



INTEROFFICE MEMORANDUM

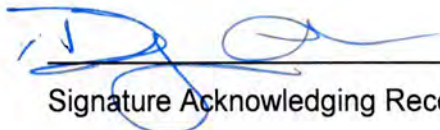
TO: Dionysius Cazares, Officer
FROM: Terry Rozema, Chief of Police
SUBJECT: Termination
DATE: October 26, 2017
CC: Reuben Nuñez, Deputy Chief
Human Resources Department

On October 23, 2017, Deputy Chief Nuñez issued to you a Notice of Intended Disciplinary Action. As indicated in the Notice, a pre-action meeting was scheduled for October 26, 2017 at 1300 hours, in my office. The purpose of the pre-action meeting is to give the employee the opportunity to respond, either verbally or in writing, to the written Notice.

I find by a preponderance of the evidence that the misconduct described in the Notice occurred and that there is just cause to impose the intended disciplinary action. Therefore, the proposed disciplinary action of termination will be implemented as indicated in the Notice, with an effective date of October 27, 2017.

This action is being taken for the reasons stated in the October 23, 2017 Notice of Intended Disciplinary Action.

Be advised that you have the right to request review of this termination pursuant to Town of Marana Personnel Policy 5-6 "Formal Personnel Action Review Procedures."



Signature Acknowledging Receipt

10/26/17

Date



INTEROFFICE MEMORANDUM

TO: Dionysius Cazares, Officer
FROM: Reuben Nuñez, Deputy Chief
SUBJECT: Notice of Intended Disciplinary Action
DATE: October 23, 2017
CC: Human Resources Department
Chief Rozema, Marana Police Department

This memorandum serves as a Notice of Intended Disciplinary Action pursuant to Town of Marana Personnel Policy Section 5-5-6 and Marana Police Department (MPD) General Order (GO) 1050.2. The proposed disciplinary action in this case is **termination** pursuant to Personnel Policy Section 5-5-3(F) and MPD GO 1030.7. This action is being taken for the following reasons.

On September 17, 2017, you were on patrol working a midnight shift. A review of your mobile data computer (MDC) activity reveals that at approximately 7:00 a.m., you entered code 42, indicating the end of your shift. Then, at approximately 7:02 a.m., you ran a vehicle registration check on your MDC for Arizona license plate [REDACTED]. At approximately 7:03 a.m., you ran another vehicle registration check for Arizona license plate [REDACTED], which came back registered to [REDACTED] and Kyla Sylvia. Kyla Sylvia was an MPD police officer at the time. It came to the department's attention that you ran these two plates for non-law enforcement-related reasons, and both a criminal and an administrative investigation were initiated.

As a part of the criminal investigation, Det. Kesterson and Det. Jordan interviewed you. Prior to questioning you, Det. Jordan advised you of your *Miranda* rights and you agreed to answer the detectives' questions. During the interview, you indicated that while on shift during the early morning hours of September 17, 2017, you noticed that the computer monitor in your vehicle showed that former MPD Officer Nicholas, who was on patrol that night as well, was in a neighborhood in Gladden Farms for an extended period of time. This neighborhood was outside of Officer Nicholas' assigned district. You stated that you had been involved in a personal relationship with Officer Nicholas and suspected that he may also be involved in a personal relationship with Officer Sylvia.

You then indicated that when you ended your shift, you went to the location where Officer Nicholas had been earlier and ran the plates of at least one vehicle in an attempt to determine who Officer Nicholas had been with. You did not recall how many plates you ran, but indicated you stopped when the [REDACTED] plate returned to [REDACTED]. You admitted that you ran the plate or plates for personal reasons and not for law enforcement-related reasons.

On October 10, 2017, you were indicted by a grand jury for two counts of computer tampering, in violation of A.R.S. § 13-2316(A)(7), a class 6 felony.

As a separate but related matter, during the course of the administrative investigation regarding the MDC incident, the department became aware that you had told another MPD officer that on a previous occasion, Officer Nicholas was at your residence for an extended period of time when he was on-duty and supposed to be on patrol. When questioned, you admitted that in the recent past, although you could not remember the exact date, Officer Nicholas had been at your residence on and off for approximately three to five hours while on-duty and in uniform. You acknowledged that you and Officer Nicholas watched a movie and a 60-minute television show in their entirety during the night. You stated that Officer Nicholas brought his MDC into your house and would leave to take calls and then come back when he was done. You were off-duty that night. You did not report Officer Nicholas' conduct to your chain of command.

This summary is intended to put you on notice of the reasons for the proposed termination. It is not intended to be an exhaustive recitation of every fact supporting the Town's intended disciplinary action. The Town reserves the right to supplement these grounds based on any additional information presented by you or that the Town learns through investigation or other means.

Your behavior provides grounds for disciplinary action under the following Marana Police Department General Orders and Town of Marana Personnel Policies:

- **MPD General Order 130.2 Obedience to General Orders Required:** All employees shall observe and obey all laws, Town Personnel Policies and Procedures and Administrative Directives, Department General Orders, Department rules, procedures and policies, as well as any rules, procedures and policies established by their commanders.
- **MPD 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.
- **MPD 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.

- **MPD General Order 130.10 Criminal Conduct Prohibited:** Employees shall not engage in any conduct, whether on or off duty, regardless of their whereabouts, which is in violation of the law. Criminal conduct, in and of itself, is sufficient grounds for disciplinary action against an employee, regardless of whether or not the employee is cited, indicted, tried, and/or convicted for any particular offense.
- **MPD General Order 1805 Criminal Information Systems:** The Arizona Criminal Justice Information System (ACJIS) system is a series of databases maintained by the Department of Public Safety (DPS) for the use of specific law enforcement and criminal justice personnel. The information in the database may be accessed only for law enforcement purposes and may be shared only with other law enforcement personnel, and only for law enforcement purposes. To directly access the database, an employee must first be certified as a Terminal Operator by DPS. Information from ACJIS shall not be disseminated to any person not authorized to receive the information, including employees or the public.
- **Town of Marana Personnel Policies and Procedures Section 1-2-2(D) Abuse of Position:** Each employee should use the public resources, property and funds under the employee's control responsibly and for the public purpose intended by law and not for any private purpose.
- **Town of Marana Personnel Policies and Procedures 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:
 - S. Violation of any Town policies, administrative directives, or ordinances, or state or federal law
 - W. Divulging or misusing confidential information

Based upon the information revealed during the Department's administrative investigation, the Town has just cause to terminate you. The Town and the Department, through the Personnel Policies and Procedures and General Orders, have made you aware that the conduct under consideration in this instance could result in disciplinary action against you. On November 9, 2015, you signed the Pima County Sheriff's Department Information Systems User Guidelines, acknowledging that use of the ACJIS system was for criminal justice purposes only. On November 12, 2015, you received training regarding use of the ACJIS system, including specific instruction regarding improper personal use of the system, and passed a test certifying you to use the system. Under the circumstances set forth in this Notice, termination is an appropriate disciplinary action for misconduct of this seriousness, is reasonably related to the conduct at hand, and is not excessive.

While your misuse of the ACJIS system standing alone would result in your termination, your failure to report Officer Nicholas' violation of policy on the night he spent three to five hours at your house when he was supposed to be on patrol demonstrates a further lack of good judgment on your part.

The proposed date of the termination is October 27, 2017. In accordance with Section 5-5-7 of the Town of Marana Personnel Policies and MPD GO 1050.3, I have scheduled a pre-action meeting for October 26, 2017 at 1300 hours, in Chief Rozema's office. The purpose of this meeting is to give you the opportunity to present reasons, either orally or in writing, as to why the proposed disciplinary action should not be taken. Pursuant to Section 5-5-7(B), you may have a non-attorney co-worker of your choice present during the pre-action meeting, if you so desire. The co-worker may not speak

Dionysius Cazares
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on your behalf and may only participate as an observer. Any relevant information that you present regarding the proposed disciplinary action will be taken into consideration in making a final determination regarding this disciplinary action. If you fail to appear at the pre-action meeting and/or fail to timely submit reasons in writing why you should not be terminated, you will be deemed to have waived this right and the proposed disciplinary action will be implemented.



Signature Acknowledging Receipt

10/23/17

Date