

**EXO INVESTIGATIVE SUMMARY FOR CLASS I VIOLATION**

Investigation No. PSB20-0070

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

**Employee(s) Involved:**

- Officer Tyler Luna #10264

**Investigator:**

- Sergeant Hector Gamez (PSB)

**Investigation Summary:**

On February 15, 2020, Officer Tyler Luna #10212 and Officer Cody Baker #10264 were on patrol and riding as a two-man unit. Officers Luna and Baker were around 3200 East Wood Street when they saw Mr. Aaron Jackson in the Quik Trip (QT) parking lot located at 4075 South 32nd Street, in Phoenix, AZ. Based on Mr. Jackson's actions, behaviors, and dress, Officers Luna and Baker believed Mr. Jackson was committing or about to commit the crimes of trespass in the 2nd degree, soliciting prostitution, and/or selling or purchasing drugs.

Mr. Jackson was contacted and refused to provide his name. Officer Baker entered the store to contact QT personnel when Mr. Jackson tried to leave the property. Officer Luna detained Mr. Jackson and a struggle ensued. Mr. Jackson was touch tased and taken into custody. Mr. Jackson suffered a minor injury and was later booked into jail for trespass in the 2nd degree, refusing to provide a truthful name, and resisting arrest. The Tactical Training Detail (TTD) reviewed the incident and determined the force used by the officers was within policy.

The allegation that Officer Luna falsely arrested Mr. Jackson is sustained. The allegation that Officer Luna used excessive force during the arrest is unfounded. The allegations against Officer Baker for falsely arresting Mr. Jackson, using excessive force during the arrest, providing a false verbal report, and submitting a criminal/internal report with false information are unfounded.

**Operations Order(s) violated:**

- Operations Order 4.10.3.F.(1), (Rev 10/15): "Officers may arrest without a warrant under the following conditions:
  - In a public place, a place open to the public, or a place an officer has a legal right to be, with probable cause to believe a crime occurred and probable cause to believe the person to be arrested committed the crime
  - When a felony or misdemeanor is being committed to the officer's presence
  - At the scene of a traffic accident, based upon personal investigation, when the officer has probable cause to believe the person to be arrested has violated a criminal code of Arizona Revised Statutes (ARS) Title 28 the person will be released or booked per Department policy."

Written Reprimand

8 Hour Suspension *MK 5-12-21*

24 Hour Suspension

Deviate to: \_\_\_\_\_

*Michael J. Kurtenbach*  
\_\_\_\_\_  
Michael J. Kurtenbach, Executive Assistant Chief

*2-20-21*  
\_\_\_\_\_  
Date