



City of Phoenix

PUBLIC RECORDS
Released pursuant to
A.R.S. 39-121, Et. Seq.

To: Jeri L. Williams
Police Chief

Date: January 29, 2020

From: Shane Disotell, Commander 
Professional Standards Bureau

Subject: INTERNAL INVESTIGATION – PSB19-0102

Internal Investigators: Lieutenant Eric Pagone (Investigative Review)
Sergeant Tadd Cline (Primary Investigator)
Sergeant Matthew Butler (Secondary Investigator)

Allegation #1: On September 5, 2019, at approximately 7:06 a.m., Officer Tyken Solie #7860, while off-duty, was stopped by the Department of Public Safety (DPS) for excessive speed (criminal traffic) and charges were submitted to the Maricopa County Attorney's Office.

Findings: Sustained

Allegation #2: On September 5, 2019, Officer Tyken Solie #7860, while off-duty, tried to use his position as a police officer to avoid a criminal traffic citation.

Findings: Sustained

Allegation #3: On September 5, 2019, Officer Tyken Solie #7860, while off-duty, was unprofessional during a traffic stop.

Findings: Sustained

Allegation #4: Officer Tyken Solie #7860 did not notify a supervisor after being stopped and investigated by DPS for excessive speed.

Findings: Sustained

Allegation #5: On September 17, 2019, during an administrative investigation, Officer Tyken Solie #7860 provided false, incomplete, misleading statements, or willful omissions during a Professional Standards Bureau (PSB) interview.

Findings: Sustained

Employee/s Involved: Officer Tyken Solie #7860
Desert Horizon Precinct, 63J

Complainant: Department Initiated

Attachments: See Attachments Section

SUMMARY OF INVESTIGATION:

On September 5, 2019, an Arizona Department of Public Safety (DPS) Trooper stopped Officer Tyken Solie #7860 for several traffic violations. Officer Solie was off-duty at the time of the traffic stop. The violations included criminal speed, unsafe lane changes, following too closely (tailgating) and driving in the High Occupancy Vehicle (HOV) lane. The DPS Trooper opted to issue Officer Solie a citation solely for excessive speed (criminal traffic violation). Officer Solie attempted to use his position as a police officer to avoid being issued a criminal citation and refused to sign the citation. Officer Solie did not report the incident to a police supervisor. DPS authored and submitted a criminal report (Excessive Speed) to the Maricopa County Attorney's Office (MCAO) for prosecution. On September 17, 2019, Officer Solie provided false, incomplete, misleading statements, or willful omissions to Professional Standards Bureau investigators during an administrative interview.

The allegations Officer Solie exhibited excessive speed, tried to use his position as a police officer to avoid a criminal traffic citation, was unprofessional during a traffic stop, did not notify a supervisor of the incident, and provided false, incomplete, misleading statements, or willful omissions during a Professional Standards Bureau (PSB) interview are sustained.

DETAILS OF INVESTIGATION:

On September 5, 2019, Officer Solie's chain of command contacted the Professional Standards Bureau (PSB) via an email, regarding DPS investigating Officer Solie for excessive speed (criminal speeding). The email explained Officer Solie refused to sign the criminal traffic citation which resulted in a criminal report being submitted to MCAO for prosecution. The email further denoted Officer Solie had a history of being contacted and warned by troopers for various traffic related violations.¹ As a result of this incident, PSB investigators initiated an administrative investigation.

INTERNAL INVESTIGATION REPORT -- PSB19-0102

Page 3 of 18

PSB investigators contacted DPS to obtain the criminal report and all documentation about Officer Solie's prior contacts with DPS troopers. DPS records documented Officer Solie was contacted by DPS for various traffic related issues seven times between January 13, 2012, and January 03, 2018. The seven contacts with DPS resulted in Officer Solie being issued a warning and the warning was documented by a *Warning/Equipment Repair Order Form* or a *Contact Data Collection Form*.

The seven prior stops and warnings are listed as follows:

DATE	LOCATION	VIOLATION
01/13/12	SR101 (S/B) at Milepost 16	ARS 28-701A (Speed) Officer speed - 66 MPH Posted speed - 65 MPH
12/03/12	SR101 (N/B) at Mile Post 4	ARS 28-737A (HOV) Officer speed - 65 MPH Posted speed - 65 MPH
06/30/14	SR101 (West) at Milepost 30	Moving Violation (Type Not Specified) Officer speed - not listed Posted speed - 65 MPH
07/01/15	US93 (N/B) at Milepost 48	ARS 28-701A (Speed) Officer speed - 80 MPH Posted speed - 65 MPH
10/26/15 ²	SR101 (S/B) at Milepost 6	ARS 28-959.01C (Tinted Windows) Officer speed - not listed Posted speed - 65 MPH
01/25/16	SR101 (S/B) at Milepost 15	ARS 28-701 (Excessive Speed) ³ ARS 28-737A (HOV) ARS 28-4135C (Proof of Insurance) Officer speed - 87 MPH Posted speed - 65 MPH

01/03/18	SR101 (S/B) at Milepost 8	ARS 28-2354B (License Plate Cover) ARS 28-2158C (Registration Card in Vehicle) Officer speed - 65 MPH Posted speed - 65 MPH
----------	---------------------------	--

On Thursday, September 5, 2019, at 7:00 a.m., Officer Solie left work in his dark gray, 2012 Nissan Armada with tinted windows. Officer Solie was dressed in a Phoenix Police ball cap, his uniform shirt (breast badge, shoulder patches and a Body Worn Camera- BWC) and uniform pants. Officer Solie's gun belt was on the front passenger's side floorboard. Officer Solie used State Route 101 (SR101) westbound and vehicle traffic was heavy due to rush hour. Officer Solie traveled primarily in the fast (#1) and HOV lanes.

PSB investigators reviewed the 911 call for service (CFS) alerting DPS of Officer Solie's driving. At 7:02 a.m., Mr. Christopher Richardson, an Assistant Fire Chief for the El Mirage Fire Department called 911 and said a dark gray, four door SUV (Sport Utility Vehicle) was driving at a high rate of speed southbound on the SR101 Freeway from West Bell Road. Mr. Richardson said the SUV almost hit the median many times and was swerving and weaving in and out of traffic.⁴

At 7:04 a.m., information from Mr. Richardson's 911 call was dispatched to troopers in the area. Trooper Sean Rodecap #7223 was positioned on the shoulder of the southbound SR101 Freeway at West Grand Avenue (Milepost 11) conducting traffic enforcement. Trooper Rodecap observed a dark gray SUV traveling at a high rate of speed and changing lanes when the SUV passed his location. Trooper Rodecap visually estimated the speed of the SUV at 95 miles per hour (MPH) and confirmed his visual estimate of the vehicle speed with LIDAR (laser speed measuring device) at 100 MPH.⁵ The posted speed limit was 65 MPH. Trooper Rodecap followed the SUV and observed the vehicle tailgating and making lane changes without signaling.⁶ Trooper Rodecap stopped the vehicle at 7:06 a.m. and the traffic stop concluded at 8:05 a.m.⁷

PSB Interview with Trooper Rodecap:

Trooper Rodecap told PSB investigators he never lost sight of the SUV from the time he first saw the SUV until the time he initiated the traffic stop. In addition, Trooper Rodecap said he

spoke to Mr. Richardson (911 caller) and confirmed the SUV he stopped was the same vehicle Mr. Richardson observed.⁸

Trooper Rodecap told PSB investigators he planned to arrest the driver of the SUV for either reckless or aggressive driving.⁹ Aggressive Driving and Reckless Driving are criminal traffic violations and are defined:

- **Aggressive Driving:** Arizona Revised Statute (ARS) 28-695 defines aggressive driving as a combination of civil speed (ARS 28-701) or excessive speed (ARS 28-701.02) along with two other moving violations which include but are not limited to: unsafe lane change (ARS 28-729) and following another vehicle too closely (ARS 28-730). Aggressive driving is a class 1 misdemeanor.
- **Reckless Driving:** ARS 28-693 defines reckless driving as a reckless disregard for the safety of persons or property. Reckless driving is a class 2 misdemeanor.

When Trooper Rodecap learned the driver was an off-duty police officer, he told PSB investigators, "I was just kind of blown away when I saw who was driving the car."¹⁰ Trooper Rodecap explained he told Officer Solie the reason he initiated the traffic stop was due to Officer Solie's driving behavior and further explained to Officer Solie, his (Solie) driving prompted calls to 911.¹¹ Trooper Rodecap said Officer Solie told him he did not realize he was driving so fast, he just finished his work shift, was tired and was on his way home.

Trooper Rodecap asked Officer Solie for his driver's license. Trooper Rodecap told PSB investigators Officer Solie handed Trooper Rodecap his police credentials and ID card. Trooper Rodecap said he requested Officer Solie's license a second time and Officer Solie gave his driver's license to the trooper. Trooper Rodecap said he returned to his vehicle and contacted his supervisor, Sergeant Gerald Baker #6112, to discuss the traffic stop involving Officer Solie. Trooper Rodecap said after he discussed the incident with Sergeant Baker, Sergeant Baker directed him to issue Officer Solie a traffic citation for excessive speed.¹² Trooper Rodecap completed the traffic citation and re-contacted Officer Solie.

Trooper Rodecap told PSB investigators he handed the criminal citation to Officer Solie. According to Trooper Rodecap, Officer Solie commented the traffic citation better be a, "fixit ticket."¹³ Trooper Rodecap said he informed Officer Solie the citation was not a warning, but a criminal citation for excessive speed; 100 MPH in a 65 MPH zone.¹⁴ Trooper Rodecap said Officer Solie disputed the citation and believed he (Solie) used his position as a police officer to avoid being cited.¹⁵ Trooper Rodecap told PSB investigators Officer Solie said, "I can't believe

you are doing this," and said he (Rodecap) could issue him a warning because he (Rodecap) had the discretion to do so.¹⁶ Trooper Rodecap said Officer Solie then mentioned Phoenix officers worked with DPS and routinely backed them up.¹⁷

Trooper Rodecap said he told Officer Solie, he used his discretion already by not arresting him and charging him with aggravated or reckless driving. In response, Trooper Rodecap said Officer Solie told him to, "Take a deep breath," and think about what he (Rodecap) was doing. In addition, Trooper Rodecap said Officer Solie told him, he could not believe he would cite another police officer.¹⁸ Trooper Rodecap said he handed the criminal traffic citation to Officer Solie and told him to sign it.

Trooper Rodecap said Officer Solie looked over the ticket, "box by box," made a comment about the speed being 100 MPH, said the ticket was inaccurate, and told Trooper Rodecap to take the citation back.¹⁹ Officer Solie handed the citation back without signing the citation. Trooper Rodecap said he asked Officer Solie a second time to sign the ticket, but Officer Solie refused. Trooper Rodecap said Officer Solie argued with him about the citation and Trooper Rodecap's observations of Officer Solie's driving behavior. Trooper Rodecap said he told Officer Solie to sign the criminal citation but Officer Solie refused and stated, "I'm not signing this."²⁰ Trooper Rodecap said he asked Officer Solie one last time if he would sign the criminal citation and Officer Solie responded, "No."²¹ Trooper Rodecap said he returned to his vehicle and notified Sergeant Baker about Officer Solie's refusal to sign the criminal citation.

PSB Interview with Trooper Odegard:

Trooper Cleve Odegard #5438 stopped and assisted Trooper Rodecap before the arrival of Sergeant Baker. He briefly spoke to Trooper Rodecap before he contacted Officer Solie. Trooper Odegard told PSB investigators his conversation with Officer Solie was short and lasted no more than two to three minutes. Trooper Odegard stated he spoke to Officer Solie alone because Trooper Rodecap stayed in his vehicle. Trooper Odegard said Officer Solie asked him how many years of service he had as a trooper. In addition, Trooper Odegard told PSB investigators, Officer Solie said he regularly provided backup for DPS Troopers and told Trooper Odegard he should not be issued a criminal traffic citation. Trooper Odegard told PSB investigators he believed Officer Solie tried to use his position as a police officer to persuade him to tell Trooper Rodecap not to issue him the criminal citation.²²

PSB Interview with Sergeant Baker:

Sergeant Baker arrived at approximately 7:43 a.m. and spoke with Trooper Rodecap before he contacted Officer Solie. Sergeant Baker said Trooper Rodecap explained the reason for the traffic stop and why Officer Solie was being issued a criminal traffic citation. Trooper Rodecap further explained Officer Solie disagreed with his decision and Officer Solie debated the traffic citation.

Sergeant Baker told PSB investigators Officer Solie was "upset." Sergeant Baker said Officer Solie told him he could not believe a trooper would issue another police officer a ticket and they (DPS) could use officer discretion.²³ Sergeant Baker told PSB investigators he informed Officer Solie the trooper used his discretion by issuing him a criminal speeding citation instead of arresting him for aggressive or reckless driving.²⁴ Sergeant Baker said Officer Solie told him about four times, they (DPS) could use discretion and not cite him.²⁵ Sergeant Baker said he asked Officer Solie multiple times to sign the criminal citation, but Officer Solie refused.

Sergeant Baker said he told Officer Solie he made a poor decision by refusing to sign the criminal citation and told him he was not, "above the law."²⁶ Sergeant Baker described Officer Solie to PSB investigators as entitled. Sergeant Baker reiterated to PSB investigators, Officer Solie thought he should not be issued a criminal citation because he was a police officer.²⁷

Sergeant Baker told PSB investigators, he explained to Officer Solie a criminal investigation would be submitted to MCAO for prosecution because he refused to sign the criminal citation.²⁸ Sergeant Baker said he also advised Officer Solie to report his contact with DPS to his supervisor.²⁹ Sergeant Baker estimated he spoke with Officer Solie for approximately fifteen minutes, but he did not audio or video record their conversation.

PSB Interview with Officer Solie:

On September 17, 2019, Officer Solie was interviewed by PSB investigators. Officer Solie said he disagreed with Trooper Rodecap's assessment of him driving recklessly and aggressively at 100 MPH. Officer Solie conceded he was speeding and driving in the HOV lane but not as Trooper Rodecap purported.³⁰ When asked by PSB investigators how fast he was driving when he was stopped by DPS, Officer Solie stated, "Not criminal speed," but stated he kept up with the flow of traffic which was greater than 65 MPH.³¹ After being pulled over, Officer Solie said he handed his police credentials to Trooper Rodecap because he assumed the trooper would eventually want to see them.

Officer Solie stated he did not believe Trooper Rodecap could accurately measure the speed of his SUV while he was in the HOV lane, in heavy traffic, from approximately 900 feet away. Officer Solie explained other vehicles were driving faster than him and the two 911 calls were divergent and neither described his SUV. Officer Solie said he did not recall tailgating or weaving in and out of traffic. When asked if fatigue affected his ability to drive or to remember what occurred during the stop, Officer Solie replied he was tired but it did not affect his ability to drive or remember his conversation with the troopers.³²

Officer Solie said Trooper Rodecap told him he planned on writing him criminal traffic citations for reckless endangerment, aggressive driving and criminal speed.³³ Officer Solie stated, "I was just perplexed by that uhm, you know, I know he has discretion and I was wondering why he was trying to exaggerate, not only exaggerate what I was doing but also write criminal citations for that."³⁴

Officer Solie was asked if he made the statement, "This better be a fix it ticket," to Trooper Rodecap. Officer Solie told PSB investigators he did not make that statement and explained he may have asked the trooper if the citation was a "fix it ticket."³⁵ Officer Solie explained a, "fix it ticket" was a warning given to motorists by DPS.

Officer Solie acknowledged he told Trooper Rodecap he could use discretion and give him a warning but did not remember making statements about Phoenix police officers aiding DPS troopers.³⁶ PSB investigators asked Officer Solie if he told Trooper Rodecap, "Take a deep breath and think about this before you do this?" Officer Solie answered, "I don't remember saying those exact words. No."³⁷

Officer Solie was asked why he did not sign the criminal citation. He initially said, "They (DPS) were making false accusations against what I did, first of all. And uh, you know, that's just unjust what they were trying to, you know, trump up all these charges and accuse me of all these things that I didn't do. So, I felt that wasn't fair and it was more talking to them, you know, about the situation."³⁸ Officer Solie was asked what the consequences were for not signing a criminal citation. Officer Solie said, "I mean...you can...one of the things you can do is go to jail."³⁹ Officer Solie was asked if he was aware he could go to jail if he did not sign the criminal citation. He stated, "I wasn't ready to sign their ticket right then and there until I was still speaking with them about the incident. I wanted more clarification."⁴⁰

PSB investigators asked Officer Solie if he refused to sign the criminal citation. He replied, "It's not that was my final, you know, decision that, hey I'm not going to sign your ticket end of

story.”⁴¹ Officer Solie further explained, “I don’t remember if I said that specifically or not but I...you know, I was still in the process of what I thought was, you know, just talking with them, letting, you know, letting them know my side of the story.”⁴²

PSB investigators asked Officer Solie if Sergeant Baker asked him more than one time to sign the criminal citation. He stated, “I have no idea.”⁴³ PSB investigators told Officer Solie, both Trooper Rodecap and Sergeant Baker told PSB investigators they handed him the criminal citation multiple times and asked him to sign the traffic citation. PSB investigators then asked Officer Solie a second time if he refused to sign the criminal citation. Officer Solie responded, “I don’t recall.”⁴⁴ PSB investigators followed with the question, “You don’t know if you refused to sign it (traffic citation)?” Officer Solie replied, “I, I, don’t, we, we were in, what I felt is we were in negotiations about going back and forth, about how this was just an unjust thing.”⁴⁵ When asked a third time if he told the troopers he would not sign the traffic citation, Officer Solie said, “I do not remember.”⁴⁶

Officer Solie told PSB investigators he did not act rudely or try to argue the traffic citation with Trooper Rodecap or Sergeant Baker. He said he was just trying to understand why he was being issued three criminal citations for something he did not do. PSB investigators informed Officer Solie, Trooper Rodecap and Sergeant Baker both said they informed him his driving was aggressive and reckless, but he was only being cited for excessive speed. In addition, PSB investigators reminded Officer Solie, the citation was given to him on a clipboard. Officer Solie replied he did not know what charges were on the citation and did not read the citation.⁴⁷ PSB investigators told Officer Solie, Trooper Rodecap stated Officer Solie reviewed the criminal citation before Officer Solie handed it back to Trooper Rodecap and said he would not sign it. Officer Solie said he did not look at the citation but assumed it had the three criminal charges the troopers discussed.⁴⁸ When asked if he was given the clipboard with the citation, Officer Solie stated, “I don’t remember.”⁴⁹ PSB investigators clarified and asked Officer Solie if he knew what charges were on the citation. Officer Solie stated, “I did not read the ticket through and that’s the truth sarge.”⁵⁰

The interview with Officer Solie was paused and PSB investigators served Officer Solie a second Notice of Investigation (NOI) for providing false, incomplete, misleading statements, or willful omissions during a PSB interview.

Officer Solie was adamant he did not know what was on the citation and said he did not remember reading the citation. He stated, “I understand that ah, this is a speeding ticket. It is an allegation of speeding. I would not lie and try to make things up in this investigation. I

understand this is a very serious thing and I would not do that.”⁵¹ Officer Solie stated, “I didn’t, I didn’t, I don’t remember reading through, looking at what charges were on whatever piece of paper they were trying to give me.”⁵² Additionally, Officer Solie said, “I want to reiterate, I did not read what they handed me. I would be lying to you if I told you. I just assumed what they told me was on there was on there. That that’s all. I don’t understand how that would benefit me at all by, you know, allegedly lying about what, reading what was on, whatever they handed me.”⁵³

Officer Solie was asked why he did not read the citation when it was presented to him. He stated, “Because I was just still under the assumption that they were trying to cite me, ah, what they were, what they had said they were going to cite me for.”⁵⁴ PSB investigators asked Officer Solie if he remembered Trooper Rodecap or Sergeant Baker verbally tell him he was receiving a citation for criminal speed. Officer Solie responded by saying, “I do not remember that, and I was still under the impression that they were writing me a slew of criminal citations for something that I did not do.”⁵⁵

PSB investigators asked Officer Solie if Sergeant Baker told him he would be cited for aggravated driving, reckless driving, and criminal speeds. He responded, “I don’t remember everything that the sergeant told me, no.”⁵⁶ Officer Solie was asked if he remembered talking with Sergeant Baker. He said he did not remember specifics of their conversation because he was extremely tired. Officer Solie stated he was not trying to be untruthful or dishonest but was uncomfortable speculating what was said because he could not remember.⁵⁷ Officer Solie was asked if he remembered Sergeant Baker tell him he was not ‘above the law.’ Officer Solie replied, “I don’t remember him asking me if I was above the law.”⁵⁸

Officer Solie apologized numerous times to PSB investigators regarding his conduct. He stated, “I apologize for my conduct out there. If I had to do it over again, I would not do it the same way...It was a lapse in judgement. I was extremely tired. I feel if I wasn’t as tired as I was I wouldn’t, you know, I wouldn’t have second guessed anything out there. It’s not indicative of my usual behavior. I had a lapse in judgement and, and that wasn’t, wasn’t the way to handle it and if, if it happened again today I wouldn’t have, I won’t handle, in going forward, I won’t ever handle it again that way. I was just frustrated with uhm, being accused of, you know, three criminal citations that I believe I didn’t commit so I was, you know, that’s what I was trying to get to the bottom of with, you know, speaking with them about it.”⁵⁹

PSB investigators informed Officer Solie about his seven prior contacts with DPS and warnings giving for the traffic related offenses. PSB investigators asked Officer Solie how much

discretion he expected from DPS before they issue him a citation. Officer Solie replied, "I, I completely understand your point. Going forward I'm going to definitely slow down, ah I'm not going to be using the diamond lane, uhm you know."⁶⁰

Officer Solie was asked if he tried to use his position as a police officer to avoid being issued a criminal citation. Officer Solie said, "No."⁶¹ Officer Solie explained, "I, I was trying to, I, I wasn't using my position as a police officer to try to do that but without a doubt I was trying to get them to use their discretion to not write me a citation."⁶²

Officer Solie was asked why he did not contact a supervisor after being pulled over by DPS. He stated, "That's, that's my fault, I should have. I should have called my sergeant right then and there."⁶³ Officer Solie said he looked up policy that night but was unable to find anything pertaining to making a notification to a supervisor.⁶⁴ Additionally, Officer Solie said he was unsure how DPS handled the traffic stop. Officer Solie added, "I wasn't sure if these guys were, ah, had used their discretion. They, they had gotten into their cars and drove away without saying anything at the end of this traffic stop. I was standing outside of my vehicle, they turned away, got into their cars and drove away while I'm standing outside of my vehicle on the side of the freeway. I wasn't sure at that point. They were just, you know, using their discretion and not writing me a citation and drove away."⁶⁵ PSB investigators explained to Officer Solie, Sergeant Baker said he told him (Solie) DPS would be submitting a criminal investigation to MCAO for review and prosecution. Officer Solie responded, "I don't remember him telling me he was going to submit charges to the County Attorney's Office. I, I was under the impression at that point they were using discretion that, they drove away without explaining anything else to me."⁶⁶ Officer Solie was again asked what he remembered during his conversation with Sergeant Baker. Officer Solie said, "I, I was extremely tired and Sarge, I just don't remember the specifics of the conversation."⁶⁷

CONCLUSION:

On September 5, 2019, at 7:06 a.m., Officer Solie was speeding while driving on SR101. Officer Solie's driving prompted a citizen to call 911 and allege Officer Solie was speeding and driving erratically. In addition, Trooper Rodecap observed Officer Solie's driving behavior to include speeding in the HOV lane, weaving in and out of traffic, and tailgating another motorist. Furthermore, Trooper Rodecap captured Officer Solie's speed on LIDAR at 100 MPH. The speed limit on the SR101 Freeway is 65 MPH. Trooper Rodecap never lost sight of Officer

Solie's SUV before he initiated the traffic stop. In addition, Trooper Rodecap confirmed with the 911 caller to verify he pulled over the same vehicle the citizen saw speeding and driving erratically. Therefore, the allegation Officer Solie exhibited excessive speed is sustained.

Officer Solie was wearing his police uniform when he was pulled over. He handed Trooper Rodecap his police credentials and ID card when he was asked for his driver's license. Officer Solie also commented that he expected the citation to be a warning ("fix-it ticket") when Trooper Rodecap handed him the citation. The traffic stop was not an anomaly because Officer Solie has a history of being pulled over by DPS for traffic related offenses but has never been cited or charged.

Officer Solie told Trooper Rodecap he could use his discretion and give him a warning. Officer Solie commented to Troopers Rodecap and Odegard about Phoenix officers providing back up for DPS troopers to persuade the troopers to use their discretion and not cite him. In addition, Officer Solie told Trooper Rodecap he (Solie) could not believe he (Rodecap) would issue another police officer a ticket. Officer Solie told Trooper Rodecap, "Take a deep breath and think about what you are doing."⁶⁸ When Sergeant Baker arrived, Officer Solie tried to persuade him to instruct Trooper Rodecap not to issue the criminal traffic citation by explaining his (Solie) disbelief Trooper Rodecap would issue another police officer a traffic citation. Sergeant Baker stated Officer Solie told him four times, DPS could use discretion and not issue him the criminal traffic citation. Therefore, the allegation Officer Solie tried to use his position as a police officer to avoid being issued a criminal traffic citation is sustained.

The driving exhibited by Officer Solie endangered the safety of other motorists and shocked Trooper Rodecap when he realized Officer Solie was an off-duty, uniformed police officer. Officer Solie's civility subsided after being presented with a criminal citation for speeding. Officer Solie asked three troopers, one of which was a supervisor, not to issue him the citation. Officer Solie debated the troopers and insisted they (DPS) use their discretion and refused to sign the criminal citation during the approximate hour-long traffic stop. Officer Solie is a veteran police officer and understands the likelihood of being booked into jail for not signing a criminal traffic citation. Even though Officer Solie was given many opportunities to sign the criminal citation, Officer Solie refused. As a result, the allegation Officer Solie exhibited unprofessional behavior during a traffic stop is sustained.

Officer Solie told PSB investigators he did not notify his supervisor of the contact with DPS and stated he could not find a specific policy regarding a duty to report. Officer Solie told PSB investigators he believed DPS used their discretion and gave him a warning because they left

INTERNAL INVESTIGATION REPORT -- PSB19-0102

Page 13 of 18

without issuing him a citation. As a result, the allegation Officer Solie failed to notify a supervisor of an unusual activity or situation is sustained.

Officer Solie insisted he was unaware of the charge or charges on the criminal citation. Officer Solie told PSB investigators he assumed the traffic citation was for aggravated driving, reckless driving, and criminal speed because Trooper Rodecap verbalized the charges to him. However, Trooper Rodecap told PSB investigators he explained to Officer Solie, his supervisor directed him to issue Officer Solie a criminal citation for speeding. Trooper Rodecap recalled Officer Solie looking over the criminal citation, handed it back to him and refused to sign the traffic citation. Sergeant Baker said Officer Solie asked him for discretion. Sergeant Baker said he told Officer Solie he was being granted discretion because he was only being cited for criminal speed, as opposed to aggressive or reckless driving.⁶⁹

Trooper Rodecap and Sergeant Baker both told Officer Solie numerous times he was only being cited for criminal speed. When Officer Solie was asked if he remembered Trooper Rodecap or Sergeant Baker verbally tell him he was receiving a citation for criminal speed, he stated, "I don't remember that."⁷⁰ Officer Solie said he could not remember specifics of his contact with Trooper Rodecap or Sergeant Baker because he was extremely tired. However, Officer Solie initially told PSB investigators fatigue did not affect his ability to drive and he remembered, "speaking to Troopers and stuff."⁷¹

Officer Solie was also untruthful regarding his refusal to sign the criminal citation. Officer Solie was asked numerous times by Trooper Rodecap and Sergeant Baker to sign the criminal citation, but he refused. When asked if he told Trooper Rodecap he would not sign the criminal citation, Officer Solie stated, "I don't remember if I said that specifically or not."⁷² When asked if Sergeant Baker asked him more than one time to sign the criminal citation, Officer Solie stated, "I have no idea."⁷³ When asked if he told the troopers he would not sign the citation, Officer Solie said, "I do not remember."⁷⁴

Officer Solie also conveyed he was unsure how DPS handled the traffic stop. According to Officer Solie, he told PSB investigators he thought the troopers used discretion and concluded the stop without issuing him a citation. However, Sergeant Baker articulated to PSB investigators he explained to Officer Solie, DPS would be submitting charges to MCAO.

The allegation Officer Solie, during an administrative investigation, provided false, incomplete, misleading statements, or willful omissions during a Professional Standards Bureau (PSB) interview is sustained.

This investigation has concluded Officer Solie's actions are in violation of the following Operations Orders:

- Operations Order 1.1.2.B.(1), "GUIDING VALUES – P.R.I.D.E (Responsibility and Respect): We promote the acceptance of personal responsibility for one's actions as the essence of good character." (Revised 01/99)
- Operations Order 1.1.2.B.(2), "GUIDING VALUES – P.R.I.D.E (Responsibility and Respect): We pledge total accountability for our actions and are committed to holding criminals answerable for theirs." (Revised 01/99)
- Operations Order 1.1.2.C.(2), "GUIDING VALUES – P.R.I.D.E (Integrity and Ideals): We demand the highest degree of integrity and professionalism from all members of the department." (Revised 01/99)
- Operations Order 1.1.2.C.(3), "GUIDING VALUES – P.R.I.D.E (Integrity and Ideals): We aspire to the highest ideals of personal conduct in every word and deed, and our behavior should inspire and sustain the confidence of our community." (Revised 01/99)
- Operations Order 3.13.3.A, • "Officers will: Abide by the Code of Ethics." (Revised 06/14)
- Operations Order 3.13.3.C.(4), "Officers will not: Investigate or use any of the rights, powers, or privileges associated with their position to further an investigation into a crime where they, a family member, friend, or business acquaintance is involved as a victim, witness, suspect, or investigative lead, or have a personal business interest in the investigation, unless otherwise authorized." (Revised 06/14)
- Operations Order 3.13.5.V.(1), "Reporting to Supervisors: All employees will keep their supervisors informed of any unusual activity, situation, or problem where the Department would be concerned. (All incidents will be reported to a supervisor as soon as possible and/or within 24 hours of the incident. If an employee's immediate supervisor is not available, the employee will notify another supervisor in their chain of command.)" (Revised 06/14)
- Operations Order 3.13.5.V.(2), "Reporting to Supervisors: Employees will notify their supervisor when: They receive a moving vehicle citation or are involved as a witness, victim, or suspect in any situation under investigation, by any law enforcement agency." (Revised 06/14)

INTERNAL INVESTIGATION REPORT -- PSB19-0102

Page 15 of 18

- Operations Order 3.13.6.A.(2), “Employee Truthfulness: Employees will not lie during any Department criminal and/or administrative investigation or in matters of legitimate concern to the Department, which includes but is not limited to: (Submission to Incident Reports (IRs), Testifying in court, Responses to questions by Department employees, Questions about operations issues and Employee initiated statements).”
 - Truthfulness: Definition – For purposes of this policy, a lie is defined as presenting false material, information, or concealing material and/or relevant facts or evidence. (This can occur by omissions, statements, conduct, or assertions which the employee knows or believes are false, misleading, or deceptive.)” (Revised 06/14)
- Operations Order 3.13.6.B.(5), “Professionalism: Employees will not commit acts where the elements of felony or misdemeanor crimes are met.” (Revised 06/14)

The most significant policy violations are designated in Operations Order 3.18, Addendum A, 3.D.(1)(b), “Giving false, incomplete, misleading statements, or willful omissions during an investigation,” and Operations Order 3.18, Addendum A, 3.D.(1)(p), “As defined in the Classification Guidance Criteria, section 4, of this addendum.”

Per the Classification Guidance Criteria, Operations Order 3.18, Addendum A, 4.C.(4), “The conduct was so outrageous that attempts to correct performance would be fruitless, the employee’s actions violated the oath of office or basic Department values, the incident involved an integrity issue related to a criminal or internal investigation and the incident involved the intentional abuse of police powers, authority, and privileges.”

The policy violations are categorized as Class III violations that will be referred to the DRB for a possible demotion and/or 40, 80, or 240-hour suspension without pay, or termination or will be referred to the police Chief (or designee) for a Loudermill Hearing. (Revised 12/16 and 06/19 respectively)

Officer Solie has a prior eight (8) hour suspension which he served on June 27, 2017, for failure to submit leave slips in accordance with Operations Orders (PSB16-0067). The NOI for this investigation was issued on September 27, 2016.

Based on Officer Solie’s discipline history, the Progressive Discipline Table as outlined in Operations Order 3.18.4.C indicates if the “Corrective Action/Discipline Would Be” a second suspension within a five (5) year period, the “Corrective Action/Discipline May Become,” Police

Chief or DRB suspension (24, 40, 80, or 240-hours), Demotion, Termination, Loudermill Hearing.

CLOSING:

This Professional Standards Bureau investigation is complete. A Loudermill hearing will be held by Chief Jerri Williams. Upon finalization, the investigation will be retained in the Professional Standards Bureau in accordance with record retention policies and/or laws.

Endnotes:

- ¹ Email from Sgt. Best to Commander Disotell dated 09/05/19
- ² The only stop not documented on a DPS Warning / Equipment Repair Order form
- ³ The warning states 28-701A (civil speed) however the approximate speed listed was 87 MPH (criminal speed)
- ⁴ DPS 911 call made by Assistant Fire Chief Chris Richardson
- ⁵ PSB telephonic interview with Trooper Rodecap, 3:10 – 3:48, 22:20 – 23:13, DPS Report #2019-42911, page 3.
- ⁶ PSB telephonic interview with Trooper Rodecap, 3:55 – 4:27
- ⁷ Call history of Case Number 2019042911
- ⁸ DPS Report #2019-042911, page 4
- ⁹ PSB telephonic interview with Trooper Rodecap, 9:45 – 10:10
- ¹⁰ PSB telephonic interview with Trooper Rodecap, 5:26 – 5:29
- ¹¹ PSB telephonic interview with Trooper Rodecap, 5:44 – 6:10, DPS Report #2019-042911, page 4
- ¹² ARS 28-701.02A3, class 3 misdemeanor- exceeds 85 MPH
- ¹³ Warning or non-enforceable citation, PSB telephonic interview with Trooper Rodecap, 7:55 – 8:10
- ¹⁴ PSB telephonic interview with Trooper Rodecap, 8:28 – 8:35, DPS Report #2019-042911, page 4
- ¹⁵ PSB telephonic interview with Trooper Rodecap, 32:50 – 33:17
- ¹⁶ DPS Report #2019-042911, page 4, PSB telephonic interview with Trooper Rodecap, 8:45 – 8:48 (supporting)
- ¹⁷ PSB telephonic interview with Trooper Rodecap, 9:08 – 9:30
- ¹⁸ PSB telephonic interview with Trooper Rodecap, 10:20 – 10:50, DPS Report #2019-042911, page 4
- ¹⁹ PSB telephonic interview with Trooper Rodecap, 11:15 – 11:55, DPS Report #2019-042911, page 4
- ²⁰ DPS Report #2019-042911, page 4, PSB telephonic interview with Trooper Rodecap, 12:00 – 12:08 (supporting)
- ²¹ PSB telephonic interview with Trooper Rodecap, 12:10 – 12:55, DPS Report #2019-042911, page 4
- ²² PSB telephonic interview with Trooper Odegard, 9:58 – 10:13, 12:08 – 13:13
- ²³ PSB telephonic interview with Sergeant Baker, 7:18 – 7:42
- ²⁴ PSB telephonic interview with Sergeant Baker, 8:11 – 8:22
- ²⁵ PSB telephonic interview with Sergeant Baker, 14:50 – 14:53
- ²⁶ PSB telephonic interview with Sergeant Baker, 9:00 – 9:45, 15:58 - 16:23
- ²⁷ PSB telephonic interview with Sergeant Baker, 16:50 – 17:50
- ²⁸ PSB telephonic interview with Sergeant Baker, 10:03, 23:35 – 23:45
- ²⁹ PSB telephonic interview with Sergeant Baker, 10:15 – 10:16
- ³⁰ PSB interview with Officer Solie, 7:28 – 7:33
- ³¹ PSB interview with Officer Solie, 7:42 – 08:15
- ³² PSB interview with Officer Solie, 18:45 – 20:23
- ³³ PSB interview with Officer Solie, 10:11 – 10:24, 30:43 – 30:46
- ³⁴ PSB interview with Officer Solie, 8:47 – 9:31
- ³⁵ PSB interview with Officer Solie, 26:50 – 27:08
- ³⁶ PSB interview with Officer Solie, 34:56 – 36:05
- ³⁷ PSB interview with Officer Solie, 36:55 – 37:17
- ³⁸ PSB interview with Officer Solie, 28:03 – 28:38
- ³⁹ PSB interview with Officer Solie, 30:49 – 31:12
- ⁴⁰ PSB interview with Officer Solie, 31:13 – 31:33
- ⁴¹ PSB interview with Officer Solie, 32:28 – 32:43
- ⁴² PSB interview with Officer Solie, 32:43 – 33:00
- ⁴³ PSB interview with Officer Solie, 33:27 – 33:43
- ⁴⁴ PSB interview with Officer Solie, 42:20 – 42:50
- ⁴⁵ PSB interview with Officer Solie, 42:20 – 42:50
- ⁴⁶ PSB interview with Officer Solie, 43:06 – 43:20
- ⁴⁷ PSB interview with Officer Solie, 39:03 – 40:10
- ⁴⁸ PSB interview with Officer Solie, 39:03 – 40:10
- ⁴⁹ PSB interview with Officer Solie, 39:37 – 40:03
- ⁵⁰ PSB interview with Officer Solie, 40:20 – 40:50
- ⁵¹ PSB interview with Officer Solie, 43:47 – 44:14
- ⁵² PSB interview with Officer Solie, 44:21 – 44:28
- ⁵³ PSB interview with Officer Solie, 55:45 – 56:03
- ⁵⁴ PSB interview with Officer Solie, 48:38 – 48:50
- ⁵⁵ PSB interview with Officer Solie, 44:30 – 44:58
- ⁵⁶ PSB interview with Officer Solie, 47:16 – 47:20
- ⁵⁷ PSB interview with Officer Solie, 47:30 – 48:20

- 58 PSB interview with Officer Solie, 54:56 – 55:07
- 59 PSB interview with Officer Solie, 51:23 – 52:25
- 60 PSB interview with Officer Solie, 53:05 – 53:51
- 61 PSB interview with Officer Solie, 1:02:17 – 1:02:28
- 62 PSB interview with Officer Solie, 1:03:43 – 1:03:57
- 63 PSB interview with Officer Solie, 1:04:25 – 1:04:37
- 64 PSB interview with Officer Solie, 1:05:23 – 1:05:40
- 65 PSB interview with Officer Solie, 1:05:45 – 1:06:15
- 66 PSB interview with Officer Solie, 1:08:08 – 1:08:39
- 67 PSB interview with Officer Solie, 1:09:40 – 1:09:59, 1:10:38 – 1:10:42
- 68 PSB telephonic interview with Trooper Rodecap, 10:23 – 10:26, DPS Report #2019-042911, page 4
- 69 PSB telephonic interview with Sergeant Baker, 8:11 – 8:22
- 70 PSB interview with Officer Solie, 44:30 – 44:58
- 71 PSB interview with Officer Solie, 18:45 – 20:23
- 72 PSB interview with Officer Solie, 32:42 – 33:00
- 73 PSB interview with Officer Solie, 33:27 – 33:43
- 74 PSB interview with Officer Solie, 43:06 – 43:20