



City of Phoenix

To: Darren Viner, Lieutenant
Central City Precinct

Date: April 8, 2010

From: Thomas Leister, Sergeant *25820*
Central City Precinct

Subject: APRIL 2, 2010

The purpose of this memorandum is to inform you of my contact today with Officer Mark Spencer, the president of the Phoenix Law Enforcement Association. I received a call from Officer Spencer today. He wanted to inquiry into a traffic stop that happened on April 2, 2010 in the area of 700 E. Watkins St. He asked me to explain the details of the traffic stop with Officer Malone #5860.

On April 2, 2010 I responded to 700 E. Watkins reference a request by Officer Malone. Upon arrival I was informed that he was recording his contact with the subject by video and audio. I asked Officer Malone how I could assist him and he informed me that he had stopped the vehicle for speeding. He stated that the driver was driving 60 mph in a 40mph zone. He also informed me that the driver was suspended in two different ways. He informed the driver and his passenger that he would be towing the vehicle under 28-3511. The passenger then informed him that she was the owner of the vehicle, and she had asked the driver to take her home because she was feeling ill. He explained to her that he was still going to tow the vehicle and she then informed him that she was Councilman Johnson's niece. Some time after this she requested to speak to a supervisor.

I contacted the owner of the vehicle and asked her if she needed the fire department to respond because she was not feeling well. She denied my request. I spoke with her for a while and told her that this had nothing to do with her driver's license status or her insurance status. After speaking with her for approximately five minutes she informed me that she was Councilman Johnson's niece and if she could talk to my supervisor. I informed her that she could call my lieutenant at the station and provided her with the phone number.

While she was calling the station I contacted Lieutenant Viner and explained that a motor officer had stopped the vehicle for speeding and that the driver was also suspended. I told him that the owner of the vehicle was also in the vehicle, however she was not feeling well and she had asked her friend to take her home and that's when they got stopped for speeding. He asked me what I had intended to do and I informed him that I was going to tow the vehicle. At this time he told me since the owner was present and had a valid license that I should give her the vehicle and allow her to drive home. At this time I advised Lieutenant Viner that the owner of the vehicle was claiming to be the niece of Councilman Johnson. He then told me that we should not throw gasoline on the political fire and to release the car to the owner.

At this time I informed Officer Malone that we would not be towing the vehicle. I then contacted the tow truck driver that I need to sign a dry run slip for him due to the fact that we would not be towing the vehicle. He informed me that they did not do that any more and thanked me and left the scene. At this time Officer Malone asked for my supervisor's name. I provided him with it.

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When contacted by Sergeant Heister I asked if the Passenger (owner) of the vehicle had a valid driver's license and could drive her vehicle home. Sergeant Heister stated she did have a valid license and that she reported having no knowledge of the driver being suspended. I informed Sergeant Heister the appropriate thing to do under the circumstances would be to release the vehicle to the owner. Phoenix Police Department Operations Orders 1.2.1 speaks of utilizing discretion and 1.2.2.A speaks of deviating from policy when it is in the best interest of the department. To impound the vehicle of a woman who needed to be driven home due to being ill is not enlightened, nor would it be in line with the principles and judgements that have enabled the Phoenix Police Department to enjoy the public support that we do today. Following my decision to relinquish the vehicle to the owner, I was informed by Sergeant Heister the owner was claiming to be the niece of Councilman Johnson. My decision to return the vehicle to the owner remained consistent regardless of who the owner was. However, I did recognize the political environment surrounding recent events involving Councilman Johnson, and did comment on this situation to Sergeant Heister.

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