Command	
State Mandated Deadline	

Employee(s)

Cazares, Dionysius A **ID#:** 1784 **Badge:** #460 **Race:** **Sex:**
Supervisor: Figueroa, Art M **Assignment:** Patrol

Figueroa, Art M **ID#:** 1118 **Badge:** 0305 **Race:** Hispanic **Sex:**
Supervisor: DeStefano, John **Assignment:** Patrol

Nicholas, Daniel **ID#:** 466 **Badge:** 466 **Race:** Caucasian **Sex:**
Supervisor: Figueroa, Art M **Assignment:** Patrol

Sylvia, Kyla **ID#:** 469 **Badge:** 469 **Race:** Caucasian **Sex:**
Supervisor: Miller, Joseph S **Assignment:** Patrol

Tracking:

Narrative:

Updated 9/18/2017 4:53:47 PM by 1521: Ref information about of Nicholas, Sylvia and Cazares



Marana Police Department
Employee Administrative Interview – Advice of Rights/Notice of Investigation

Employee name: A. Figueroa **Date:** 9/22/17 **Time:** 1535 hrs
IA # 2017-IA-014

You are being questioned as part of a Marana Police Department administrative investigation regarding the following:

An officer came forward with information regarding possible misconduct involving Ofc Nicholas and Ofc Cazares. You are a witness reference this investigation.

COPIES OF ALL COMPLAINTS THAT CONTAIN THE ALLEGED FACTS THAT ARE REASONABLY AVAILABLE ARE ATTACHED (other than complaints involving matters pursuant to federal laws under the jurisdiction of the Equal Employment Opportunity Commission).

If you believe this investigation could result in a dismissal, demotion or suspension, you may have a representative present during the interview. At the conclusion of this interview, you may consult with your representative and may then make a statement, not to exceed five minutes, addressing specific facts or policies that are related to this interview.


You will be asked questions that are specifically directed and narrowly related to the performance of your official duties or fitness for office. You are entitled to all the rights and privileges guaranteed by the laws and the constitution of this state and the Constitution of the United States, including the right not to be compelled to incriminate yourself.

If you refuse to answer questions relating to the performance of your official duties or fitness for duty, you will be subject to disciplinary action up to and including dismissal from the Police Department.

If you do answer, neither your statements nor any information or evidence which is gained by reason of such statements can be used against you in any subsequent criminal proceeding. However, these statements may be used against you in relation to subsequent departmental administrative/disciplinary proceedings.

You are being given a direct order not to discuss this investigation, including your interview, with any unauthorized person. Other than the investigating supervisor/s and your representative, you may only discuss this investigation in privileged communications that you may have with your attorney, minister, or spouse

I have read and understand my rights as set forth in this document.

 #305
Employee Signature

9/22/17
Date/Time



Marana Police Department
Employee Administrative Interview – Advice of Rights/Notice of Investigation

Employee name: D. Nicholas **Date:** 9/22/17 **Time:** 1610 hrs
IA # 2017-IA-014

You are being questioned as part of a Marana Police Department administrative investigation regarding the following:

An officer came forward with information regarding possible misconduct involving Ofc Cazares and yourself on 9/17/17. You are a focus officer reference this investigation.

COPIES OF ALL COMPLAINTS THAT CONTAIN THE ALLEGED FACTS THAT ARE REASONABLY AVAILABLE ARE ATTACHED (other than complaints involving matters pursuant to federal laws under the jurisdiction of the Equal Employment Opportunity Commission).

If you believe this investigation could result in a dismissal, demotion or suspension, you may have a representative present during the interview. At the conclusion of this interview, you may consult with your representative and may then make a statement, not to exceed five minutes, addressing specific facts or policies that are related to this interview.

You will be asked questions that are specifically directed and narrowly related to the performance of your official duties or fitness for office. You are entitled to all the rights and privileges guaranteed by the laws and the constitution of this state and the Constitution of the United States, including the right not to be compelled to incriminate yourself.

If you refuse to answer questions relating to the performance of your official duties or fitness for duty, you will be subject to disciplinary action up to and including dismissal from the Police Department.

If you do answer, neither your statements nor any information or evidence which is gained by reason of such statements can be used against you in any subsequent criminal proceeding. However, these statements may be used against you in relation to subsequent departmental administrative/disciplinary proceedings.

You are being given a direct order not to discuss this investigation, including your interview, with any unauthorized person. Other than the investigating supervisor/s and your representative, you may only discuss this investigation in privileged communications that you may have with your attorney, minister, or spouse

I have read and understand my rights as set forth in this document.


Employee Signature

09/22/17 1620
Date/Time



Marana Police Department
Employee Administrative Interview – Advice of Rights/Notice of Investigation

Employee name: [REDACTED] **Date:** 9/20/17 **Time:** 1230 hrs
IA # 2017-IA-014

You are being questioned as part of a Marana Police Department administrative investigation regarding the following:

You contacted Sgt. Scott (OIA) via telephone on 9/17/17 reference concerns of possible misconduct involving Ofc Nicholas and Ofc Cazares. You are a witness officer in this investigation.

COPIES OF ALL COMPLAINTS THAT CONTAIN THE ALLEGED FACTS THAT ARE REASONABLY AVAILABLE ARE ATTACHED (other than complaints involving matters pursuant to federal laws under the jurisdiction of the Equal Employment Opportunity Commission).

If you believe this investigation could result in a dismissal, demotion or suspension, you may have a representative present during the interview. At the conclusion of this interview, you may consult with your representative and may then make a statement, not to exceed five minutes, addressing specific facts or policies that are related to this interview.

You will be asked questions that are specifically directed and narrowly related to the performance of your official duties or fitness for office. You are entitled to all the rights and privileges guaranteed by the laws and the constitution of this state and the Constitution of the United States, including the right not to be compelled to incriminate yourself.

If you refuse to answer questions relating to the performance of your official duties or fitness for duty, you will be subject to disciplinary action up to and including dismissal from the Police Department.

If you do answer, neither your statements nor any information or evidence which is gained by reason of such statements can be used against you in any subsequent criminal proceeding. However, these statements may be used against you in relation to subsequent departmental administrative/disciplinary proceedings.

You are being given a direct order not to discuss this investigation, including your interview, with any unauthorized person. Other than the investigating supervisor/s and your representative, you may only discuss this investigation in privileged communications that you may have with your attorney, minister, or spouse

I have read and understand my rights as set forth in this document



Marana Police Department
Employee Administrative Interview – Advice of Rights/Notice of Investigation

Employee name: [REDACTED] **Date:** 9/20/17 **Time:** 1440 hrs
IA # 2017-IA-014

You are being questioned as part of a Marana Police Department administrative investigation regarding the following:

[REDACTED] *You are a witness officer reference this investigation.*

COPIES OF ALL COMPLAINTS THAT CONTAIN THE ALLEGED FACTS THAT ARE REASONABLY AVAILABLE ARE ATTACHED (other than complaints involving matters pursuant to federal laws under the jurisdiction of the Equal Employment Opportunity Commission).

If you believe this investigation could result in a dismissal, demotion or suspension, you may have a representative present during the interview. At the conclusion of this interview, you may consult with your representative and may then make a statement, not to exceed five minutes, addressing specific facts or policies that are related to this interview.

You will be asked questions that are specifically directed and narrowly related to the performance of your official duties or fitness for office. You are entitled to all the rights and privileges guaranteed by the laws and the constitution of this state and the Constitution of the United States, including the right not to be compelled to incriminate yourself.

If you refuse to answer questions relating to the performance of your official duties or fitness for duty, you will be subject to disciplinary action up to and including dismissal from the Police Department.

If you do answer, neither your statements nor any information or evidence which is gained by reason of such statements can be used against you in any subsequent criminal proceeding. However, these statements may be used against you in relation to subsequent departmental administrative/disciplinary proceedings.

You are being given a direct order not to discuss this investigation, including your interview, with any unauthorized person. Other than the investigating supervisor/s and your representative, you may only discuss this investigation in privileged communications that you may have with your attorney, minister, or spouse

I have read and understand my rights as set forth in this document.

[REDACTED]



Marana Police Department
Employee Administrative Interview – Advice of Rights/Notice of Investigation

Employee name: K. Sylvia **Date:** 9/21/17 **Time:** 2100 hrs
IA # 2017-IA-014

You are being questioned as part of a Marana Police Department administrative investigation regarding the following:

An officer came forward with information regarding possible misconduct involving Ofc Nicholas and Ofc Cazares. You are a witness reference this investigation.

COPIES OF ALL COMPLAINTS THAT CONTAIN THE ALLEGED FACTS THAT ARE REASONABLY AVAILABLE ARE ATTACHED (other than complaints involving matters pursuant to federal laws under the jurisdiction of the Equal Employment Opportunity Commission).

If you believe this investigation could result in a dismissal, demotion or suspension, you may have a representative present during the interview. At the conclusion of this interview, you may consult with your representative and may then make a statement, not to exceed five minutes, addressing specific facts or policies that are related to this interview.

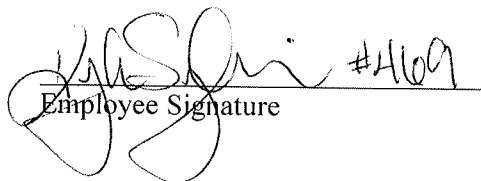
You will be asked questions that are specifically directed and narrowly related to the performance of your official duties or fitness for office. You are entitled to all the rights and privileges guaranteed by the laws and the constitution of this state and the Constitution of the United States, including the right not to be compelled to incriminate yourself.

If you refuse to answer questions relating to the performance of your official duties or fitness for duty, you will be subject to disciplinary action up to and including dismissal from the Police Department.

If you do answer, neither your statements nor any information or evidence which is gained by reason of such statements can be used against you in any subsequent criminal proceeding. However, these statements may be used against you in relation to subsequent departmental administrative/disciplinary proceedings.

You are being given a direct order not to discuss this investigation, including your interview, with any unauthorized person. Other than the investigating supervisor/s and your representative, you may only discuss this investigation in privileged communications that you may have with your attorney, minister, or spouse

I have read and understand my rights as set forth in this document.


Employee Signature

09/21/17 2112
Date/Time



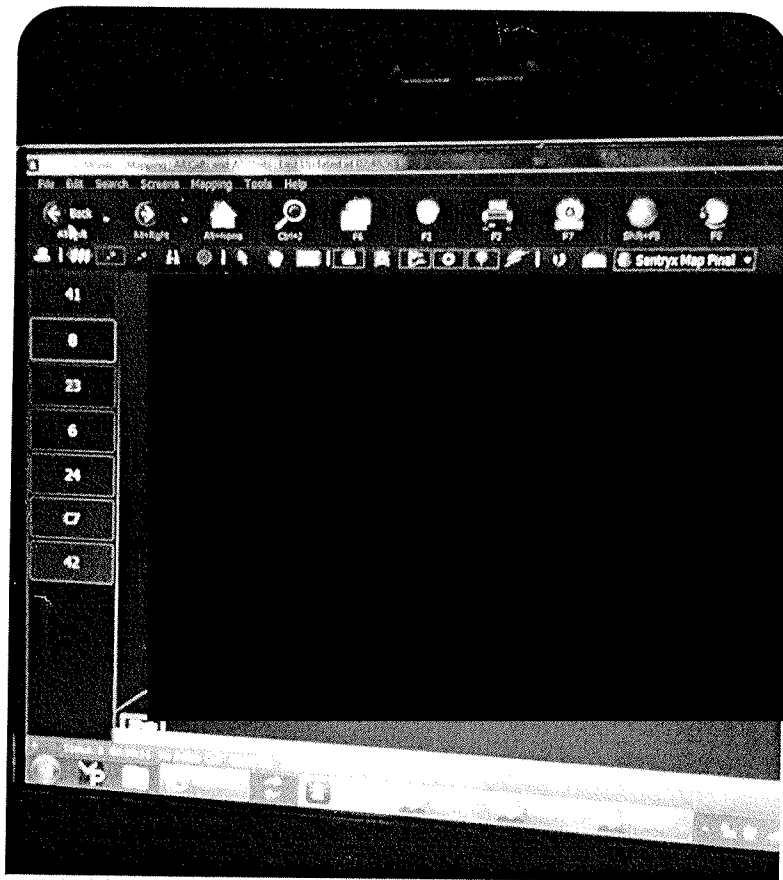
Dee Dee

iMessage
Sunday 7:13 AM

You did not hear this from me. But dans a liar. He was at Kyla's new place for an hour last night

Nicholas?

Yup



iMessage





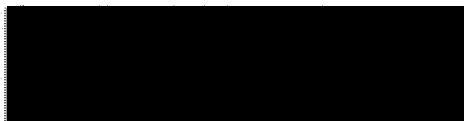
DC



Dee Dee

I decided to be nosey and ran the plates to this house

It's



Yeah I'm not at all shocked by that. I know you wanted to think the best of him, but it's too obvious with them.

I lied and told him someone asked me to run the plates then explained after why I ran them.

So he was on duty and there for an hour?

Yes

Just under



iMessage





Dee Dee

Just under

Wait, you ran the plates to the house when his car was there?

He would have been there longer but a big call that turned into nothing came out

He was assigned to 2/3

No I ran her plates. I was curious to know who he was seeing for so long since his fiancé lives in San Lucas

So I ran two potential homes he was at and one came back to hers

Give me a 21.

Delivered



iMessage



Navigation and utility icons including Back (Alt+Left), Home (Alt+Home), Search (Ctrl+J), F6, F2, F3, F7, Shift+F5, and F8. A 'Sentryx Map Panel' dropdown menu is also visible.

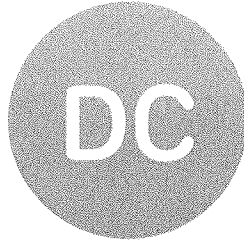
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System tray area containing icons for network, volume, and other background processes.



< Contacts

Edit



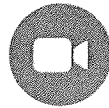
Dee Dee Cazares



mobile



call

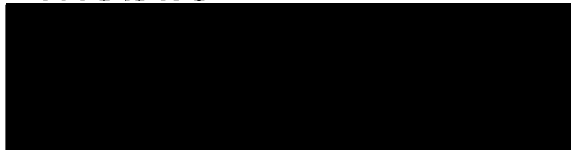


FaceTi...



mail

mobile



FaceTime



Notes

Send Message

Share Contact

Add to Favorites



Favorites



Recents



Contacts



Keypad



Voicemail

Chriswell Scott

Subject: Squad 6
Start: Sat 9/16/2017 12:00 AM
End: Sun 9/17/2017 12:00 AM
Recurrence: (none)
Meeting Status: Meeting organizer
Organizer: MPD Patrol Calendar

Date: 9/16/2017

Shift: Squad 6

Squad Training:

Completed safe personnel training and reviewed emails.

Officer Name & Badge #	Assignment
Sgt. A. Figueroa #305/6U1	10-100
LPO S. Bennett #385/6L1	At Large
Ofc. K. Litten #409	Dist 1 & 4
Ofc. T. Banghart #441	Sick
Ofc. G. Tapia #452	Dist 2 & 3
Ofc. A. Caughlin #458	Dist 2 & 3
Ofc. D. Cazares #460	Dist 2 & 3
Ofc. D. Nicholas #466	Dist 2 & 3

Notes:

1709-0690 C181 W. Orange Grove Rd. & E. I-10 Frontage Rd.

Ofc. Tapia conducted a traffic stop on a vehicle for expired registration. Upon contact with driver, Ofc. Tapia observed that the steering column and ignition were damaged. The driver, identified as [REDACTED] returned suspended and the plate on the vehicle was determined to be fictitious. Search incident to arrest located a baggie containing 0.15g of meth in [REDACTED] back pocket as well as 4 meth pipes and a baggie containing heroin in [REDACTED] backpack located inside the vehicle. [REDACTED] was transported to the Pima County Adult Detention Center and booked in for possession dangerous drug, possession narcotic drug, possession drug paraphernalia and 4 outstanding warrants. Vehicle was not listed as 1803, but was towed for a 30 day. Charges for driving suspended and fictitious plate were long formed.

Activity:

Nature	Area	Agency	Age	Officer	When Reported	Disposition	Address
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1046	M4	MPD	Litte n, Kevin	06:0 7:40 09/17/2017	ACT	SAN DARIO/I10; UNDERPAS S
1090AB	M3	MPD	Nich olas, Daniel	05:4 3:35 09/17/2017	ALW	3682 W ORANGE GROVE RD; 6400N; stadium grill
1090AB	M3	MPD	Nich olas, Daniel	04:2 9:59 09/17/2017	ALW	3682 W ORANGE GROVE RD; 6400N; #146 stadium grill
1090AB	M3	MPD	Nich olas, Daniel	03:2 0:27 09/17/2017	ALW	3725 W ORANGE GROVE RD; 6400N; freddy's frozen custard
CHECK WELFARE	M3	MPD	Benn ett, Scott	02:5 9:43 09/17/2017	CLU	N HARTMAN LN & W CORTARO FARMS RD
OPEN DOOR	M1	MPD	Litte n, Kevin	01:3 2:38 09/17/2017	CLU	[REDACTED]
C18	M3	MPD		00:5 1:01 09/17/2017	ACT	[REDACTED] rm218
1088	M2	MPD	Tapi a, Gabriel	23:0 7:05 09/16/2017	PAA	W ORANGE GROVE RD & E I10 FRONTAGE RD; eb.
1016V	M3	MPD	Caug hlin, Allici	22:5 5:25 09/16/2017	PAA	[REDACTED]
1037	M1	MPD	Litte n, Kevin	22:2 6:29 09/16/2017	PAA	[REDACTED]
C81	M3	MPD	Tapi a, Gabriel	22:0 7:01 09/16/2017	CLU	[REDACTED]

CASE REPORT NUMBER: MPD 2017-IA-014
OFFICER: Sgt. Scott #407
DATE: September 20th, 2017
TIME: 12:52 p.m.
LOCATION: MPD, 11555 W. Civic Center Dr.
PRESENT: [REDACTED]
TRANSCRIBED BY: C. Gilbert #333

1 Sgt. Scott: It is September 20th, 2017. The time is now 12:52 p.m.
2 We're in the IA Office. This is Sergeant Chriswell Scott
3 with Officer [REDACTED] If you can spell your first and
4 last name for me.
5
6 [REDACTED]
7
8 Sgt. Scott: And your badge number please.
9
10 [REDACTED]
11
12 Sgt. Scott: All right. This interview is going to be tape recorded. You
13 were provided with a NOI, Notice of Investigation, prior to
14 the tape starting. Did you have a chance to review the NOI?
15
16 [REDACTED] Yes.
17
18 Sgt. Scott: Okay. Like the NOI states. You are a witness officer at this
19 point. If at any point anything changes I'll be sure to stop
20 and let you know. Okay.
21
22 [REDACTED] Okay.
23
24 Sgt. Scott: All right. So really where I'm going to have you start is on
25 Sunday, which would have been November 17th, 2017
26 (September 17th, 2017). You contacted me. We spoke on
27 the phone in the morning. It was around 8:00 o'clock in the
28 morning. I know I've obviously already heard the story, but
29 I want you to kind of tell me on tape what exactly your
30 concerns are.
31
32 [REDACTED] Okay. On Sunday morning at looks like 7:13 a.m. on my
33 phone, I received a text message from Dee Dee Cazares
34 and basically explaining that she had some issues with a
35 male officer and felt like he was lying to her and. Do you
36 want me to read the text or?
37
38 Sgt. Scott: Sure.
39
40 [REDACTED] Okay. So her first text to me was you did not hear this from
41 me, but Dan's a liar. He was at Kyla's new place for an
42 hour last night. I responded with Nicholas? To confirm that
43 she's talking about Daniel Nicholas who is a male officer.

CASE REPORT NUMBER: MPD 2017-IA-014
OFFICER: Sgt. Scott #407
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LOCATION: MPD, 11555 W. Civic Center Dr.
PRESENT: [REDACTED]
TRANSCRIBED BY: C. Gilbert #333

1 She said yup and then she sent me a screenshot of what was
2 his vehicle on the map from our Spillman at basically
3 somewhere in Gladden Farms. Her text then said I decided
4 to be nosy and ran the plates to this house. It's [REDACTED]
5 [REDACTED] Before I saw that, I started to respond to her and
6 just basically said yeah, I'm not shocked by that.
7 (Inaudible) but it's to obvious with him. I talked to her
8 previously about possibly Daniel Nicholas and Kyla Sylvia
9 being involved. She had some concerns at the time. I told
10 her just to kind of leave it alone.

11
12 Sgt. Scott: When you say involved, what do you mean by involved?

13 [REDACTED]
14 [REDACTED] Possibly romantically involved.

15
16 Sgt. Scott: Okay.

17 [REDACTED]
18 [REDACTED] I'm not quite sure what her interest is in it. I know she
19 thinks fondly of Daniel.

20
21 Sgt. Scott: She being who?

22 [REDACTED]
23 [REDACTED] She being Dee Dee. I'm not sure if it goes beyond just
24 friendship or not with her, but obviously she was upset
25 finding his car at her new residence cuz Kyla is now my
26 understanding going through a divorce. So she then
27 responded I lied and told him someone asked me to run the
28 plates and explained after why I ran them and so I asked
29 her so was he on duty in there for an hour and she said yes,
30 just under and then I said wait, you ran the plates to the
31 house when his car was there. She responded he would
32 have been there longer, but a big call that turned into
33 nothing came out. He was assigned to two and three. She
34 said no, I ran her plate. I was curious to see who he was
35 seeing for so long since his fiancée lives in San Lucas. So I
36 ran two potential homes he was at and one came back to
37 hers. At that point, I told her to give me a 21.

38
39 Sgt. Scott: Okay. So at that point did she call you?

40 [REDACTED]
41 [REDACTED] She called me right away.

42
43 Sgt. Scott: And then what happened there?

CASE REPORT NUMBER: MPD 2017-IA-014
OFFICER: Sgt. Scott #407
DATE: September 20th, 2017
TIME: 12:52 p.m.
LOCATION: MPD, 11555 W. Civic Center Dr.
PRESENT: [REDACTED]
TRANSCRIBED BY: C. Gilbert #333

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[REDACTED] I was very honest with her. I said okay. If you get called up next week and you get asked why you just ran those plates to those homes, what explanation do you really have to provide, other than you're upset with Daniel and you had reason to think that maybe he was with Kyla and she at that point, I think maybe realized what she had done was not appropriate and I explained to her that, you know there's a reason we can't even run our neighbor's license plates. It's an ACJIS violation. She's had some run-ins with Kyla before regarding Kyla being inappropriate on the radio and tried to discuss, you know basically how she's addressing people on the radio. Dee Dee addressed it with her. At the time, it sounded like Dee Dee was very professional with it and then Kyla kind of went immediately going to the LPO who was on shift at the time complaining that Dee Dee was pulling her aside and trying to address the behavior so you know. I told Dee Dee. I said look, what's to stop her from. So she explained to her she confronted Daniel. She sent Daniel a text basically saying you're lying to me. You're at her house. So I explained to her. I said okay, if you confronted Daniel and he talks to Kyla, what's to stop Kyla from her coming up and complaining that you're running plates to her car at her house and at that point, Dee Dee got kind of quiet and my understanding is that she understood what she did was inappropriate.

Sgt. Scott: Okay.

[REDACTED] I told her to stay out of it.

Sgt. Scott: So she said that Officer Nicholas was assigned to two and three.

[REDACTED] Yeah. So what she explained on the phone was that he was assigned to two and three with her and Caughlin and that he ended up taking an alarm at the high school, but it got cancelled prior to arrival and he never basically came back down south and so she made it sound like Caughlin and her were 45-ing, noticed that he was up in Gladden Farms for a long time and Dee Dee said to her knowledge, the only people he knows in Gladden Farms is Dee Dee, Litten and Miller and so she zoomed in to see where this house was at

CASE REPORT NUMBER: MPD 2017-IA-014
OFFICER: Sgt. Scott #407
DATE: September 20th, 2017
TIME: 12:52 p.m.
LOCATION: MPD, 11555 W. Civic Center Dr.
PRESENT: [REDACTED]
TRANSCRIBED BY: C. Gilbert #333

1 in Gladden Farms and ultimately at some point. I don't
2 know when she went up to run the plates, whether it was at
3 the end of shift, on her way home, that I don't know, but at
4 some point she went and ran these plates.

5
6 Sgt. Scott: Okay. Did she ever say why she didn't just notify the
7 supervisor of any concerns that she may have?

8
9 [REDACTED] No. And I didn't ask that. From the screenshot she showed
10 me or sent me I should say, the time on it looks like at
11 02:48 hours in the morning. They're both on the graveyard
12 shift. At least on here, on the screen, he's 10-8 so I'm
13 assuming that he was just 10-8 during the time he was at
14 the residence.

15 [REDACTED]

16 [REDACTED]

17 [REDACTED]
18 [REDACTED]
19 [REDACTED]
20 [REDACTED]
21 [REDACTED]
22 [REDACTED]
23 [REDACTED]
24 [REDACTED] No.

25
26 Sgt. Scott: Okay.

27 [REDACTED]
28 [REDACTED] I know there's some history like I said between the three of
29 them, to the extent of it I'm not exactly sure, but you know,
30 obviously like I said, this upset her enough and she I don't
31 think realized what she did.

32
33 Sgt. Scott: Let me make sure I'm understanding correctly.

34 [REDACTED]
35 [REDACTED] Yeah.

36
37 Sgt. Scott: Did she tell you that she confronted Nicholas on this?

38 [REDACTED]
39 [REDACTED] Yes.

40
41 Sgt. Scott: Okay. Did she say it was with?

42

CASE REPORT NUMBER: MPD 2017-IA-014
OFFICER: Sgt. Scott #407
DATE: September 20th, 2017
TIME: 12:52 p.m.
LOCATION: MPD, 11555 W. Civic Center Dr.
PRESENT: [REDACTED]
TRANSCRIBED BY: C. Gilbert #333

1 [REDACTED] She said it was via text cuz I asked her what did he say and
2 she said well it was over a text message and he didn't
3 respond, but she said it was something along the lines of I
4 told him never to talk to me again unless it's for work
5 reasons and it sounded like she made it clear that she was
6 upset with him, but at the time when I talked her that
7 morning she.
8
9 Sgt. Scott: Has she reached out to you since then?
10
11 [REDACTED] No. I saw her yesterday morning just in the hallway, but I
12 was talking to Sergeant Figueroa at the time and just said
13 good morning and that was it. There's been no other
14 contact with her.
15
16 Sgt. Scott: Okay. To the best of your knowledge, this incident would
17 have been Sunday morning then.
18
19 [REDACTED] Yes.
20
21 Sgt. Scott: Like 2:00 o'clock in the morning ish.
22
23 [REDACTED] Probably closer to 3:00 o'clock. Well, she sent me the
24 screenshot of his car at Sylvia's house at 2:48 in the
25 morning.
26
27 Sgt. Scott: She said that to you at 2:48 or.
28
29 [REDACTED] No. She took the screenshot of it and sent it to me that
30 morning.
31
32 Sgt. Scott: And you know it was at that time cuz of what?
33
34 [REDACTED] There's a time stamp on the picture she sent me.
35
36 Sgt. Scott: On Spillman.
37
38 [REDACTED] Yeah. So she took a picture of basically her MDC of the
39 map with his car and the time stamp at the top. Well, it just
40 says last updated at 02:48 hours.
41
42 Sgt. Scott: Okay.
43

CASE REPORT NUMBER: MPD 2017-IA-014
OFFICER: Sgt. Scott #407
DATE: September 20th, 2017
TIME: 12:52 p.m.
LOCATION: MPD, 11555 W. Civic Center Dr.
PRESENT: [REDACTED]
TRANSCRIBED BY: C. Gilbert #333

1 [REDACTED] So that's the only time I can see on this, whether that is the
2 [REDACTED] exact time, that I can't tell from the screen.
3
4 Sgt. Scott: Can I take a look at that picture?
5
6 [REDACTED] Yes.
7
8 Sgt. Scott: Okay. Are you able to show me the conversation between
9 the two of you?
10
11 [REDACTED] Yeah. It literally starts right there.
12
13 Sgt. Scott: Okay. Are you able to take a screenshot of this
14 conversation and that image?
15
16 [REDACTED] Ah hum. That's it.
17
18 Sgt. Scott: Was there anything that was deleted out of this thread?
19
20 [REDACTED] No. Not at all.
21
22 Sgt. Scott: Okay. Are you able to take a screenshot of this and email it
23 to me?
24
25 [REDACTED] Yes.
26
27 Sgt. Scott: Okay. And then the actual picture itself if you could just
28 send the picture to me as well.
29
30 [REDACTED] Yes.
31
32 Sgt. Scott: As like a picture file in addition to it being imbedded in the
33 text thread.
34
35 [REDACTED] Okay.
36
37 Sgt. Scott: Is there anything else that you think I need to know about
38 this?
39
40 [REDACTED] As far as what exactly is going on with the three of them, I
41 don't have exact details. I had concerns with Kyla Sylvia
42 and Daniel Nicholas [REDACTED]
43

CASE REPORT NUMBER: MPD 2017-IA-014
OFFICER: Sgt. Scott #407
DATE: September 20th, 2017
TIME: 12:52 p.m.
LOCATION: MPD, 11555 W. Civic Center Dr.
PRESENT: [REDACTED]
TRANSCRIBED BY: C. Gilbert #333

1 Sgt. Scott: What were those concerns?
2
3 [REDACTED] Her being involved with Daniel Nicholas and the only
4 reason it was an issue is cuz [REDACTED]
5 [REDACTED]
6
7 Sgt. Scott: [REDACTED]
8 [REDACTED]
9 [REDACTED]
10 [REDACTED]
11 Sgt. Scott: Okay.
12
13 [REDACTED] I would notice she was constantly
14 bringing up his name and it was only his name and it was
15 being kind of a bizarre manner, bizarre timing. I spoke with
16 Officer Korth probably [REDACTED]
17 [REDACTED]
18 [REDACTED] and she would mention that yeah, they
19 would text each other at night and so forth and again,
20 there's no issue with officers obviously communicating
21 [REDACTED]
22 [REDACTED]
23 [REDACTED]
24 [REDACTED]
25 [REDACTED]
26 [REDACTED]
27 [REDACTED]
28 Nicholas basically said I'll back off. I understand. I get it.
29 When I brought it to her she was extremely defensive, that
30 absolutely not. Who's telling you these things? I basically
31 said look, I don't know what's going on with you two. I
32 don't need to know what's going on with you, but I'm
33 [REDACTED]
34 [REDACTED]
35 [REDACTED]
36 [REDACTED]
37 [REDACTED]
38 [REDACTED]
39 [REDACTED]
40 [REDACTED]
41
42 Sgt. Scott: [REDACTED]
43

CASE REPORT NUMBER: MPD 2017-IA-014
OFFICER: Sgt. Scott #407
DATE: September 20th, 2017
TIME: 12:52 p.m.
LOCATION: MPD, 11555 W. Civic Center Dr.
PRESENT: [REDACTED]
TRANSCRIBED BY: C. Gilbert #333

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[REDACTED] er
[REDACTED] n
[REDACTED]
[REDACTED]

Sgt. Scott: [REDACTED]

[REDACTED]
[REDACTED]

Sgt. Scott: What have you heard?

[REDACTED] [REDACTED]

Sgt. Scott: Okay.

[REDACTED]
My understanding is that she and Daniel got to know each other while she was in the academy and that's what she told me that that's kind of how they started to get to know each other
[REDACTED]

Dee Dee has reached out to me. She heard some like I said inappropriate conversation on the radio between Sylvia and LPO Fane to where she was very disrespectful to him on the radio. Dee Dee reached out to me and said okay, I know I kind of understand what I've heard about Sylvia. This is what I heard on the radio. I tried to address it with her. I tried to be very professional and she ultimately went to Fane and you know, said I did this, this and this as far as calling her out on it. It sounds like Dee Dee has actually spoken to Sylvia's soon to be ex-husband and he's told her a lot of different things, none of which I know if it's true or

CASE REPORT NUMBER: MPD 2017-IA-014
OFFICER: Sgt. Scott #407
DATE: September 20th, 2017
TIME: 12:52 p.m.
LOCATION: MPD, 11555 W. Civic Center Dr.
PRESENT: [REDACTED]
TRANSCRIBED BY: C. Gilbert #333

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[REDACTED]

Sgt. Scott:

When you say involved, what do you mean?

[REDACTED]

[REDACTED]

I explained to her that she had heard rumblings about her possibly being involved with some of our male officers and Daniel Nicholas name came up. Dee Dee at the time said no. He's a good guy. I don't think he would do that. Like I said, I don't know what Dee Dee's interest is in Daniel, but obviously this upset her enough.

Sgt. Scott:

What other names were given to you as far as Marana PD officers?

[REDACTED]

Through Dee Dee none. I've heard again it's all through gossip and rumor that [REDACTED] has an interest in her, but to that extent I've heard nothing else.

Sgt. Scott:

Okay. Anything else directly like work related though as far as anything that potentially is occurring on duty or has a direct nexus to our agency?

[REDACTED]

No. Not that I know of.

Sgt. Scott:

All right. Is there anything else that I need to know?

[REDACTED]

No.

Sgt. Scott:

Anything that you think I've missed that we need to talk about?

[REDACTED]

No.

Sgt. Scott:

Okay. That will conclude the interview at 13:09.

CASE REPORT NUMBER: MPD 2017-IA-014
OFFICER: Sgt. Scott #407
DATE: September 20th, 2017
TIME: 14:36 hours
LOCATION: MPD, 11555 W. Civic Center Dr.
PRESENT: [REDACTED]
TRANSCRIBED BY: C. Gilbert #333

1 Sgt. Scott: It is September 20th, 2017. The time is now 14:36 hours. We are in
2 the IA Office. This is Sergeant Chriswell Scott. [REDACTED]
3 [REDACTED] If you can spell your first and last name for me please.
4

5 [REDACTED]
6 [REDACTED]
7 [REDACTED]

8 Sgt. Scott: Perfect. Okay. So prior to me turning on the recording, I spoke
9 with you about why you're here. I'm going to provide you with a
10 Notice of Investigation. That's the copy that I want you to sign for
11 me and then this is your copy to go. They're identical copies. Like
12 I advised you before, the scope of why you're here is because your
13 name came up as possibly having information regarding to this
14 investigation. The investigation at hand is IA 2017-IA-014. That

15 [REDACTED]
16 [REDACTED]
17 [REDACTED]
18 [REDACTED]
19 [REDACTED]
20 [REDACTED]
21 [REDACTED]
22 [REDACTED]

23 [REDACTED]
24 [REDACTED]

Ah hum.

25
26 Sgt. Scott: Do you have any questions about that or?

27 [REDACTED]
28 [REDACTED]

I do not.

29
30 Sgt. Scott: Okay. Anything else that you want to tell me?

31 [REDACTED]
32 [REDACTED]

No.

33
34 Sgt. Scott: Okay. Perfect. We'll go ahead and end this at 14:38.
35
36

CASE REPORT NUMBER: MPD 2017-IA-014.

OFFICER: Sgt. Scott #407

DATE: September 21st, 2017

TIME: 21:15 hours

LOCATION: MPD, 11555 W. Civic Center Dr.

PRESENT: Ofc. Kyla Sylvia #469

TRANSCRIBED BY: C. Gilbert #333

1 Sgt. Scott: It is September 21st. The time is 21:15. We're in the IA
2 Office. This is Sergeant Chriswell Scott with the Office of
3 Internal Affairs. I have Officer Kyla Sylvia with me. If you
4 can say and spell your first and last name and provide your
5 badge number please.
6
7 Ofc. Sylvia: Kyla Sylvia, K y l a S y l v i a. My badge number is 469.
8
9 Sgt. Scott: Okay. This is going to be reference Internal Affairs number
10 2017-IA-014. You were provided with a Notice of
11 Investigation prior to us going on tape. Did you have a
12 chance to completely review that?
13
14 Ofc. Sylvia: Yes.
15
16 Sgt. Scott: Do you have any questions about that?
17
18 Ofc. Sylvia: No.
19
20 Sgt. Scott: You understand that you're a witness officer not the focus
21 officer in this investigation?
22
23 Ofc. Sylvia: Yes.
24
25 Sgt. Scott: Okay. All right. So like I told you before we went on tape.
26 This is going to be conversational. Okay. My goal here is
27 not to intimidate you or anything like that. My goal is just
28 to find out information. All right.
29
30 Ofc. Sylvia: Okay.
31
32 Sgt. Scott: An officer came forward with some allegations of possible
33 misconduct involving Officer Nicholas and Officer
34 Cazares. The way you tie into this is you happen to know
35 the two of them and your name came up as well. Okay.
36
37 Ofc. Sylvia: Okay.
38
39 Sgt. Scott: All right. So you are assigned to squad three, correct?
40
41 Ofc. Sylvia: Correct.
42

CASE REPORT NUMBER: MPD 2017-IA-014.

OFFICER: Sgt. Scott #407

DATE: September 21st, 2017

TIME: 21:15 hours

LOCATION: MPD, 11555 W. Civic Center Dr.

PRESENT: Ofc. Kyla Sylvia #469

TRANSCRIBED BY: C. Gilbert #333

1 Sgt. Scott: All right. So you work Wednesday through Saturday. Your
2 RDO's are Sunday, Monday and Tuesday off.
3
4 Ofc. Sylvia: Ah hum.
5
6 Sgt. Scott: Okay. All right. So what I want to speak to you about
7 specifically. You know Officer Cazares?
8
9 Ofc. Sylvia: I do.
10
11 Sgt. Scott: Okay. How would you categorize the nature of your
12 relationship with Officer Cazares?
13
14 Ofc. Sylvia: Strictly work related.
15
16 Sgt. Scott: Strictly work related.
17
18 Ofc. Sylvia: Through just through seeing her at work.
19
20 Sgt. Scott: At work. And she's on a midnight squad, correct?
21
22 Ofc. Sylvia: Yes. I don't believe I've ever really worked with her.
23
24 Sgt. Scott: So you guys don't really overlap. Overlap would be what,
25 Saturday?
26
27 Ofc. Sylvia: Saturday and even then we don't really see each other. It's
28 just a couple hours.
29
30 Sgt. Scott: Okay. And you know Officer Nicholas?
31
32 Ofc. Sylvia: Ah hum.
33
34 Sgt. Scott: And how would you categorize your relationship with him?
35
36 Ofc. Sylvia: Work related.
37
38 Sgt. Scott: Okay. Do you work with him at all?
39
40 Ofc. Sylvia: Saturdays.
41
42 Sgt. Scott: Saturdays.
43

CASE REPORT NUMBER: MPD 2017-IA-014.
OFFICER: Sgt. Scott #407
DATE: September 21st, 2017
TIME: 21:15 hours
LOCATION: MPD, 11555 W. Civic Center Dr.
PRESENT: Ofc. Kyla Sylvia #469
TRANSCRIBED BY: C. Gilbert #333

1 Ofc. Sylvia: Just the same hours cuz I believe he's on the same squad as
2 Cazares.
3
4 Sgt. Scott: Okay. All right. So this past Saturday. So today is
5 Thursday. So this past Saturday, which would be the 16th.
6 Did you work that day on Saturday?
7
8 Ofc. Sylvia: I worked until midnight.
9
10 Sgt. Scott: Worked until midnight. I was looking at your radio logs
11 and it looks like towards the end of the shift, were you
12 pared up with Rizzi?
13
14 Ofc. Sylvia: Yes. So on Thursday [REDACTED]
15 [REDACTED] Friday I did not
16 come to work and then Saturday I had to pick up my patrol
17 car from 107 that Rizzi had taken on Thursday after I had
18 [REDACTED]
19
20 Sgt. Scott: [REDACTED]
21
22 Ofc. Sylvia: Yes.
23
24 Sgt. Scott: Okay. So you had to go to 107 to pick up the patrol car at
25 the beginning of shift.
26
27 Ofc. Sylvia: At the end of shift. At the end of shift. So after my shift
28 was over I asked Rizzi if he'd be able to take me down to
29 my car.
30
31 Sgt. Scott: Okay. I see what you're saying.
32
33 Ofc. Sylvia: Yeah. So he came. I dropped my patrol car off at the
34 residence that I'm currently staying at up here in Gladden
35 Farms. He followed me there, picked me up and drove me
36 to 107 so I could pick up my POV since my patrol car had
37 been at 107 on Thursday night that Rizzi had driven there
38 since [REDACTED]
39
40 Sgt. Scott: Okay. So your POV was at the 107.
41
42 Ofc. Sylvia: Yes.
43

CASE REPORT NUMBER: MPD 2017-IA-014.
OFFICER: Sgt. Scott #407
DATE: September 21st, 2017
TIME: 21:15 hours
LOCATION: MPD, 11555 W. Civic Center Dr.
PRESENT: Ofc. Kyla Sylvia #469
TRANSCRIBED BY: C. Gilbert #333

1 Sgt. Scott: Okay. So you dropped your patrol car off at the residence
2 you're staying at in Gladden Farms then he gave you a ride
3 to the 107.
4
5 Ofc. Sylvia: Yes. To pick up my POV to drive back home.
6
7 Sgt. Scott: Okay. What time did you get home?
8
9 Ofc. Sylvia: Oh, heavens. I got back about midnight so I could go 42.
10
11 Sgt. Scott: Okay. So you got back to your house.
12
13 Ofc. Sylvia: With my POV so 10-42.
14
15 Sgt. Scott: Okay. Where in Gladden Farms are you living right now?
16
17 Ofc. Sylvia: Right now it's at [REDACTED]
18
19 Sgt. Scott: [REDACTED]
20
21 Ofc. Sylvia: [REDACTED]
22
23 Sgt. Scott: [REDACTED]
24
25 Ofc. Sylvia: [REDACTED]
26
27 Sgt. Scott: Do you think that's spelled right?
28
29 Ofc. Sylvia: Should be.
30
31 Sgt. Scott: Is it a house?
32
33 Ofc. Sylvia: Yes.
34
35 Sgt. Scott: Okay. Are you renting it or what?
36
37 Ofc. Sylvia: I'm staying with [REDACTED] with TPD.
38
39 Sgt. Scott: Oh. Okay. Yeah. I didn't know you knew [REDACTED]
40 [REDACTED] All right. So you go 42 around midnight. Was [REDACTED]
41 working that night?
42
43 Ofc. Sylvia: I can't remember honestly.

CASE REPORT NUMBER: MPD 2017-IA-014.
OFFICER: Sgt. Scott #407
DATE: September 21st, 2017
TIME: 21:15 hours
LOCATION: MPD, 11555 W. Civic Center Dr.
PRESENT: Ofc. Kyla Sylvia #469
TRANSCRIBED BY: C. Gilbert #333

1
2 Sgt. Scott: Okay.
3
4 Ofc. Sylvia: I don't remember is she was there or not.
5
6 Sgt. Scott: Okay.
7
8 Ofc. Sylvia: Her schedule changed so I don't remember.
9
10 Sgt. Scott: What is she typically working right now?
11
12 Ofc. Sylvia: She just switched from working from 5 to 3 to working the
13 same hours as I do so 2 to midnight, 14 to midnight, but I
14 don't remember what her days off are.
15
16 Sgt. Scott: Okay. All right. So you got home about midnight. What
17 time do you think you went to bed?
18
19 Ofc. Sylvia: Lately it's been around 2:00 o'clock.
20
21 Sgt. Scott: Okay. Did you have anybody else that came over?
22
23 Ofc. Sylvia: Yes.
24
25 Sgt. Scott: Who was that?
26
27 Ofc. Sylvia: Nicholas did come over. We did talk just strictly like kind
28 of his friend like work friend and that was all that
29 happened, came over and talked and 45 for a little while
30 and then he left. There was nothing. That was all that it
31 was. I know him as a work friend, but we do like 45 like
32 well at work on the nights that he does work. Does that
33 make sense?
34
35 Sgt. Scott: In this case you're not working, correct?
36
37 Ofc. Sylvia: Correct.
38
39 Sgt. Scott: You were off duty. Does he come by on duty?
40
41 Ofc. Sylvia: He did that night.
42
43 Sgt. Scott: Okay.

CASE REPORT NUMBER: MPD 2017-IA-014.
OFFICER: Sgt. Scott #407
DATE: September 21st, 2017
TIME: 21:15 hours
LOCATION: MPD, 11555 W. Civic Center Dr.
PRESENT: Ofc. Kyla Sylvia #469
TRANSCRIBED BY: C. Gilbert #333

1
2 Ofc. Sylvia: He did that night.
3
4 Sgt. Scott: And how long would you say he was there?
5
6 Ofc. Sylvia: I would say maybe an hour just talking.
7
8 Sgt. Scott: So he's there for about an hour.
9
10 Ofc. Sylvia: Correct.
11
12 Sgt. Scott: Talking.
13
14 Ofc. Sylvia: Yes.
15
16 Sgt. Scott: Where was this conversation taking place?
17
18 Ofc. Sylvia: It was initially just in the driveway and then he did come
19 inside the house just to talk.
20
21 Sgt. Scott: Where was he inside the house?
22
23 Ofc. Sylvia: Just inside the living room.
24
25 Sgt. Scott: Living room.
26
27 Ofc. Sylvia: Ah hum.
28
29 Sgt. Scott: Was he anywhere else other than the living room talking to
30 you?
31
32 Ofc. Sylvia: No, sir.
33
34 Sgt. Scott: Okay. Did it strike you as odd that he was up there for an
35 hour?
36
37 Ofc. Sylvia: I honestly didn't really think that it was that long, but.
38
39 Sgt. Scott: How do you know it was hour then?
40
41 Ofc. Sylvia: Just kind of guesstimated.
42
43 Sgt. Scott: Okay. Did he bring his MDC in with him?

CASE REPORT NUMBER: MPD 2017-IA-014.
OFFICER: Sgt. Scott #407
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TIME: 21:15 hours
LOCATION: MPD, 11555 W. Civic Center Dr.
PRESENT: Ofc. Kyla Sylvia #469
TRANSCRIBED BY: C. Gilbert #333

1
2 Ofc. Sylvia: He did.
3
4 Sgt. Scott: Okay. Did he make any sort of comments to you about he
5 needed to go 10-8 or anything like that?
6
7 Ofc. Sylvia: No.
8
9 Sgt. Scott: Did you see him go 10-8 on his MDC?
10
11 Ofc. Sylvia: Yes.
12
13 Sgt. Scott: Okay. So he was refreshing the timer.
14
15 Ofc. Sylvia: Ah hum.
16
17 Sgt. Scott: So that they wouldn't call him on the radio.
18
19 Ofc. Sylvia: Correct.
20
21 Sgt. Scott: And he was doing that from inside your house?
22
23 Ofc. Sylvia: Yes.
24
25 Sgt. Scott: Okay. Did you ever see him do it outside the house?
26
27 Ofc. Sylvia: No.
28
29 Sgt. Scott: If he was there for about an hour, how much of that time
30 would you estimate that he was inside versus outside?
31
32 Ofc. Sylvia: I would say maybe about 20 minutes outside, 40 minutes
33 inside.
34
35 Sgt. Scott: Say that again.
36
37 Ofc. Sylvia: About 20 minutes outside and 40 minutes inside. And I'm
38 not a hundred percent positive. I'm guesstimating.
39
40 Sgt. Scott: I just want to be absolutely sure so I want to make sure I
41 understand this correctly. So you get off at midnight. And
42 what time does he come over?
43

CASE REPORT NUMBER: MPD 2017-IA-014.
OFFICER: Sgt. Scott #407
DATE: September 21st, 2017.
TIME: 21:15 hours
LOCATION: MPD, 11555 W. Civic Center Dr.
PRESENT: Ofc. Kyla Sylvia #469
TRANSCRIBED BY: C. Gilbert #333

1 Ofc. Sylvia: He comes over shortly after that.
2
3 Sgt. Scott: Shortly after midnight.
4
5 Ofc. Sylvia: Shortly after midnight. I don't remember exactly what time.
6
7 Sgt. Scott: And what did he need to talk to you about?
8
9 Ofc. Sylvia: We were just talking just as kind of like his friend like
10 catching up on how work is and everything going on with
11 work and nothing really personal. We never really talk
12 about anything personal at home. It's mostly just like what
13 kind of calls we went to like cuz we don't see each other as
14 much as we used to cuz we used to work on similar hours,
15 but different squads so we would just kind of talk about
16 like how work is going and he talked about a couple calls
17 that frustrated him. I talked about a couple calls that
18 frustrated me and it was all really work related. There was
19 no actual personal. We never really talk about anything
20 personal. I'll be honest with you on that one. We don't talk
21 about anything personal. I've asked him like how things are
22 going with certain things, but he doesn't really talk about it.
23
24 Sgt. Scott: Things like what? Are you referring to like personal type
25 things?
26
27 Ofc. Sylvia: Yeah. Anything personal. Like hey, you know, if he
28 mentions anything to me, be like, you know how's
29 everything going at home or how is, you know. What are
30 you planning on doing after? Cuz he's kind of frustrated
31 with the department I guess from what he told me and so I
32 kind of asked him like how everything is going like what
33 he's thinking.
34
35 Sgt. Scott: What's he frustrated with?
36
37 Ofc. Sylvia: A lot of the calls and not getting the 78 a lot. Like he'll
38 mention that a lot to me like he'll go to calls and he won't
39 get a 78 sometimes and that kind of frustrates him and he
40 wonders like why, why nobody actually wants to help him
41 on his squad. He'll do traffic stops and nobody will 78 him
42 or you know. He actually feels that he takes all the calls
43 and that nobody else really does anything and that's just

CASE REPORT NUMBER: MPD 2017-IA-014.
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PRESENT: Ofc. Kyla Sylvia #469
TRANSCRIBED BY: C. Gilbert #333

1 from what he's told me. I haven't seen that personally, but
2 that's just what he tells me.
3
4 Sgt. Scott: You got on at 2:00. He gets on at 9:00 so. Where you busy
5 between say like 9:30 and midnight or?
6
7 Ofc. Sylvia: No.
8
9 Sgt. Scott: No. You weren't.
10
11 Ofc. Sylvia: I don't believe so. I can't remember.
12
13 Sgt. Scott: While you were talking with him did he receive any
14 messages from anyone that he mentioned to you?
15
16 Ofc. Sylvia: Just from Alicia, but he didn't read them to me. He didn't
17 answer any of the messages.
18
19 Sgt. Scott: Did you see any other messages?
20
21 Ofc. Sylvia: No.
22
23 Sgt. Scott: Did he mention any messages from Dee Dee?
24
25 Ofc. Sylvia: No.
26
27 Sgt. Scott: Has he since that night mentioned anything to you about
28 Dee Dee?
29
30 Ofc. Sylvia: No. He hasn't talked to me since that night.
31
32 Sgt. Scott: You haven't spoken to him at all?
33
34 Ofc. Sylvia: No.
35
36 Sgt. Scott: No text messages?
37
38 Ofc. Sylvia: I think I text him, but he never responded back.
39
40 Sgt. Scott: Okay. What was that all about, the text message?
41
42 Ofc. Sylvia: I honestly can't remember right now.
43

CASE REPORT NUMBER: MPD 2017-IA-014.
OFFICER: Sgt. Scott #407
DATE: September 21st, 2017
TIME: 21:15 hours
LOCATION: MPD, 11555 W. Civic Center Dr.
PRESENT: Ofc. Kyla Sylvia #469
TRANSCRIBED BY: C. Gilbert #333

1 Sgt. Scott: Would it be something work related or no? I'm asking that
2 cuz you said that it's pretty much work related stuff you
3 guys talk about so it'd be something work related.
4
5 Ofc. Sylvia: 90 percent of the time it is work related. I can't remember
6 what I asked him. I honestly can't remember what I asked
7 him.
8
9 Sgt. Scott: You use any other form of social media to talk to him?
10
11 Ofc. Sylvia: Just Snapchat. That's all.
12
13 Sgt. Scott: Have you snapchatted since then?
14
15 Ofc. Sylvia: No.
16
17 Sgt. Scott: Okay. Have you called him since then?
18
19 Ofc. Sylvia: No.
20
21 Sgt. Scott: Okay. So the only thing you would have since that night to
22 now is a text message that he didn't respond to?
23
24 Ofc. Sylvia: Correct. I honestly have not talked to him since that night.
25
26 Sgt. Scott: Okay. How many text messages did you send him since
27 that night?
28
29 Ofc. Sylvia: Just one.
30
31 Sgt. Scott: Okay. All right.
32
33 Ofc. Sylvia: And I honestly don't know what's going on with him at
34 home. I have no idea to be honest with you.
35
36 Sgt. Scott: No. That's fine. I mean I don't expect you to know
37 everything about everyone's life. So he didn't mention
38 anything to you about Dee Dee?
39
40 Ofc. Sylvia: No. I never heard anything about Dee Dee.
41
42 Sgt. Scott: Okay.
43

CASE REPORT NUMBER: MPD 2017-IA-014.
OFFICER: Sgt. Scott #407
DATE: September 21st, 2017
TIME: 21:15 hours
LOCATION: MPD, 11555 W. Civic Center Dr.
PRESENT: Ofc. Kyla Sylvia #469
TRANSCRIBED BY: C. Gilbert #333

1 Ofc. Sylvia: On the messages that I did see was a custom like team
2 squad message that blinked. Alicia blinked and I think
3 that's all there was. I didn't remember seeing a message
4 come up from Cazares.
5
6 Sgt. Scott: Okay. And the conversation that you guys had took place in
7 the driveway and in the living room.
8
9 Ofc. Sylvia: Correct.
10
11 Sgt. Scott: And that was it.
12
13 Ofc. Sylvia: And that was it.
14
15 Sgt. Scott: Okay. It was discussing work related things, frustration that
16 he's having, you're having. This happened shortly after
17 midnight. How long have you been living at this new
18 address?
19
20 Ofc. Sylvia: Just for a week, a week or more. It's been off and on. I've
21 been trying to since my divorce I'm trying to sell my house
22 and move out of the house.
23
24 Sgt. Scott: Is the divorce finalized yet?
25
26 Ofc. Sylvia: No.
27
28 Sgt. Scott: Is it still in the process of that?
29
30 Ofc. Sylvia: Correct.
31
32 Sgt. Scott: Okay. What kind of POV do you have?
33
34 Ofc. Sylvia: It's a black Ford Focus.
35
36 Sgt. Scott: A black Ford Focus.
37
38 Ofc. Sylvia: Ah hum.
39
40 Sgt. Scott: Is that the only car that you have there?
41
42 Ofc. Sylvia: Yes and my patrol car. There's two other vehicles at the
43 residence, but they don't belong to me.

CASE REPORT NUMBER: MPD 2017-IA-014.
OFFICER: Sgt. Scott #407
DATE: September 21st, 2017
TIME: 21:15 hours
LOCATION: MPD, 11555 W. Civic Center Dr.
PRESENT: Ofc. Kyla Sylvia #469
TRANSCRIBED BY: C. Gilbert #333

1
2 Sgt. Scott: [REDACTED] or related to [REDACTED]
3
4 Ofc. Sylvia: Ah hum.
5
6 Sgt. Scott: Okay. So 2012 Ford Focus.
7
8 Ofc. Sylvia: Yes.
9
10 Sgt. Scott: Okay. Do you remember when you and I were working
11 together?
12
13 Ofc. Sylvia: Ah hum.
14
15 Sgt. Scott: Do you remember how the topic of Nicholas and you had
16 come up at some point cuz people were talking about it?
17 Remember that?
18
19 Ofc. Sylvia: Vaguely, yes.
20
21 Sgt. Scott: Okay. Do you remember me talking to you about it?
22
23 Ofc. Sylvia: I don't.
24
25 Sgt. Scott: [REDACTED]
26
27
28 Ofc. Sylvia: Yes.
29
30 Sgt. Scott: What did [REDACTED] tell you?
31
32 Ofc. Sylvia: Just be careful with it.
33
34 Sgt. Scott: Why was that?
35
36 Ofc. Sylvia: Cuz of IA reasons.
37
38 Sgt. Scott: [REDACTED] tells you that.
39
40 Ofc. Sylvia: Ah hum.
41
42 Sgt. Scott: And because he's engaged and because you're married.
43 Remember [REDACTED] talking to you about that?

CASE REPORT NUMBER: MPD 2017-IA-014.
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PRESENT: Ofc. Kyla Sylvia #469
TRANSCRIBED BY: C. Gilbert #333

1
2 Ofc. Sylvia: I did.
3
4 Sgt. Scott: Did Officer Nicholas ever tell you that I talked to him
5 about it?
6
7 Ofc. Sylvia: No.
8
9 Sgt. Scott: Okay. Would you say that you heeded the warning that we
10 gave you?
11
12 Ofc. Sylvia: No. Not as much as I should have.
13
14 Sgt. Scott: Okay. And the reason why I'm asking you this is because,
15 you know, we have a responsibility to live our lives in a
16 way that's unsoiled both on and off duty, correct?
17
18 Ofc. Sylvia: Ah hum.
19
20 Sgt. Scott: I mean would you agree with that?
21
22 Ofc. Sylvia: No. I agree.
23
24 Sgt. Scott: That's actually kind of like out of our general orders. Okay.
25 I know that's not the first time you've heard it. The chief
26 has said it several times. Do you feel like based off of
27 what's going on, do you understand how this looks?
28
29 Ofc. Sylvia: Yes. I understand.
30
31 Sgt. Scott: Okay. I'm just going to ask you. Okay. And I'm not trying
32 to offend you. Okay. You and Nicholas, that's a strictly
33 professional relationship?
34
35 Ofc. Sylvia: It is.
36
37 Sgt. Scott: Has it always been a strictly professional relationship?
38
39 Ofc. Sylvia: No.
40
41 Sgt. Scott: Okay.
42
43 Ofc. Sylvia: I do like. I did like Nicholas.

CASE REPORT NUMBER: MPD 2017-IA-014.
OFFICER: Sgt. Scott #407
DATE: September 21st, 2017
TIME: 21:15 hours
LOCATION: MPD, 11555 W. Civic Center Dr.
PRESENT: Ofc. Kyla Sylvia #469
TRANSCRIBED BY: C. Gilbert #333

1
2 Sgt. Scott: Okay. Have you two ever been involved with each other?
3
4 Ofc. Sylvia: Yes.
5
6 Sgt. Scott: Okay. Were you guys involved with each other that night?
7
8 Ofc. Sylvia: No.
9
10 Sgt. Scott: Okay.
11
12 Ofc. Sylvia: That night nothing happened.
13
14 Sgt. Scott: Okay.
15
16 Ofc. Sylvia: The reason way. I'll be honest with you. Is because I don't
17 know what's going on in his personal life. When I asked
18 him about the engagement because I did like Nicholas and I
19 was curious what was going on with him and wanted some
20 honesty out of him to figure out if things could possibly go
21 somewhere.
22
23 Sgt. Scott: Was he engaged when you met him?
24
25 Ofc. Sylvia: That's what I was trying to find out.
26
27 Sgt. Scott: Okay.
28
29 Ofc. Sylvia: He never told me until he told me that he was trying to
30 break things off with his fiancée and that he was having a
31 complicated living situation where he had already ended
32 things, but was unable to move out of the house so I had
33 been under the impression that they were no long together.
34
35 Sgt. Scott: Just kind of living together.
36
37 Ofc. Sylvia: Ah hum.
38
39 Sgt. Scott: Okay.
40
41 Ofc. Sylvia: And that's the only reason why I was okay with spending
42 time with him.
43

CASE REPORT NUMBER: MPD 2017-IA-014.

OFFICER: Sgt. Scott #407

DATE: September 21st, 2017

TIME: 21:15 hours

LOCATION: MPD, 11555 W. Civic Center Dr.

PRESENT: Ofc. Kyla Sylvia #469


TRANSCRIBED BY: C. Gilbert #333

1 Sgt. Scott: Okay. Would it be safe to say that you and Nicholas are
2 still seeing each other?
3
4 Ofc. Sylvia: No. We don't see each other anymore.
5
6 Sgt. Scott: Okay.
7
8 Ofc. Sylvia: Kind of unfortunately. I wish in a way because I did like
9 him, but as of right now, I've moved on from that because
10 of this whole situation.
11
12 Sgt. Scott: Which whole situation?
13
14 Ofc. Sylvia: The whole situation because I'm not sure whether he is
15 engaged or not and I don't want to be in the middle of that.
16
17 Sgt. Scott: Got you. Okay. So here's the deal. Like you've been told
18 before informally, okay, from your peers. And I'm going to
19 be honest with you. The reason why your peers are telling
20 you this stuff is cuz they're looking out for your well-
21 being. Okay. If no one cared about you no one would tell
22 you hey, avoid these sticky situations. That's because
23 we've been around the block and we've seen how these
24 things, you know the ebb and flow of these department
25 relationships and they get messy.
26
27 Ofc. Sylvia: Yeah.
28
29 Sgt. Scott: You get what I'm saying?
30
31 Ofc. Sylvia: I see that.
32
33 Sgt. Scott: Especially, you know when you have people that you've
34 been involved with and they're now at your house and
35 they're on duty and they're there for an extended period of
36 time at, you know 1:00, 2:00 o'clock in the morning. You
37 understand what I'm saying?
38
39 Ofc. Sylvia: I understand what you're saying and I see now that it looks
40 bad and at that point I'd still kind of been under the
41 impression that things were not well with him and his
42 fiancée.
43

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PRESENT: Ofc. Kyla Sylvia #469
TRANSCRIBED BY: C. Gilbert #333

1 Sgt. Scott: Okay. And I just want to clarify. When you say you were
2 involved with him in the past you mean like romantic type
3 relationship?
4
5 Ofc. Sylvia: Yes.
6
7 Sgt. Scott: Okay. All right. Here's the deal. And this is coming from
8 me, but it's also coming from Chief Rozema. Okay. I have
9 not spoken with Nicholas yet and I haven't spoken with
10 Cazares yet. Okay. If you reach out to them and you tell
11 them that there's an investigation going on.
12
13 Ofc. Sylvia: I won't.
14
15 Sgt. Scott: You're going to be terminated.
16
17 Ofc. Sylvia: I understand that.
18
19 Sgt. Scott: Okay. I'm also going to request of you and it's up to you,
20 but I want to kind of just make sure that what you're telling
21 me is correct. Okay. You said that there was only a
22 message or two that you've sent him since Saturday night
23 or Sunday morning I guess technically it would be. Would
24 you mind showing me that text message to verify that?
25
26 Ofc. Sylvia: Yeah.
27
28 Sgt. Scott: Okay.
29
30 Ofc. Sylvia: I have to get my phone.
31
32 Sgt. Scott: Okay. Are you okay with me walking down there with you
33 and then we'll come back up here. We'll go back on the
34 record. I'll look at it and verify that it is what it is from that
35 night. I'm not looking for history two, three, four weeks
36 ago. I'm not talking about your pictures. I understand
37 phones are very sensitive. Okay.
38
39 Ofc. Sylvia: Ah hum. And it is very possible that I might have deleted it,
40 but I have to check because if I deleted it, it would be
41 because he wasn't talking to me. He wasn't responding
42 back to me so.
43

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PRESENT: Ofc. Kyla Sylvia #469
TRANSCRIBED BY: C. Gilbert #333

1 Sgt. Scott: So you would have deleted everything?
2
3 Ofc. Sylvia: Yeah.
4
5 Sgt. Scott: Not just that message.
6
7 Ofc. Sylvia: Not just that message, but it wouldn't be because I was
8 trying to hide anything. It would be because well he's not
9 writing me back.
10
11 Sgt. Scott: Okay. All right. So here's what we'll do. We'll take a
12 break. It is 21:35. We will pause this and then we will go
13 back on record when you have your cell phone. Okay.
14
15 Ofc. Sylvia: Fine.
16
17 Sgt. Scott: All right. So we're back on the record. It is 21:39. Do you
18 mind showing me what you're doing?
19
20 Ofc. Sylvia: Sure.
21
22 Sgt. Scott: Okay.
23
24 Ofc. Sylvia: I might have deleted it. But if it was it was because of the
25 reason I told you.
26
27 Sgt. Scott: That would have been. What date would it have been? The
28 16th through the 17th.
29
30 Ofc. Sylvia: It would show up his name.
31
32 Sgt. Scott: He's actually in your thing.
33
34 Ofc. Sylvia: Ah hum.
35
36 Sgt. Scott: You're moving so fast I can't even see it. His phone
37 number is what? It ends with 
38
39 Ofc. Sylvia: Let me look. I have him in as D. Nicholas.
40
41 Sgt. Scott: Okay. Can you go back to the.
42
43 Ofc. Sylvia: Messages.

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PRESENT: Ofc. Kyla Sylvia #469
TRANSCRIBED BY: C. Gilbert #333

1
2 Sgt. Scott: The messages again.
3
4 Ofc. Sylvia: It's at the top. It's a [REDACTED] number. [REDACTED]
5
6 Sgt. Scott: Okay. And you're telling me there's no phone calls either.
7
8 Ofc. Sylvia: No.
9
10 Sgt. Scott: Between the two. Would you mind showing me the call
11 log?
12
13 Ofc. Sylvia: Sure.
14
15 Sgt. Scott: Okay. Can you start at the top? Was that the top? Okay.
16
17 Ofc. Sylvia: Yeah.
18
19 Sgt. Scott: All right. Cool.
20
21 Ofc. Sylvia: The [REDACTED] and [REDACTED]. It would have been four days ago. I
22 don't remember what it was for though.
23
24 Sgt. Scott: Does it show you any details on that if you were to click on
25 that?
26
27 Ofc. Sylvia: I called him twice at midnight He didn't answer.
28
29 Sgt. Scott: That would have been Sunday, the 17th.
30
31 Ofc. Sylvia: Ah hum.
32
33 Sgt. Scott: So the 17th he called.
34
35 Ofc. Sylvia: I think it was I did call him to see if he was coming over.
36
37 Sgt. Scott: So that was at 12:58.
38
39 Ofc. Sylvia: Yes.
40
41 Sgt. Scott: So you called him at 12:56 on the 17th.
42

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PRESENT: Ofc. Kyla Sylvia #469
TRANSCRIBED BY: C. Gilbert #333

1 Ofc. Sylvia: Yes. I think my times would have been like I was
2 guesstimating. I don't remember exactly.
3
4 Sgt. Scott: That's fine. Okay. Those are the only two calls.
5
6 Ofc. Sylvia: Yes.
7
8 Sgt. Scott: So you called him at 00:56.
9
10 Ofc. Sylvia: It went to voice or he didn't answer.
11
12 Sgt. Scott: And then he called you back. That would have been
13 incoming. Okay. And nothing else since and obviously ...
14
15 Ofc. Sylvia: No. Nothing else from then cuz it would show here.
16
17 Sgt. Scott: Okay. You understand everything that's going on?
18
19 Ofc. Sylvia: I do. And honestly I didn't know if there was anything
20 going on between Nicholas and Cazares. I had no idea.
21
22 Sgt. Scott: Yeah. Anything else you think I need to know?
23
24 Ofc. Sylvia: I don't think so. It's all kind of like a whirlwind of
25 information right now.
26
27 Sgt. Scott: Okay. If you think of anything that you think is relevant to
28 this investigation get with me. Okay.
29
30 Ofc. Sylvia: Okay.
31
32 Sgt. Scott: Give me a call and we'll set something up and we can talk
33 some more if you think there's anything else that's
34 pertinent to what's going on here.
35
36 Ofc. Sylvia: All right.
37
38 Sgt. Scott: Got it good.
39
40 Ofc. Sylvia: Ah hum.
41
42 Sgt. Scott: Okay. All right. We'll end this interview at 21:44.

CASE REPORT NUMBER: MPD 2017-IA-014

OFFICER: Sgt. Scott #407

DATE: September 22nd, 2017

TIME: 15:38 hours

LOCATION: MPD, 11555 W. Civic Center Dr.

PRESENT: Sgt. Figueroa #305

TRANSCRIBED BY: C. Gilbert #333

1 Sgt. Scott: September 22nd, 2017. The time is now 15:38 hours. We're in the
2 Internal Affairs Office. Sergeant Chriswell Scott, badge #407. I
3 have Sergeant Figueroa. If you can spell your first and last name
4 for me and provide your badge number.
5
6 Sgt. Figueroa: It's A r t h u r M. Figueroa, F i g u e r o a. My badge number is
7 305.
8
9 Sgt. Scott: All right. Prior to me starting the tape, you were provided with a
10 NOI which you signed. Do you have any questions about that?
11
12 Sgt. Figueroa: No, sir.
13
14 Sgt. Scott: And you understand that you are a witness officer reference this
15 investigation?
16
17 Sgt. Figueroa: Yes, sir.
18
19 Sgt. Scott: All right. This is going to be reference Internal Affairs number
20 2017-IA-014. All right. So you supervise which squad?
21
22 Sgt. Figueroa: Squad six.
23
24 Sgt. Scott: Squad six. All right. The days that you work?
25
26 Sgt. Figueroa: The days that we work are Saturday, Sunday, Monday, Tuesday.
27
28 Sgt. Scott: Saturday through Tuesday.
29
30 Sgt. Figueroa: Yes.
31
32 Sgt. Scott: From 2100 to?
33
34 Sgt. Figueroa: 0700.
35
36 Sgt. Scott: All right. This past Saturday so that would be. I'll give you the
37 exact date. It would have been the 16th going into the 17th. So
38 Saturday going to Sunday. You were on duty?
39
40 Sgt. Figueroa: I was.
41
42 Sgt. Scott: Were you there for the entire shift?
43

CASE REPORT NUMBER: MPD 2017-IA-014
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TIME: 15:38 hours
LOCATION: MPD, 11555 W. Civic Center Dr.
PRESENT: Sgt. Figueroa #305
TRANSCRIBED BY: C. Gilbert #333

1 Sgt. Figueroa: As far as I can recall, yes.
2
3 Sgt. Scott: Okay.
4
5 Sgt. Figueroa: I don't have my calendar in front of me, but I think so.
6
7 Sgt. Scott: So I'm pulling up a shift summary for you. Does that look vaguely
8 familiar?
9
10 Sgt. Figueroa: Yes. I didn't do it, but Officer Bennett did it.
11
12 Sgt. Scott: Okay. You were there for that entire shift though?
13
14 Sgt. Figueroa: Yes.
15
16 Sgt. Scott: Okay. All right. So you have Officer Cazares and Officer Nicolas
17 both assigned to your squad.
18
19 Sgt. Figueroa: Yes.
20
21 Sgt. Scott: Okay. You make shift assignments at the beginning of shift?
22
23 Sgt. Figueroa: I do.
24
25 Sgt. Scott: Okay. Looking at the shift summary for that day, it looks like you
26 have Officer Cazares and Officer Nicholas assigned to district two
27 and three. Does that look?
28
29 Sgt. Figueroa: Yes.
30
31 Sgt. Scott: Were you the one that made those assignments?
32
33 Sgt. Figueroa: Yes. If that's the assignments, yes, I was the one that made the
34 assignment.
35
36 Sgt. Scott: Okay.
37
38 Sgt. Figueroa: I always make the assignments.
39
40 Sgt. Scott: If you're here you make the assignments.
41
42 Sgt. Figueroa: Yes.
43

CASE REPORT NUMBER: MPD 2017-IA-014
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TIME: 15:38 hours
LOCATION: MPD, 11555 W. Civic Center Dr.
PRESENT: Sgt. Figueroa #305
TRANSCRIBED BY: C. Gilbert #333

1 Sgt. Scott: Okay. So you took over this squad or you assumed responsibility
2 for this squad at the beginning of July. July, what, 9th, 8th,
3 something like that, at shift rotation?
4
5 Sgt. Figueroa: Yes.
6
7 Sgt. Scott: Okay. At the beginning of the rotation was there any talk about
8 what your expectations were as far as when they're assigned to a
9 district where you'd like them to be?
10
11 Sgt. Figueroa: Yes. I mean I explain to them that that's where I'd like them for
12 the most part and you know, if they're going to be going to have
13 chow, you know cuz for example, they both live up north. I tell
14 them if they're going to go break for chow, you know just to let me
15 know. It's pretty lenient. Our shift isn't that busy typically so it's
16 usually not an issue.
17
18 Sgt. Scott: Okay. So on this particular date which would have been the 17th
19 going into the 18th, actually the 16th going into the 17th.
20
21 Sgt. Figueroa: Yes.
22
23 Sgt. Scott: Would it surprise you if Officer Nicholas was accused of being in
24 district one for about three hours just hanging out?
25
26 Sgt. Figueroa: Three hours. That would surprise me.
27
28 Sgt. Scott: Okay. Did he get permission from you to be in the Gladden Farms
29 area?
30
31 Sgt. Figueroa: No. On that particular night I was kind of busy myself doing
32 paperwork in the office quite a bit, but I don't recall seeing him
33 specifically stuck in one district for that long, but I could be wrong.
34
35 Sgt. Scott: Okay. All right. Would it jog something in your mind if they were
36 getting repeatedly like say code 20 on the radio?
37
38 Sgt. Figueroa: Yes.
39
40 Sgt. Scott: Okay.
41
42 Sgt. Figueroa: Yeah. I don't recall him getting code 20.
43

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TRANSCRIBED BY: C. Gilbert #333

1 Sgt. Scott: Okay. Are you telling me that generally speaking members of your
2 squad know that if they're assigned to a particular district that's
3 probably where they should be working and patrolling?
4
5 Sgt. Figueroa: Yeah. Yeah. Unless something is going on, you know.
6
7 Sgt. Scott: In another district or something.
8
9 Sgt. Figueroa: You know, there's times where they help each other out or what
10 not, but it's not common practice for them to go. Obviously down
11 south is a little bit different. A lot of times two and three they kind
12 of intermingle so it's not uncommon for them to be in two for a
13 long time or be in three for a long time, but it's not common for
14 someone to be assigned south. It's not common for them to be up
15 north for that long period of time.
16
17 Sgt. Scott: Not on a call.
18
19 Sgt. Figueroa: Not on a call. Not anything.
20
21 Sgt. Scott: Just hanging out.
22
23 Sgt. Figueroa: I try to keep track of that. I mean I can't say that, you know every
24 single time I know where every single officer for the entire night
25 is, but I try. I'll say that I do have certain officers that tend to be a
26 little more quiet and so I try to watch them.
27
28 Sgt. Scott: Who are those officers?
29
30 Sgt. Figueroa: Those two are not, that particular officer.
31
32 Sgt. Scott: Okay. Have you set any sort of expectations of the squad as far as
33 activity like what you want them doing in the night?
34
35 Sgt. Figueroa: I usually talk about that at the beginning of shift. They talk about
36 you know, for example, there's quite a few code 18's. I make sure.
37 I want them doing their code 18's. I want them doing their code
38 9's, things of that nature. If I have them in you know, a certain area
39 I try to tell them to, you know try to be active doing traffic, things
40 of that nature.
41
42 Sgt. Scott: Okay. That's obviously because we've had some issues with code.
43

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TRANSCRIBED BY: C. Gilbert #333

1 Sgt. Figueroa: Code 18's.
2
3 Sgt. Scott: Code 18's recently.
4
5 Sgt. Figueroa: Yeah.
6
7 Sgt. Scott: Okay. Is there anything about how the squad is run that you think I
8 need to know about that I haven't asked you?
9
10 Sgt. Figueroa: How the squad is run?
11
12 Sgt. Scott: Yeah. As far as expectations.
13
14 Sgt. Figueroa: No. I think it's. I mean, you know I'll say that we do have those
15 nights where nothing goes on. You've worked midnights before.
16 You're familiar. And it's hard to stay motivated. There are nights
17 when officers don't do a whole lot.
18
19 Sgt. Scott: Yeah.
20
21 Sgt. Figueroa: I do my best to try to motivate them.
22
23 Sgt. Scott: Okay. But within their districts.
24
25 Sgt. Figueroa: Typically within their districts. I mean I don't assign somebody
26 down south for no reason. I'll give you an example. Recently
27 we've been instructed by command staff that they want to have
28 somebody in one district, one specifically and one in district four
29 so I've been doing that more often. Every once in a while
30 something's going on, I won't do that. I'll still just keep one person
31 up north, but recently in the recent past that's what I've doing, one
32 in one and one in four.
33
34 Sgt. Scott: Okay. Have you had any issues with either one of those two
35 officers, Officer Cazares or Officer Nicholas?
36
37 Sgt. Figueroa: What sort of issues are you talking about?
38
39 Sgt. Scott: Any personnel issues or anything?
40
41 Sgt. Figueroa: No. Officer Nicholas is a very quiet person, you know. I don't get
42 much talk out of him. He's been like that from the beginning. This
43 is my first rotation with him. Very, very quiet. I mean as far as

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1 issues, no. I don't call that an issue. He's just a quiet person. He's
2 one of the ones that's are a little more difficult to motivate to do
3 stuff, but he takes his calls for service. He does a little bit of traffic.
4 He does his stuff. Cazares has not had any problems with as far as
5 personnel issues. [REDACTED]
6 [REDACTED]
7 [REDACTED]
8 [REDACTED]
9 Sgt. Scott: Okay. All right. Do you have any questions of me?
10
11 Sgt. Figueroa: No. I'm just kind of unsure. I know this is an internal. I'll say that
12 nobody's brought anything to my attention prior to this.
13
14 Sgt. Scott: Okay.
15
16 Sgt. Figueroa: In reference these two officers. I don't know what this is about
17 obviously, but nobody's brought anything to my attention prior to
18 this date.
19
20 Sgt. Scott: Okay. Just one last thing. So as far as your expectations of your
21 officers when they're 10-8 and you know, 2:00 o'clock in the
22 morning, 3:00 o'clock in the morning, that sort of thing, would you
23 agree with the statement that you expect your officers to actually
24 be out patrolling and not, you know at someone's house for hours
25 at a time while 10-8?
26
27 Sgt. Figueroa: Absolutely.
28
29 Sgt. Scott: Okay. Would you consider that to be unacceptable?
30
31 Sgt. Figueroa: Yes.
32
33 Sgt. Scott: Okay. Did you have any knowledge of that?
34
35 Sgt. Figueroa: None.
36
37 Sgt. Scott: Okay. All right. That will conclude the interview. The time is now
38 15:48 hours.
39
40 Sgt. Scott: All right. It is still September 22nd, 2017. Time is now 15:51. Right
41 after we ended the prior interview, just in kind of talking between
42 you and I, you brought something up, a personnel issue that I think

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1 we both mutually agree probably should be on tape. Would that be
2 correct?
3
4 Sgt. Figueroa: Yeah.
5
6 Sgt. Scott: All right. So I'm still with Sergeant Figueroa. So reference Officer
7 Cazares and Officer Nicholas, is there anything about their
8 professional relationship or anything that you've heard just either
9 one of them have told you that is concerning to the two of you or
10 would make you.
11
12 Sgt. Figueroa: Concerning about the two of them.
13
14 Sgt. Scott: The two of them.
15
16 Sgt. Figueroa: Okay. So let me start by saying up until this came up and I'm just
17 reading into it maybe too much. I don't know. Cuz again, I don't
18 know the details of the investigation, but up until I'm being
19 questioned today, I didn't think that there was any kind of
20 relationship going on between the two of them prior to this, but in
21 you asking me about this it made me recall a conversation, just a
22 random conversation that Officer Cazares and I were having. I
23 believe. I'm trying to think. It was within the last week or so. She
24 responded to back me up on a call.
25
26 Sgt. Scott: So what I was asking about previously was like Saturday going
27 into Sunday. Do you think it was after that or was it possibly
28 before that, that this conversation happened?
29
30 Sgt. Figueroa: It may have been the same night earlier that night.
31
32 Sgt. Scott: Okay.
33
34 Sgt. Figueroa: And the reason I recall it is because DART was out and I believe
35 DART is only out on the weekends right now. That's our, you
36 know plain clothes unit. I was also speaking with or just after the
37 conversation between Officer Cazares and I, Officer Quackenbush
38 showed up and I talked to him briefly.
39
40 Sgt. Scott: Do you remember what call you were on that you had gone to?
41

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1 Sgt. Figueroa: That will kind of round it up. It was a call reference to an
2 unwanted person at the 4202, the Giant or whatever that is,
3 unwanted person.
4
5 Sgt. Scott: Around Ina?
6
7 Sgt. Figueroa: On Ina. Yes. Basically a guy that was asking for money and just
8 acting unusual. I found the guy in the parking lot of the 99 Cent
9 Store and Officer Cazares came out. After we were done talking
10 with the guy I let him go. She and I were talking and it was that
11 night and we were just talking about just random stuff, but during
12 this conversation I caught something that I thought was a little bit
13 odd and.
14
15 Sgt. Scott: Did she take primary on that call?
16
17 Sgt. Figueroa: No. I did.
18
19 Sgt. Scott: You took primary on that call.
20
21 Sgt. Figueroa: I can pull up the case number. It may have been more than a week
22 ago.
23
24 Sgt. Scott: Okay. That's fine. I can figure that out exactly. That's fine.
25
26 Sgt. Figueroa: Yeah. It may have been more than a week ago.
27
28 Sgt. Scott: Okay.
29
30 Sgt. Figueroa: But I just recall DART being out cuz again, Officer Quackenbush
31 was out.
32
33 Sgt. Scott: But the same night that you took primary on that call.
34
35 Sgt. Figueroa: Was the night that we had this conversation.
36
37 Sgt. Scott: Okay.
38
39 Sgt. Figueroa: So anyways. We were just talking about officers on the squad and
40 you know, just different personalities and what not, just kind of a
41 random conversation and we brought up Officer Nicholas and we
42 were talking about how he is.
43

CASE REPORT NUMBER: MPD 2017-IA-014
OFFICER: Sgt. Scott #407
DATE: September 22nd, 2017
TIME: 15:38 hours
LOCATION: MPD, 11555 W. Civic Center Dr.
PRESENT: Sgt. Figueroa #305
TRANSCRIBED BY: C. Gilbert #333

1 Sgt. Scott: It was the following night by the way. It was the 17th. That's the
2 night of the 17th.
3
4 Sgt. Figueroa: Okay. So were talking and basically we were talking about how
5 he's very quiet and he's hard to, you know kind of figure out and
6 what not and she made a comment that one night something along
7 the lines of when he was at her house he was acting weird or
8 something like that and I kind of thought it was odd that he would
9 be at her house. I didn't know that they were that close because
10 they never seem like that close at work. They take calls together,
11 but so does everybody else so I never thought anything of it. It
12 didn't really. I mean it was odd. It was something I picked up on,
13 but it wasn't like, you know they're squad mates and they're
14 friends so. I just thought it was a little odd because I do know that
15 he has a girlfriend and I believe she's in the process of getting
16 separated from her husband or, but other than that, I haven't seen
17 anything inappropriate or unusual between the two.
18
19 Sgt. Scott: Okay. When we add say Officer Sylvia into this. Have you heard
20 anything between Cazares and Sylvia or Sylvia and Nicholas?
21
22 Sgt. Figueroa: Never heard one thing.
23
24 Sgt. Scott: Nothing.
25
26 Sgt. Figueroa: Her name has never come up even in my squad.
27
28 Sgt. Scott: Yeah. I know you only overlap one night. That'd be Saturday
29 night.
30
31 Sgt. Figueroa: Yeah.
32
33 Sgt. Scott: Saturday from the hours of 9:00 p.m. to midnight so your
34 interactions with squad three are very limited, but nothing.
35
36 Sgt. Figueroa: Yeah. Her name never comes up. I mean as far as just normal
37 business stuff.
38
39 Sgt. Scott: Okay. Anything else?
40
41 Sgt. Figueroa: No.
42

CASE REPORT NUMBER: MPD 2017-IA-014

OFFICER: Sgt. Scott #407

DATE: September 22nd, 2017

TIME: 15:38 hours

LOCATION: MPD, 11555 W. Civic Center Dr.

PRESENT: Sgt. Figueroa #305

TRANSCRIBED BY: C. Gilbert #333

1 Sgt. Scott: Okay. Perfect. We'll go ahead and finish this interview. It is 15:57.
2 Thank you.

3

4

CASE REPORT NUMBER: MPD 2017-IA-014

OFFICER: Sgt. Scott #407

DATE: September 22nd, 2017

TIME: 16:18 hours

LOCATION: MPD, 11555 W. Civic Center Dr.

PRESENT: Ofc. Daniel Nicholas #466

TRANSCRIBED BY: C. Gilbert #333

1 Sgt. Scott: September 22nd, 2017. The time is now 16:18 hours. We're
2 in the Internal Affairs Office. This is Sergeant Chriswell
3 Scott. I have with me Daniel Nicholas. If you can state your
4 first and last name, spelling both, and then provide your
5 badge number.
6
7 Ofc. Nicholas: Daniel, D a n i e l, Nicholas, N i c h o l a s. Badge number
8 466.
9
10 Sgt. Scott: Okay. This is going to be reference IA number 2017-IA-
11 014. Before we get started Officer Nicholas. I provided you
12 with a Marana PD Notice of Investigation/Advice of
13 Rights. You were advised that you are a focus officer or
14 one of the focus officers in this investigation. You were
15 also advised that you have the right to have a union
16 representative present with you if you so desire. Did you
17 have a chance to review the NOI?
18
19 Ofc. Nicholas: Yes, I did.
20
21 Sgt. Scott: Do you have any questions about the NOI?
22
23 Ofc. Nicholas: No.
24
25 Sgt. Scott: Okay. You were provided with a copy of what you signed
26 to me. Would you like to have a union representative
27 present?
28
29 Ofc. Nicholas: No. Thank you.
30
31 Sgt. Scott: Okay. We'll get started. All right. So Officer Nicholas,
32 what squad are you assigned to?
33
34 Ofc. Nicholas: Squad six.
35
36 Sgt. Scott: Squad six. Your supervisor is?
37
38 Ofc. Nicholas: Sergeant Figueroa.
39
40 Sgt. Scott: All right. You work what hours?
41
42 Ofc. Nicholas: 2100 until 0700.
43

CASE REPORT NUMBER: MPD 2017-IA-014
OFFICER: Sgt. Scott #407
DATE: September 22nd, 2017
TIME: 16:18 hours
LOCATION: MPD, 11555 W. Civic Center Dr.
PRESENT: Ofc. Daniel Nicholas #466
TRANSCRIBED BY: C. Gilbert #333

1 Sgt. Scott: 07. Okay. You've been in this squad since?
2
3 Ofc. Nicholas: July.
4
5 Sgt. Scott: July like 8th or 9th, whenever we had shift rotation.
6
7 Ofc. Nicholas: Yeah. Whenever shift change was.
8
9 Sgt. Scott: Okay. Is it your first time working with Sergeant Fig?
10
11 Ofc. Nicholas: Yes.
12
13 Sgt. Scott: Okay. This past Saturday so that would have been
14 September 16th going into September 17th, were you on
15 duty that day?
16
17 Ofc. Nicholas: Yes.
18
19 Sgt. Scott: Okay. Do you remember what district you were assigned
20 to? If it helps I can bring up the shift summary for you.
21
22 Ofc. Nicholas: If you could.
23
24 Sgt. Scott: Squad six for the 16th. I've got you assigned to district two
25 and three with Officer Cazares and Officer Caughlin. Just
26 for some reference that's the day that you were. You had a
27 couple of calls that day, one being a 10-90 at Freddy's on
28 Orange Grove, another one at Stadium Grill on Orange
29 Grove. Actually two.
30
31 Ofc. Nicholas: Yeah. Okay.
32
33 Sgt. Scott: Okay. So that fits that night.
34
35 Ofc. Nicholas: Yes.
36
37 Sgt. Scott: Okay. All right. On that night in question you were
38 assigned to district two and three, correct?
39
40 Ofc. Nicholas: Correct.
41

CASE REPORT NUMBER: MPD 2017-IA-014
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TIME: 16:18 hours
LOCATION: MPD, 11555 W. Civic Center Dr.
PRESENT: Ofc. Daniel Nicholas #466
TRANSCRIBED BY: C. Gilbert #333

1 Sgt. Scott: Okay. When you started the squad were certain
2 expectations given to you by your sergeant as far as district
3 assignments, that sort of thing and areas of responsibility?
4
5 Ofc. Nicholas: Yes.
6
7 Sgt. Scott: Okay. What was the communication your supervisor gave
8 you?
9
10 Ofc. Nicholas: Just you're going to be assigned to a district or a couple
11 districts and you're just expected to respond to calls in
12 those districts, be proactive in those districts and stay
13 within the perimeters of those districts.
14
15 Sgt. Scott: Those are expectations that your supervisor gave you.
16
17 Ofc. Nicholas: Yes.
18
19 Sgt. Scott: Okay. Do you think there were any deviations from that
20 that's standard that happen that shift?
21
22 Ofc. Nicholas: I don't recall.
23
24 Sgt. Scott: You don't recall if there are any deviations. Would you like
25 me to help refresh your memory?
26
27 Ofc. Nicholas: Okay.
28
29 Sgt. Scott: Okay. So I told you previously and I understand it was a
30 few days ago, almost a week ago so I get it. All right. So
31 this is the shift, the 16th so you logged on according to
32 Spillman, you logged on at 8:33. You checked out at the
33 103 at 8:48 p.m. and then you went 10-8, assigned to
34 districts two and three at 22:00 so it'd been 10:00 p.m.
35 Does that all sound familiar?
36
37 Ofc. Nicholas: Yes.
38
39 Sgt. Scott: Okay. And I noticed that the calls that you took were
40 generally down there. Okay. The period that I'm referring
41 to is shortly after midnight, right around 1:56 in the
42 morning. There is a series of 10-8, 10-8, 10-8, 10-8, 10-8
43 there and those are all done via the MDC.

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PRESENT: Ofc. Daniel Nicholas #466
TRANSCRIBED BY: C. Gilbert #333

1
2 Ofc. Nicholas: Ah hum.
3
4 Sgt. Scott: What was going on during this time period?
5
6 Ofc. Nicholas: I met up to talk with an off duty officer.
7
8 Sgt. Scott: Okay. Which off duty officer was that?
9
10 Ofc. Nicholas: Officer Sylvia.
11
12 Sgt. Scott: Okay. Where did you met up and talk to her at?
13
14 Ofc. Nicholas: The residence that she's at now.
15
16 Sgt. Scott: Okay. And where's that at?
17
18 Ofc. Nicholas: The Gladden Farms area.
19
20 Sgt. Scott: Which would be district?
21
22 Ofc. Nicholas: One.
23
24 Sgt. Scott: District one.
25
26 Ofc. Nicholas: Yeah.
27
28 Sgt. Scott: Okay. Did you run that by your supervisor?
29
30 Ofc. Nicholas: No, I did not.
31
32 Sgt. Scott: Okay. Did you take your MDC in with you when you were
33 talking to this officer?
34
35 Ofc. Nicholas: Yes, I did.
36
37 Sgt. Scott: Okay. Did you go inside of this officer's residence?
38
39 Ofc. Nicholas: Yes, I did.
40
41 Sgt. Scott: Okay. Do you remember exactly when you got there?
42
43 Ofc. Nicholas: No. I would assume it would be pretty close to the first

CASE REPORT NUMBER: MPD 2017-IA-014
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TRANSCRIBED BY: C. Gilbert #333

1 10-8.
2
3 Sgt. Scott: The first 10-8. So you cleared. You were on your way to. I
4 think that was at the high school.
5
6 Ofc. Nicholas: Yeah.
7
8 Sgt. Scott: The open door.
9
10 Ofc. Nicholas: Correct.
11
12 Sgt. Scott: Okay. So then you 24 from that call at 1:46 in the morning.
13 At 1:56 is when you hit your first 10-8 even though you
14 had already been 10-8.
15
16 Ofc. Nicholas: I think it would be fair to assume then that would be
17 probably when I got there.
18
19 Sgt. Scott: Okay. Then you got dispatched to a call at 3:20 in the
20 morning, another 10-90. Would the open door been at the
21 high school or would the 10-90 been at the high school?
22
23 Ofc. Nicholas: No. The open door was at the high school.
24
25 Sgt. Scott: Where was this 10-90 at?
26
27 Ofc. Nicholas: That would have been Freddy's.
28
29 Sgt. Scott: Freddy's. The one at 3:20.
30
31 Ofc. Nicholas: Yes.
32
33 Sgt. Scott: And that was back in your district.
34
35 Ofc. Nicholas: Yes.
36
37 Sgt. Scott: Okay. When you went 76 to the Freddy's at 3:20, were you
38 coming from Gladden Farms?
39
40 Ofc. Nicholas: No. I had already left.
41
42 Sgt. Scott: Okay. What time did you leave?
43

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TRANSCRIBED BY: C. Gilbert #333

1 Ofc. Nicholas: I think it's fair to assume that it would be.
2
3 Sgt. Scott: The last 10-8.
4
5 Ofc. Nicholas: The last 10-8.
6
7 Sgt. Scott: So the one at three to four.
8
9 Ofc. Nicholas: Possibly.
10
11 Sgt. Scott: Okay. So would it be safe to assume that between the hours
12 of 1:56 and 3:04 so rough 2:00 o'clock to 3:00 o'clock you
13 were at officer's house.
14
15 Ofc. Nicholas: Yes.
16
17 Sgt. Scott: Okay. So when you got dispatched to the Freddy's do you
18 remember where you were at?
19
20 Ofc. Nicholas: I was in that general area. I was already almost 23 when it
21 happened. I believe I was at Ina and Thornydale, right
22 around there.
23
24 Sgt. Scott: You were almost in the area of the Freddy's.
25
26 Ofc. Nicholas: I was close, very close.
27
28 Sgt. Scott: Okay. All right. So you were at Officer Sylvia's house.
29
30 Ofc. Nicholas: Yes.
31
32 Sgt. Scott: Okay. Or a house that she's staying at.
33
34 Ofc. Nicholas: Yes.
35
36 Sgt. Scott: Okay. Do you remember what street that's on?
37
38 Ofc. Nicholas: I don't. I could point it out, kind of the area on a map, but I
39 don't.
40
41 Sgt. Scott: Does she live there with another officer, a TPD officer?
42
43 Ofc. Nicholas: I believe so.

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TRANSCRIBED BY: C. Gilbert #333

1
2 Sgt. Scott: Okay. All right. What were you doing at her house?
3
4 Ofc. Nicholas: We were just talking.
5
6 Sgt. Scott: Talking. Were you talking inside or were you talking
7 outside?
8
9 Ofc. Nicholas: We talked inside and outside, but the majority of the time I
10 would say was inside.
11
12 Sgt. Scott: Inside. And where were you inside when you were talking?
13
14 Ofc. Nicholas: The living room.
15
16 Sgt. Scott: The living room.
17
18 Ofc. Nicholas: Kitchen. Living room.
19
20 Sgt. Scott: Kitchen area. Was there anyone else at the house?
21
22 Ofc. Nicholas: I believe the other TPD officer was there, but they were
23 asleep at the time. I never saw anybody else at the time.
24
25 Sgt. Scott: Okay. What makes you think that the TPD officer was
26 there?
27
28 Ofc. Nicholas: An alarm kept going off and it would go off and then it
29 turned off and then go off again.
30
31 Sgt. Scott: What do you mean alarm, a cell phone alarm?
32
33 Ofc. Nicholas: Yeah. Like to wake up, a cell phone alarm.
34
35 Sgt. Scott: Okay. Why would an alarm be going off at that time of the
36 night?
37
38 Ofc. Nicholas: I don't know.
39
40 Sgt. Scott: Okay. Just to be sure. Just to be clear. You never saw the
41 TPD officer there.
42
43 Ofc. Nicholas: No.

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TRANSCRIBED BY: C. Gilbert #333

1
2 Sgt. Scott: Did Officer Sylvia tell you that the TPD officer was there?
3
4 Ofc. Nicholas: I believe she said at some point that the other person was
5 there, but I don't remember exactly, but I think she said
6 that.
7
8 Sgt. Scott: Okay. Were you guys talking anywhere else other than. Did
9 you say the living room or did you say the kitchen?
10
11 Ofc. Nicholas: They're kind of like combined so.
12
13 Sgt. Scott: Were you guys talking anywhere else other than that?
14
15 Ofc. Nicholas: In front of the front door.
16
17 Sgt. Scott: Okay. Anywhere else inside the residence? No other rooms.
18
19 Ofc. Nicholas: No.
20
21 Sgt. Scott: Okay. So what were you guys talking about?
22
23 Ofc. Nicholas: Just stuff that's going on.
24
25 Sgt. Scott: Stuff like what?
26
27 Ofc. Nicholas: Her personal life. My personal life.
28
29 Sgt. Scott: Okay. What's going on in her personal life?
30
31 Ofc. Nicholas: She's getting divorced. She moved up to that house
32 recently, stuff like that.
33
34 Sgt. Scott: Okay. What's going on in your personal life?
35
36 Ofc. Nicholas: Just mostly work. Just work and nothing else really.
37
38 Sgt. Scott: Did she ask you any questions about what's going on in
39 your personal life as far as your relationship or who you're
40 seeing or anything like that?
41
42 Ofc. Nicholas: She asked how my home life was.
43

CASE REPORT NUMBER: MPD 2017-IA-014

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DATE: September 22nd, 2017

TIME: 16:18 hours

LOCATION: MPD, 11555 W. Civic Center Dr.

PRESENT: Ofc. Daniel Nicholas #466

TRANSCRIBED BY: C. Gilbert #333

1 Sgt. Scott: Okay. And what was your response to that?
2
3 Ofc. Nicholas: The same.
4
5 Sgt. Scott: And what does that mean?
6
7 Ofc. Nicholas: It hasn't gotten better or worse.
8
9 Sgt. Scott: Okay. Are you engaged right now?
10
11 Ofc. Nicholas: Yes.
12
13 Sgt. Scott: Still engaged. Okay. What neighborhood do you live in?
14
15 Ofc. Nicholas: San Lucas.
16
17 Sgt. Scott: San Lucas. And you're living with you fiancée.
18
19 Ofc. Nicholas: Yes.
20
21 Sgt. Scott: Okay. What's the nature of the relationship between you
22 and Officer Sylvia?
23
24 Ofc. Nicholas: Just a friendship.
25
26 Sgt. Scott: A friendship. Have you guys ever been romantically
27 involved?
28
29 Ofc. Nicholas: No.
30
31 Sgt. Scott: You guys have never been sexually involved?
32
33 Ofc. Nicholas: No.
34
35 Sgt. Scott: Okay. Do you have any idea why she would say something
36 different than that?
37
38 Ofc. Nicholas: No.
39
40 Sgt. Scott: Okay. You're telling me one hundred percent that the
41 relationship that you have with Officer Sylvia is one
42 hundred percent has always just been friends. It's never

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TRANSCRIBED BY: C. Gilbert #333

1 Sgt. Scott: Okay. But that morning did you get a text message from
2 her?
3
4 Ofc. Nicholas: Probably.
5
6 Sgt. Scott: Okay. Do you remember what it said?
7
8 Ofc. Nicholas: No.
9
10 Sgt. Scott: You have no idea what she said?
11
12 Ofc. Nicholas: Somebody saw a vehicle over there and she knew it was
13 mine because of the map. I don't know all the text
14 messages that she sent.
15
16 Sgt. Scott: Do you still have those text messages?
17
18 Ofc. Nicholas: I don't.
19
20 Sgt. Scott: What happened to them?
21
22 Ofc. Nicholas: I deleted them.
23
24 Sgt. Scott: Okay. Where's your cell phone at?
25
26 Ofc. Nicholas: In my pocket.
27
28 Sgt. Scott: Okay. Would you be willing to show me those text
29 messages? Not all of them. I just want to see the messages.
30
31 Ofc. Nicholas: I don't have any messages with Officer Cazares right now.
32 I haven't really spoken with her recently.
33
34 Sgt. Scott: You have a contact name [REDACTED]
35
36 Ofc. Nicholas: That's my fiancée's name.
37
38 Sgt. Scott: [REDACTED]
39
40 Ofc. Nicholas: Yes.
41
42 Sgt. Scott: Okay. So if you scroll down a little bit. Okay. Scroll back
43 up for me real quick. What is she in your phone as?

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1
2 Ofc. Nicholas: D460. So in this group message the D460.
3
4 Sgt. Scott: Okay. Do you have any phone calls from her?
5
6 Ofc. Nicholas: On the 11th. The 11th.
7
8 Sgt. Scott: Let me see that real quick. So that's without going up so
9 you have one on 9-11.
10
11 Ofc. Nicholas: Yeah. I don't have any other ones from her.
12
13 Sgt. Scott: Can you turn the screen so I can see it? Can you scroll up
14 more, more? Can you scroll down just a little bit slowly?
15 Okay. All right.
16
17 Ofc. Nicholas: I did just switch phones too today.
18
19 Sgt. Scott: To that phone.
20
21 Ofc. Nicholas: Yeah. To this phone so the iCloud was from yesterday's. It
22 loaded yesterday's, but she hasn't called me today either
23 so.
24
25 Sgt. Scott: You went from one iPhone to another.
26
27 Ofc. Nicholas: Yes.
28
29 Sgt. Scott: What the nature of your relationship with Officer Cazares?
30
31 Ofc. Nicholas: Friends and coworkers.
32
33 Sgt. Scott: Okay.
34
35 Ofc. Nicholas: Not really friends as much anymore.
36
37 Sgt. Scott: And why is that?
38
39 Ofc. Nicholas: Just haven't seen eye to eye on things.
40
41 Sgt. Scott: Like what?
42
43 Ofc. Nicholas: Like my friendship with Officer Sylvia.

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1
2 Sgt. Scott: Okay. What aspect of that? What are you guys not seeing
3 eye to eye on?
4
5 Ofc. Nicholas: She just thinks there's more to it than there is.
6
7 Sgt. Scott: Has she told you that?
8
9 Ofc. Nicholas: Yes.
10
11 Sgt. Scott: Why does that bother her?
12
13 Ofc. Nicholas: I don't know. She doesn't think it's a good friendship for
14 me to have.
15
16 Sgt. Scott: Has she ever explained to you why she doesn't think that's
17 a good friendship?
18
19 Ofc. Nicholas: She doesn't think that I can trust her, Officer Sylvia.
20
21 Sgt. Scott: Have you heard from Officer Sylvia in the last couple
22 days?
23
24 Ofc. Nicholas: She had sent me a text that I didn't respond to it on
25 Saturday morning or Sunday morning.
26
27 Sgt. Scott: What did she say?
28
29 Ofc. Nicholas: It was something along the lines of like don't worry about
30 what people say, a thing. Don't worry about what people
31 say. There's nothing inappropriate about how we hang out
32 or something along those lines.
33
34 Sgt. Scott: Okay. The relationship that you have with Officer Cazares,
35 professional relationship you said and a personal
36 relationship, but not so much that's personal anymore
37 because there'd been issues. Have you ever had a romantic
38 or a sexual relationship with Officer Cazares?
39
40 Ofc. Nicholas: Yes.
41
42 Sgt. Scott: You have. Okay. Are you still having that sort of
43 relationship with her?

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1
2 Ofc. Nicholas: No.
3
4 Sgt. Scott: Okay. And when did that stop?
5
6 Ofc. Nicholas: Maybe two months ago, a month and a half ago.
7
8 Sgt. Scott: What prompted that stopping?
9
10 Ofc. Nicholas: Several things.
11
12 Sgt. Scott: Like what?
13
14 Ofc. Nicholas: That's initially when she brought up my friendship with
15 Officer Sylvia. Also just not being a good fiancé.
16
17 Sgt. Scott: Okay. So with that being said, let's go back to what did
18 Officer Cazares send you on Sunday morning via text
19 message?
20
21 Ofc. Nicholas: Something about somebody saw my car, my patrol car at
22 the house that Officer Sylvia is staying at now. She sent
23 several others. I didn't read them. I just deleted them cuz I
24 didn't want to talk to her.
25
26 Sgt. Scott: Okay. So let's go back again. Cuz I want to give you the
27 opportunity to answer my questions fully and to answer my
28 questions honestly. Okay. All right. And I know that
29 integrity is an important thing to you. So let's talk about
30 Officer Sylvia again. You said that the relationship was
31 professional and personal. Have you ever had a romantic or
32 a sexual relationship with Officer Sylvia?
33
34 Ofc. Nicholas: Yes.
35
36 Sgt. Scott: Okay. And when did that stop or is that still ongoing?
37
38 Ofc. Nicholas: No. About the same time that Officer Cazares brought it up
39 to me because Officer Sylvia, there was some question
40 about Officer Sylvia and her husband or her ex-husband, or
41 whatever they were.
42
43 Sgt. Scott: What's the question?

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PRESENT: Ofc. Daniel Nicholas #466
TRANSCRIBED BY: C. Gilbert #333

1
2 Ofc. Nicholas: Whether or not they were actually getting divorced or what
3 their status was.
4
5 Sgt. Scott: Okay. So you were involved with both of them at the same
6 time?
7
8 Ofc. Nicholas: Briefly.
9
10 Sgt. Scott: Briefly.
11
12 Ofc. Nicholas: Yes.
13
14 Sgt. Scott: Okay. So let's go back now to the 16th going into the 17th,
15 that shift that we just talked about, Saturday going into
16 Sunday. Did you have any sort of sexual relationship or any
17 sort of physical relationship with her that night?
18
19 Ofc. Nicholas: Officer Sylvia?
20
21 Sgt. Scott: Yeah.
22
23 Ofc. Nicholas: When I was leaving we kissed.
24
25 Sgt. Scott: Okay.
26
27 Ofc. Nicholas: That was all.
28
29 Sgt. Scott: Was there anything more than that?
30
31 Ofc. Nicholas: No.
32
33 Sgt. Scott: You haven't heard anything from her since then?
34
35 Ofc. Nicholas: She texted me Sunday morning. I didn't respond.
36
37 Sgt. Scott: Why didn't you respond?
38
39 Ofc. Nicholas: I felt guilty.
40
41 Sgt. Scott: Why'd you feel guilty?
42
43 Ofc. Nicholas: Because I'm engaged.

CASE REPORT NUMBER: MPD 2017-IA-014
OFFICER: Sgt. Scott #407
DATE: September 22nd, 2017
TIME: 16:18 hours
LOCATION: MPD, 11555 W. Civic Center Dr.
PRESENT: Ofc. Daniel Nicholas #466
TRANSCRIBED BY: C. Gilbert #333

1
2 Sgt. Scott: Okay. Has she tried reaching out to you since then?
3
4 Ofc. Nicholas: Officer Sylvia?
5
6 Sgt. Scott: Yes.
7
8 Ofc. Nicholas: I have just phone calls from her. One answered one
9 Sunday.
10
11 Sgt. Scott: Is she not programmed in your phone?
12
13 Ofc. Nicholas: 469.
14
15 Sgt. Scott: So that was Sunday. And then going upward, what do you
16 have?
17
18 Ofc. Nicholas: There should be nothing for her.
19
20 Sgt. Scott: Okay. Are you guys Snapchat friends?
21
22 Ofc. Nicholas: Yes. We were. I've deleted my Snapchat weeks ago.
23
24 Sgt. Scott: Facebook friends?
25
26 Ofc. Nicholas: I don't have a Facebook. It was deleted.
27
28 Sgt. Scott: When was that?
29
30 Ofc. Nicholas: Months ago.
31
32 Sgt. Scott: Instagram.
33
34 Ofc. Nicholas: Deleted it a few months ago.
35
36 Sgt. Scott: Do you have any social media?
37
38 Ofc. Nicholas: Pinterest. LinkedIn.
39
40 Sgt. Scott: Have you heard from her on LinkedIn or Pinterest?
41
42 Ofc. Nicholas: I have not.
43

CASE REPORT NUMBER: MPD 2017-IA-014

OFFICER: Sgt. Scott #407

DATE: September 22nd, 2017

TIME: 16:18 hours

LOCATION: MPD, 11555 W. Civic Center Dr.

PRESENT: Ofc. Daniel Nicholas #466

TRANSCRIBED BY: C. Gilbert #333

1 Sgt. Scott: So reference Officer Cazares sending you a message saying
2 that someone saw you up there, what are your thoughts on
3 that?
4
5 Ofc. Nicholas: I mean I can't deny it.
6
7 Sgt. Scott: Okay. Who do you think saw you up there?
8
9 Ofc. Nicholas: I didn't bother to ask.
10
11 Sgt. Scott: Okay.
12
13 Ofc. Nicholas: It doesn't matter cuz I was there so.
14
15 Sgt. Scott: So you never responded to her message?
16
17 Ofc. Nicholas: I didn't respond to that one.
18
19 Sgt. Scott: Did you respond to any of them?
20
21 Ofc. Nicholas: She had said something prior to that about something
22 completely different.
23
24 Sgt. Scott: That same night or that morning.
25
26 Ofc. Nicholas: It was that morning. There was a text prior to that one
27 about something else.
28
29 Sgt. Scott: What was that one about?
30
31 Ofc. Nicholas: I don't remember.
32
33 Sgt. Scott: When I asked you the first time about it, the relationship
34 with Sylvia and you told me that there was nothing there
35 and then the second time you said yeah, we've had, you
36 know, a sexual relationship. What's up with that? Why lie
37 about it? And the reason why I'm asking you that is cuz
38 you remember prior to me going on tape, do you remember
39 me telling you.
40
41 Ofc. Nicholas: Yes.
42

CASE REPORT NUMBER: MPD 2017-IA-014

OFFICER: Sgt. Scott #407

DATE: September 22nd, 2017

TIME: 16:18 hours

LOCATION: MPD, 11555 W. Civic Center Dr.

PRESENT: Ofc. Daniel Nicholas #466

TRANSCRIBED BY: C. Gilbert #333

1 Sgt. Scott: That there is some things you can expect and I told you
2 before we went on tape that some of the questions I'm
3 going to ask you are going to be very uncomfortable. Do
4 you remember me telling you that?
5
6 Ofc. Nicholas: Yeah.
7
8 Sgt. Scott: Do you remember me telling you that what I expect from
9 you is complete honesty, right? Do you remember me
10 telling you that?
11
12 Ofc. Nicholas: Yeah, I do.
13
14 Sgt. Scott: Do you remember me also telling you that in return what
15 you're going to get from me is I'm going to be professional
16 with you. I'm not going to disrespect you.
17
18 Ofc. Nicholas: Yes.
19
20 Sgt. Scott: And I told you I'm not here to bully you, you know. This is
21 going to be a professional interview.
22
23 Ofc. Nicholas: Yes.
24
25 Sgt. Scott: Okay. And though these questions are personal they
26 directly relate to your professional duties because some of
27 this has creep into your professional life. Would you agree
28 with that?
29
30 Ofc. Nicholas: Yes.
31
32 Sgt. Scott: Okay. So why tell me no if the answer is really yes?
33
34 Ofc. Nicholas: Fear I guess.
35
36 Sgt. Scott: Fear of what?
37
38 Ofc. Nicholas: The truth. The real answer.
39
40 Sgt. Scott: Okay. Is there anything else that you've been untruthful
41 with in this area?
42
43 Ofc. Nicholas: No.

CASE REPORT NUMBER: MPD 2017-IA-014
OFFICER: Sgt. Scott #407
DATE: September 22nd, 2017
TIME: 16:18 hours
LOCATION: MPD, 11555 W. Civic Center Dr.
PRESENT: Ofc. Daniel Nicholas #466
TRANSCRIBED BY: C. Gilbert #333

1
2 Sgt. Scott: And the reason why I'm asking you this cuz I don't want to
3 have to re-interview you.
4
5 Ofc. Nicholas: I understand.
6
7 Sgt. Scott: Okay. And if I have to re-interview you and you know, I
8 get a completely different answer that's going to be
9 troubling for me, you know. At the end of the day I want no
10 matter how this plays out I want to be able to look you in
11 your eye and say you're an honest dude.
12
13 Ofc. Nicholas: I understand.
14
15 Sgt. Scott: And at the end of the day isn't that the most important
16 thing?
17
18 Ofc. Nicholas: It is.
19
20 Sgt. Scott: Okay. What was the purpose of you taking your MDC
21 inside the house and sending a 10-8 while you're inside the
22 house?
23
24 Ofc. Nicholas: It was mostly just so if a call came out where I was
25 supposed to be, you know where they dispatched me so I
26 could already be en-route.
27
28 Sgt. Scott: Why did you hit 10-8 several times while you're at the
29 house?
30
31 Ofc. Nicholas: I don't like it to go past 20 minutes in that general area of
32 me being 10-8 so.
33
34 Sgt. Scott: You don't like it to go past 20 minutes.
35
36 Ofc. Nicholas: The counter.
37
38 Sgt. Scott: Why's that?
39
40 Ofc. Nicholas: I just always have been that way.
41
42 Sgt. Scott: Is it because it gives the appearance that you're not doing
43 anything?

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TRANSCRIBED BY: C. Gilbert #333

1
2 Ofc. Nicholas: No. I always do it even if I'm in my car doing stuff or not
3 doing stuff.
4
5 Sgt. Scott: Just hit 10-8.
6
7 Ofc. Nicholas: I don't like to be code 20.
8
9 Sgt. Scott: Do you think there's some better things you could have
10 been doing with your patrol time during that?
11
12 Ofc. Nicholas: Absolutely. Yes.
13
14 Sgt. Scott: During that hour or so of patrolling.
15
16 Ofc. Nicholas: Yes.
17
18 Sgt. Scott: Did your supervisor know you were up there?
19
20 Ofc. Nicholas: I don't believe so.
21
22 Sgt. Scott: Did you tell your supervisor you were in district one?
23
24 Ofc. Nicholas: No.
25
26 Sgt. Scott: You mentioned that one time you had met Officer Sylvia at
27 Quick Trip. She was off duty. Is that a yes?
28
29 Ofc. Nicholas: Yes.
30
31 Sgt. Scott: You were on duty?
32
33 Ofc. Nicholas: Yes.
34
35 Sgt. Scott: How long do you think that you were there that time for?
36
37 Ofc. Nicholas: 20, maybe 30 minutes.
38
39 Sgt. Scott: 20, 30 minutes. All right. Last, but not least. Have you and
40 I had a discussion about this before?
41
42 Ofc. Nicholas: Yes.
43

CASE REPORT NUMBER: MPD 2017-IA-014
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LOCATION: MPD, 11555 W. Civic Center Dr.
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TRANSCRIBED BY: C. Gilbert #333

1 Sgt. Scott: Okay. Do you remember where we were at when we had
2 this discussion?
3
4 Ofc. Nicholas: Orange Grove and Thornydale area.
5
6 Sgt. Scott: We were at Orange Grove and Thornydale on the southeast
7 quad, outside of Urgent Care. What did I tell you? At that
8 time I was a patrol supervisor, correct?
9
10 Ofc. Nicholas: Yes.
11
12 Sgt. Scott: I just finished up on a call.
13
14 Ofc. Nicholas: Yes.
15
16 Sgt. Scott: And what did I tell you?
17
18 Ofc. Nicholas: Essentially that it was my reputation that was at stake.
19
20 Sgt. Scott: Okay. Do you remember me telling you that I've been
21 hearing things? And do you remember me telling you that
22 you need to avoid the very appearance of evil?
23
24 Ofc. Nicholas: Yes.
25
26 Sgt. Scott: Those words specifically.
27
28 Ofc. Nicholas: Yes.
29
30 Sgt. Scott: Do you think that you heeded any of that advice?
31
32 Ofc. Nicholas: No.
33
34 Sgt. Scott: Okay. Do you remember me telling you that Officer Sylvia
35 is, at that time was still married and that you were engaged?
36
37 Ofc. Nicholas: Yes.
38
39 Sgt. Scott: And that essentially and I don't think I said this part word
40 for word, but that we need to live our lives in a way that,
41 you know our reputation, our character is (inaudible) on
42 duty and off duty. Do you remember me talking to you
43 about that?

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LOCATION: MPD, 11555 W. Civic Center Dr.
PRESENT: Ofc. Daniel Nicholas #466
TRANSCRIBED BY: C. Gilbert #333

1
2 Ofc. Nicholas: I do.
3
4 Sgt. Scott: And you remember you telling me at that point oh, it's no
5 big deal, there's nothing going on?
6
7 Ofc. Nicholas: Yes.
8
9 Sgt. Scott: That was what, four months ago, five months ago?
10
11 Ofc. Nicholas: Sounds right.
12
13 Sgt. Scott: Okay. But you didn't listen to anything that I told you, did
14 you?
15
16 Ofc. Nicholas: No.
17
18 Sgt. Scott: No. All right. Do you have any questions of me?
19
20 Ofc. Nicholas: No.
21
22 Sgt. Scott: Is there anything that you think I need to know reference
23 what I've asked you that has been omitted, anything that I
24 haven't particularly asked the question the right way so
25 you're withholding information or not? I'm not saying you
26 are, but is there anything that's on your chest that you think
27 that I need to know right now?
28
29 Ofc. Nicholas: No. No.
30
31 Sgt. Scott: Okay. All right. We will conclude this interview. Actually
32 before we turn off the tape. Part of your NOI states that you
33 are to discuss this with no one.
34
35 Ofc. Nicholas: I saw.
36
37 Sgt. Scott: Okay. So not with your supervisor. Not with any of your
38 squad mates. Most definitely not with Sylvia. Most
39 definitely not with Cazares. And I'm telling you that if you
40 do discuss it with any one of those people you're going to
41 be terminated and that's coming from the chief. Okay.
42
43 Ofc. Nicholas: I understand.

CASE REPORT NUMBER: MPD 2017-IA-014
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TIME: 16:18 hours
LOCATION: MPD, 11555 W. Civic Center Dr.
PRESENT: Ofc. Daniel Nicholas #466
TRANSCRIBED BY: C. Gilbert #333

1
2 Sgt. Scott: All right. And I'm not saying that to intimidate you. I don't
3 want there to be any miscommunication. Okay.
4
5 Ofc. Nicholas: I understand.
6
7 Sgt. Scott: Cuz it's necessary to protect the integrity of this
8 investigation. Okay.
9
10 Ofc. Nicholas: Yes.
11
12 Sgt. Scott: All right. We'll go ahead and conclude this interview. The
13 time is now 16:48.
14
15

Chriswell Scott

From: Debra Kesterson
Sent: Friday, September 29, 2017 10:45 AM
To: Chriswell Scott
Cc: Terry Rozema
Subject: FW: Investigation of Dionysius Cazares; Letter from Louis Fidel
Attachments: Det. Kesterson 9-28-17.pdf

This is the letter reference the conversation I have with Mr. Fidel yesterday
Thank you
Debbie

From: Melissa Hahn [mailto:████████████████████]
Sent: Thursday, September 28, 2017 4:51 PM
To: Debra Kesterson
Cc: Louis Fidel
Subject: Re: Investigation of Dionysius Cazares; Letter from Louis Fidel

My apologies for the incorrect email address. I have updated our records.

Melissa Hahn, Legal Assistant
Piccarreta Davis Keenan Fidel PC | 145 South Sixth Avenue, Tucson, AZ 85701
t 520.622.6900, ext. 138 | f 520-622-0521 | www.pd-law.com

From: Melissa Hahn
Sent: Thursday, September 28, 2017 4:48 PM
To: 'D.Kesterson@maranaaz.gov'
Cc: Louis Fidel
Subject: Re: Investigation of Dionysius Cazares; Letter from Louis Fidel

Please see attached. Thank you.

Best regards,

Melissa Hahn, Legal Assistant
Piccarreta Davis Keenan Fidel PC | 145 South Sixth Avenue, Tucson, AZ 85701
t 520.622.6900, ext. 138 | f 520-622-0521 | www.pd-law.com

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BARRY M. DAVIS
(1948-2016)

September 28, 2017

VIA EMAIL: D.Kesterson@maranaaz.gov

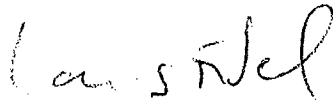
Detective Debra Kesterson
Marana Police Department
11555 W. Civic Center Drive
Marana, AZ 85653

Re: Investigation of Officer Dionysius Cazares

Dear Detective Kesterson:

Thank you for speaking with me earlier this afternoon about the investigation of Officer Dionysius Cazares. As we discussed, I represent Officer Cazares, and therefore any further contact with her should be directed through this office. My understanding is that this case will be presented to Malena Acosta at the Pima County Attorney's Office for review regarding possible criminal charges. I request that you include a copy of this letter in your file so that Ms. Acosta is aware of my representation of Officer Cazares. I also request that when you meet with Ms. Acosta you advise her that I would like to speak with her about the case before any final decision is made about whether to issue criminal charges.

Sincerely,



Louis S. Fidel

LSF:mh

Chriswell Scott

From: Debra Kesterson
Sent: Wednesday, October 4, 2017 10:09 AM
To: Chriswell Scott; Neil Jordan
Cc: Terry Rozema
Subject: FW: Investigation of Dionysius Cazares; Letter from Louis Fidel
Attachments: acosta 10-4-17.pdf

From: Melissa Hahn [mailto: [REDACTED]]
Sent: Wednesday, October 04, 2017 10:06 AM
To: Acosta, Malena
Cc: Debra Kesterson; Louis Fidel
Subject: Re: Investigation of Dionysius Cazares; Letter from Louis Fidel

Please see attached. Thank you.

Best regards,

Melissa Hahn, Legal Assistant
Piccarreta Davis Keenan Fidel PC | 2 East Congress Street, Suite 1000, Tucson, AZ 85701
t 520.622.6900, ext. 138 | f 520-622-0521 | www.pd-law.com

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October 4, 2017

VIA EMAIL: Malena.Acosta@pcao.pima.gov
AND HAND DELIVERY

Malena Acosta, Esq.
Pima County Attorney's Office
32 N. Stone Avenue, #1400
Tucson, AZ 85701

Re: Investigation of Dionysius Cazares

Dear Malena:

The purpose of this letter is to provide you with some background information about Marana Police Department ("MPD") Officer Dionysius Cazares and the circumstances surrounding her case. I have been advised that you will be meeting with MPD Detective Kesterson this week to review her investigation into Officer Cazares' use of the ACJIS database on or about September 17, 2017. My understanding is that the criminal offense at issue is computer tampering, pursuant to A.R.S. § 13-2316(A)(7), and for the reasons set forth in this letter, I believe prosecution should be declined.

Officer Cazares is a relatively new police officer, having been hired by MPD in June 2015. Before that she had held a number of jobs, including as a health assistant at an elementary school, four years of service in the Marine Corps, where she worked as an administrator in charge of maintaining and updating the records documenting servicemen's personal and confidential information, and as a homemaker until her children were old enough to be in school. Officer Cazares has two kids, who are six and eight years old, and she has been married nearly 10 years, although she and her husband are very recently separated.

The conduct in this case occurred during an emotionally fraught time, stemming largely from Officer Cazares' separation from her husband. After Officer

Cazares was hired by MPD, as she went through the police academy, field training, and the on-the-job learning of being an officer. [REDACTED]

Shortly after being hired by MPD, Officer Cazares became friends with another MPD Officer, Daniel Nicholas. After the separation and [REDACTED] their friendship turned into a romantic relationship, but shortly before the incident at issue in this case, Officer Cazares broke things off when she learned that Officer Nicholas was engaged to be married to another woman. They continued as friends, but Officer Cazares was then told that Officer Nicholas was also romantically involved with another female MPD officer, which was deeply hurtful. She felt that her trust had been betrayed, and also that Officer Nicholas had taken advantage of their friendship and her circumstances following her separation and [REDACTED] to make romantic advances.

During Officer Cazares' duty shift over September 16 and 17, she and Officer Nicholas were both assigned to sector 2 and 3 of the MPD patrol area.¹ At one point, Officer Nicholas was called over the radio to respond to an issue at a high school in sector 1, but before he arrived on scene, Officer Cazares heard over the radio that the incident was resolved and Officer Nicholas was no longer needed. Nevertheless, when Officer Cazares looked at her squad car computer, she saw that the GPS tracker in his patrol vehicle showed that he was still in Sector 1, stopped in a neighborhood but not attached to a call. She and another officer who was on shift speculated that he must have been visiting one of his girlfriends' houses.

When Officer Cazares finished her shift and headed home, she drove past the neighborhood where she had seen Officer Nicholas' car lingering. As she did, she saw an MPD squad car parked in front of a house and made an emotional mistake, running the license plates of nearby vehicles through the ACJIS database. My understanding is

¹ The MPD patrol area is broken into four patrol sectors, designated sector 1, sector 2, sector 3, and sector 4. Officers on patrol are assigned to particular sectors for their shift.

that when Officer Cazares was interviewed by Detective Kesterson, she recalled seeing the results of an ACJIS query on her monitor showing that one of the vehicles was registered to the husband of another MPD officer, and immediately closing the file. She does not recall actually running that plate, although she does not dispute that she did, and was surprised to learn from the detective that records showed she had run multiple additional plates at the same time. This fragmented recollection is illustrative of the extremely agitated emotional state she was in.

Afterward, Officer Cazares called [REDACTED] and told her about the ACJIS query she had conducted. [REDACTED] told Officer Cazares that this was a violation of the ACJIS rules, which Officer Cazares had not realized. After reporting for duty on September 27 and attending an annual training, Officer Cazares was told to find Detective Kesterson, who wanted to interview her. She immediately found the detective, waived her *Miranda* rights, and explained all of the above to her. My understanding is that part of the interview included a review of Officer Cazares's ACJIS search history, and her searches on September 17 were the only ones unrelated to a law enforcement investigation.

A.R.S. § 13-2316(A)(7) provides that "A person who acts without lawful authority or who exceeds lawful authorization of use commits computer tampering by...[k]nowingly obtaining any information that is required by law to be kept confidential or any records that are not public records by accessing any computer, computer system or network that is operated by this state, a political subdivision of this state, [or other agency]." My understanding is that Officer Cazares has admitted accessing ACJIS records for purposes unrelated to a law enforcement investigation. While this may have been negligent or reckless, as she should have understood the relevant ACJIS rules, her conduct indicates she did not act knowingly. Her immediate communication with [REDACTED] about her misuse of the database shows a lack of understanding of the applicable ACJIS rules.²

Absent the requisite mental state, while Officer Cazares's conduct may well result in significant administrative discipline, it does not rise to the level of a criminal violation. If, however, you believe some criminal charges are appropriate, I believe it would be appropriate to exercise your discretion and refer the case for misdemeanor prosecution, which is permissible under A.R.S. § 13-604, as computer tampering under A.R.S. § 13-2316(A)(7) is a class 6 felony.

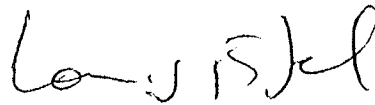
² I have been advised that the ACJIS certification test MPD administered to Officer Cazares when she first became an officer was conducted in an extremely lax manner that did not require a clear understanding of the rules in order to pass. The test was conducted in a group setting with other officers and dispatchers in the room, and if they did not know the answer to a question, they were able to confer with the other officers.

I have been advised that MPD will be initiating an administrative investigation of Officer Cazares' ACJIS use, the consequences of which could well include termination from the department. In addition to those internal consequences, there is a strong possibility that further complications with her AZPOST peace officer certification will follow. As a result, there is a likelihood that Officer Cazares' career as a police officer may come to an end due to this incident. In light of all the circumstances I believe those administrative consequences are significant enough of a punishment and additional criminal sanctions are unnecessary.

Officer Cazares was an inexperienced officer who did not understand the extent of the ACJIS rules and made an emotional mistake that she immediately reported to another officer. When she was questioned by Detective Kesterson, she cooperated fully and admitted her misconduct. Prior to this incident, there had been no question about the quality of her police work, her integrity as an officer, or her trustworthiness with confidential information, including during her career in the Marines. She is not a bad cop who deserves to be saddled with felony criminal charges, which will be a major hurdle to her ability to find work in another career.

I obviously do not have access to all of the facts contained in Detective Kesterson's investigation, but based on all of the above information, I believe criminal charges should be declined. Thank you for considering this information, I hope we can discuss the matter before any final decision is made regarding criminal charges.

Sincerely,

A handwritten signature in black ink, appearing to read "Louis S. Fidel". The signature is fluid and cursive, with the first name "Louis" being the most prominent part.

Louis S. Fidel

LSF:mh

cc: Detective Debra Kesterson (via email)