



MARICOPA COUNTY SHERIFF'S OFFICE

JOSEPH M. ARPAIO
SHERIFF



August 9, 2012

Deputy Christopher Butts S1923
100 W. Washington, Suite 1900
Phoenix, Arizona 85003-1812

Dear Deputy Butts:

This letter is to notify you in advance that the Maricopa County Sheriff's Office is considering taking disciplinary action against you in the form of a 56-hour suspension from duty as a result of your conduct. The cause for the considered action, the specific reason for action, information regarding your review of the investigation, your opportunity to respond in writing to the investigation and its findings, and information regarding the Pre-Determination Hearing are provided.

This action is taken subsequent to Internal Investigation #11-0122 and under the authority of Maricopa County Law Enforcement Merit System Resolution Section 15 and Rule 10.07(A). The cause(s) for this action are:

Maricopa County Law Enforcement Merit System Resolution Section 15:

- (5) Neglect of Duty, specifically, failure to conform to the following Sheriff's Office Policies and Procedures:

CP-2, Code of Conduct, Section 1, *Conformance to Office Directives and Established Laws*, Subsection B, Employees shall obey all local ordinances, as well as all state and federal laws. Willful violation of any established ordinance or law may result in disciplinary action being imposed on the employee, in addition to the possibility of criminal prosecution.

ARS §13-2904.A.1, Disorderly Conduct, Fighting
ARS §13-502.A.1, Criminal Trespassing in the third degree

CP-2, Code of Conduct, Section 3, *Unbecoming Conduct and Public Demeanor*, Subsection A, Employees shall conduct themselves at all times, both on- and off-duty, in such a manner as to reflect favorably on the Office. Unbecoming conduct shall include disorderly conduct, and activities that conflict with, or have the potential to conflict with, Office duties; tend to bring the Office into disrepute; reflect discredit upon employees as members of the Office; or tend to impair the operation and efficiency of the Office or any of its employees.

The specific reasons that will be considered for this action are contained in the Internal Investigation. In brief these reasons are:

On October 3, 2011, at approximately 8:56 p.m., Pinal County Sheriff's Office (PCSO) deputies responded to a 911 call in reference to "several subjects fighting" at a residence. According to the PCSO report, Ms. Jessica Millican stated during her call that "someone is bleeding," and she thought it was her husband, Mr. Phil Millican. Upon arrival, PCSO Deputy G. Copeland #1456 observed you and your wife, Ms. Jennifer Butts, in the street next to your vehicle parked in front of the Millican's driveway. He also observed Ms. Millican at the front of her residence along with her husband who was bleeding from the mouth.

Deputy Copeland began his investigation by interviewing you. You identified yourself to him as a deputy sheriff and told him that you had been receiving unwanted text messages from Ms. Millican. You said Ms. Millican wanted to continue an extramarital affair you had been having with her, and that you and your wife only wanted to talk to her about the situation and ask her to stop texting you. Deputy Copeland asked why you did not try to contact her in another way instead of coming to her door unannounced. You said you did not know her phone number and had no other way to contact her. You explained that she had been texting you through an Internet connection to avoid the block you had on your phone, which prevented you from receiving her calls.

According to the PCSO report, you told Deputy Copeland that after you knocked at the door, Mr. Millican came outside and "got into [your] face," before moving toward you in a confrontational manner. You admitted you then shoved Mr. Millican, which caused the fight to start. You said you were unable to remember exactly what happened, but that Mr. Millican had you in a headlock and you "head-butted" him once he released you from the hold.

Deputy Copeland interviewed Mr. Millican. He explained that he and his wife were watching television when the doorbell rang. He said that when he answered the door, he recognized you as the person who had been having an affair with his wife. He told Deputy Copeland that he asked you to get off his property "about ten times" within two to three minutes. Mr. Millican said you replied, "No, I'm not leaving," and, "It's not trespassing unless you have a court order." Mr. Millican stated that you were on his front porch and when he moved toward you, you pushed him, which started the fight. Mr. Millican said he could not recall the specifics of the altercation but stated that he placed you in a headlock and you hit him in the mouth with your head.

Deputy Copeland also interviewed Ms. Millican. She echoed what Mr. Millican had told Deputy Copeland of the events leading up to the fight between you and her husband. She added that when the fight began, your wife began yelling at her. She said that she then told your wife to get off their property as well. Ms. Millican stated that your wife then grabbed her by the neck and pushed her while they were standing in the driveway.

Included in the PCSO report was a supplemental narrative authored by PCSO Sgt. M. White #1612. Sergeant White wrote the following:

I asked Christopher if he was told to leave, in which he replied yes several times and he should have left. I advised him that he violated the criminal trespass law, he stated he knew that. I asked him why he didn't leave when told to do so, he stated he wanted to tell Jessica not to text message him anymore. I asked if Phillip had attacked him and he stated that they had a fight.

At the completion of the initial PCSO investigation, both you and your wife were cited and released after being charged with violating *ARS §13-1203.A.3. Assault; ARS §13-2904.A.1. Disorderly Conduct, Fighting; and ARS §13-1502.A1. Trespassing.* That same evening, the PCSO notified your sergeant of your arrest and provided him information regarding the incident. On October 6, 2011, the case was submitted to the Pinal County Attorney's Office (PCAO). On April 18, 2012, the PCAO dismissed all three citations against you. The matter was subsequently forwarded to the Office Internal Affairs (IA) Administrative Section for investigation.

On June 27, 2012, IA administrative investigators interviewed you. They began by reading you the PCSO report. You then explained to them what had occurred with you and Mr. Millican prior to him telling you to leave his property. You continued, "He gets right up in my face. I take a step back. And he says you need to fuckin' leave." You stated that after Mr. Millican asked his wife if she was texting you and she told him no, he told you, "You need to get off my fuckin' property; you're trespassing." You told the investigators that after you explained to Mr. Millican why you felt you were not trespassing, he shoved you and began punching you in the head. One of the investigators asked you if you understood that by law, if a person asks you to leave their property you have to leave. You answered, "Yes." He then asked, "Do you think you committed trespassing by the letter of the law?" You replied, "Yes."

One of the investigators read you Office Policy CP-2, Code of Conduct, Section 1, *Conformance to Office Directives and Established Laws*, Subsection B, and asked if your actions the evening of October 3, 2011, violated the policy. You answered, "Yes." When asked to explain how you violated the policy you stated, "By not leaving when he told me."

The investigator read you Office Policy CP-2, Code of Conduct, Section 3, *Unbecoming Conduct and Public Demeanor*, Subsection A, and asked if you thought you violated the policy by going to the Millican's residence and refusing to leave when asked, and by being involved in a fight that resulted in law enforcement being called. You answered, "I do." You explained, "I mean I know what I did was wrong. I know that by not leaving, by, um, my attitude with, with the Deputy doin' the investigation was in a sense you know bringin' disrespect to me and my Office. I mean I understand that and I, and I. But you know, like I said, there's no excuse for it there really isn't."

In reviewing your discipline history, we found the following:

On August 23, 2010, you received a Written Reprimand and had your off-duty work privileges suspended following several incidents that occurred during your assignment to District VI in the Town of Queen Creek. On June 20, 2010, your sergeant ordered you to remain in your patrol beat while on duty after it was brought to his attention that you had left your beat area to attend to personal business on several occasions.

On June 21, 2010, your supervisors learned you had again left your beat area while on duty to eat breakfast. Afterwards, your sergeant and captain met with you regarding your conduct and insubordination. Again, you were directed to stay within your beat area.

On the morning of July 4, 2010, while on patrol in your beat area, you issued a warning to a female motorist after you had stopped her for a criminal speeding violation. During your lunch break, you ran into the same female and engaged in personal conversation with her. Later in the

shift, you decided to leave your beat to make contact with the same female at her home. By your own admissions, you were out of your beat for approximately twenty minutes talking to her in her driveway. The female initiated a formal complaint alleging that you were at her home for approximately one hour and engaged her in an uncomfortable, private conversation.

When looking into this complaint, it was determined that between July 4 and July 5, 2010, you abandoned your beat four additional times attempting to contact the female. In addition, you returned to her home numerous times over the next two days including three times in your personal vehicle. Your actions included parking on her street and waiting for her, driving the neighborhood looking for her, and knocking on her door and ringing her doorbell while she was inside hiding from you. On one occasion you looked into her home through a window, which in her words, caused her to feel "violated."

On August 9, 2010, you again left your beat area to meet a fellow deputy in District I. The meeting location was approximately six miles outside of the Town of Queen Creek and severely compromised your response time to any potential emergency. Furthermore, it was determined that during this meeting with the fellow deputy, you discussed details of your ongoing administrative investigation despite having signed a Notice of Investigation issued by your sergeant, which ordered you not to discuss the investigation. You stated that your actions stemmed from a lapse of judgment brought on by marital problems.

Your actions violated CP-2, Code of Conduct, Section 3, *Unbecoming Conduct and Public Demeanor*, Subsection A; Section 11, *Performance or Dereliction of Duty*, Subsection C; Section 29, *Incompetence/Failure to Meet Standards*, Subsection B.7; and Section 30, *Insubordination*.

You have been scheduled for a Pre-Determination Hearing with me at 9:00 A.M. on Monday, August 20, 2012. If this is not during your scheduled work hours, you may need to arrange with your supervisor to adjust your schedule. The Hearing will be held in the Compliance Division Conference Room located on the 18th floor of the Wells Fargo Plaza, 100 West Washington, Phoenix, AZ, 85003. Please report to the receptionist on the 19th floor when you arrive. The purpose of this hearing is to allow you an opportunity to present mitigating information and/or explain why the Office should not proceed with the proposed discipline. **A final decision regarding your discipline has not been made, nor will one be made at the hearing. Only after a review of all the information presented will a final decision be made.**

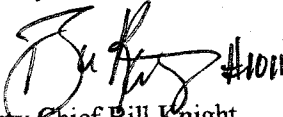
Prior to the Pre-Determination Hearing, you may review the Internal Investigation report. If you wish to review the report, please contact Sgt. D. Scott Massey at (602) 876-4416 to make an appointment. You are not permitted to copy the report or any portion of the report. You may also prepare and submit a written response to the investigation and its findings. Your review must be completed and a response received prior to the hearing. Please submit this response to Sgt. Massey at the Compliance Division on the 18th floor of the Wells Fargo Plaza.

Parking for the Wells Fargo Plaza is available in the parking garage accessed from First Avenue between Adams and Washington Street. Your parking ticket can be validated for up to two hours at Sheriff's Administration.

If you intend to appear for your Pre-Determination Hearing, please confirm the date with Sgt. Massey. If you do not appear or submit a written response, I will assume you have no further information that you wish to provide and you will be deemed to have waived your right to the Pre-Determination Hearing.

Deputy Christopher Butts S1923
August 9, 2012
Page 5 of 5

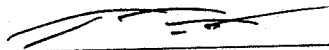
Sincerely,

Handwritten signature of Bill Knight, with the number 41011 written to the right.

Deputy Chief Bill Knight
Human Resources Bureau

BK:dsm

I acknowledge receipt of this letter:

Handwritten signature on a line.

Signature

8-12-12

Date