



POLICE DEPARTMENT

INVESTIGATION SUPPLEMENT

PSU Case #: 2020(I)-18 MPD Incident #: 200626046

Employee Name & ID #: OFC CRAIG CURRY #431

Allegation(s):

1. MPD Policy ADM 1.20 – Conduct of Conduct: #22 Failure to exercise care or control in the use of MPD equipment, property, materials, forms and facilities.
2. MPD Policy ADM 1.20 – Code of Conduct: #29 Operating an MPD vehicle in an unsafe manner when such carelessness causes damage to city property, or brings negative attention to MPD.
3. MPD Policy ADM 1.20 – Code of Conduct: #74 Unsatisfactory Performance.

Addendums:

1. Operations Policy 4.09 titled Operation of Department Vehicles (4/24/2019)
2. Operations Policy 1.86 titled Police Service Dog (10/8/2014)
3. Operations Policy 4.22 titled Canine (K9) Program (7/1/2011)
4. Operations Policy 4.23 titled Canine (K9) Program Manual (9/15/2011)
5. Operations Manual (no number) titled Canine (K9) Unit Manual (11 pages) which had an original date of 9/6/2019 and a revision date of 8/25/20
6. PSD Manual Policy 1.10 titled PSD Unit Administration (7/29/2015)
7. PSD Manual Policy 1.30 titled Control & Housing of PSD (7/29/2015)
8. PSD Manual Policy 1.40 titled Care of the Police Service Dog (7/29/2015)
9. PSD Manual Policy 1.50 titled PSD – Unit Training (7/29/2015)
10. PSD Manual Policy 1.60 titled Record Keeping (8/20/2015)
11. PSD Manual Policy 2.10 titled Apprehending Fleeing Suspects & Area Searches (7/29/2015)
12. PSD Manual Policy 2.20 titled Use of PSD For Narcotics Detection (7/29/2015)
13. PSD Manual Policy 2.30 titled Police Service Dog Bite Incidents (7/29/2015)
14. PSD Manual Policy 3.20 titled PSD Vehicles (8/31/2015)
15. Written Directive Addendum #19-01” with a review date of 8/25/2019
16. DPS Investigative Report

17. Pinal County Declination Letter
18. Technical Service Bulletin (TSB 15-0137) from Ford Motor Company
19. Axon Evidence Log – Curry
20. OFC Curry Temporary Residence Letter
21. K9 Heat Alarm Request via Foundation Funds
22. OFC Curry Admonishment
23. OFC Curry Notice of Investigation (signed)
24. OFC Gomez Admonishment
25. Emails between LT Miller and OFC Curry
26. Thornton-Kaphing Memo
27. Text from Toni – Fleet
28. AceK9.com Model HP-5010 Owners Manual Operating Instructions
29. Email with OFC Gomez ref Interview
30. Email regarding City of Maricopa Fleet Director (See A27)

Interviews:

Commander Campbell (DPS)
Officer Curry (DPS)
Officer Helin (DPS)
Officer Jordan (DPS)
Sergeant Mellor (DPS)
Officer Gomez (Miller/Elliott)
Officer Curry 1-4 (Miller/Elliott)

Videos:

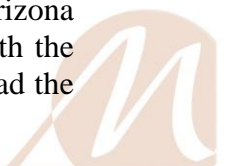
Police IDF Hall (MPD)
West Police Parking (MPD)
PD Parking SW (MPD)
Curry reentry (MPD)
Officer Rauch testing K9 Vehicle (MPD)

Pictures:

86 photos of Officer Curry's K9 vehicle and equipment (DPS)

Narrative:

On 9/3/2020, I (LT Tim Miller) began reviewing the investigation conducted by Arizona Department of Public Safety (DPS) regarding the criminal investigation associated with the on-duty death of Maricopa Police Department (MPD) K9 Ike. During this review, I read the



entire 131-page report which was completed by DPS and included the transcripts of their interview with OFC Curry. I also reviewed the associated photos taken by DPS, which are numbered 5515 – 5646, and I reviewed the five associated videos titled:

1. Police IDF Hall
2. West Police Parking
3. PD Parking SW
4. Curry Re-entry
5. Officer Rauch testing if the vehicle starts

On 9/4/2020, LT Elliott and I issued OFC Curry his Notice of Investigation (NOI) and his Admonishment Letter. OFC Curry signed both forms and he was not asked any questions at that time.

On 9/5/2020, OFC Jake Gomez was issued his Admonishment Letter which he signed as a witness associated with this investigation. He was not questioned at that time.

On 9/9/2020, at approximately 1700 hours, LT Elliott and I conducted an interview with OFC Jake Gomez regarding this investigation. The interview was recorded and the recording was placed in IA Pro. A synopsis of this interview is as follows:

OFC Gomez became a handler in November 2017 and had no prior K9 experience prior to that. OFC Gomez assumed the role of K9 Handler and obtained K9 Murphy from a departing K9 Handler, Justin Thornton. Gordy Leitz, a contracted K9 Trainer and retired K9 Officer with City of Mesa, trained OFC Gomez on how to be a K9 Handler which consisted of 6-8 weeks of training. That training included obedience, building searches, bite work, commands, etc. K9 Murphy was already certified by the National Police Canine Association (NPCA) when OFC Gomez partnered with him. He stated he and OFC Curry had recertified on their annual certifications in January 2020.

OFC Gomez has had his K9 vehicle (493) the entire time he has had K9 Murphy and he was unsure how long OFC Curry had his vehicle. OFC Gomez described a normal K9 handler day, including a normal on-duty day. (Note: when referring to the K9 Kennel Overheating Alarm System, which is a Hot-N-Pop Pro by Ace K9 Inc, it is commonly referred to as the alarm or K9 heat alarm) OFC Gomez stated he checks his K9 heat alarm system daily now, after the K9 Ike incident, but historically checked it weekly per the company's recommendation. He had a satisfactory knowledge of how the system works and described how he starts the vehicle. He openly described how he overrides the alarm system until the vehicle is cooled down enough so as to not activate the alarm. He estimated that this takes approximately an hour during the summer.

OFC Gomez stated he had no information how OFC Curry procedurally checked his system. He stated OFC Curry explained some functions of the K9 heat alarm system, but that he was never formally trained on this system and relied on YouTube to figure it out. He has never seen OFC Curry or any other K9 handler test their systems during training. OFC Gomez had his pager on his person during the interview and demonstrated how it would alert him if a heat incident occurred with his vehicle. He pointed out how other



agencies have signal indicators to let the K9 Handler know that they are in range of the system and explained that MPD K9's current system does not have this feature. OFC Gomez stated his pager stays on his vest the majority of the time except for times like this interview where he was not wearing his vest.

OFC Gomez explained that the pager had a low battery alarm to warn of the battery power getting low and knew that they were AAA batteries inside. He estimated the batteries would normally last approximately 3 months. When asked about SOP's for the K9 unit, OFC Gomez stated he would refer to the one in Power DMS or the K9 Manual. OFC Gomez did make the statement of "I don't even know that we know how we do it here at Maricopa" when asked about standard operating procedures and he shared his frustration concerning this. His opinion about this was because of the lack of direction being provided to MPD K9 Handlers. He did state that OFC Curry helped him a lot in the day to day operations regarding being a K9 Handler.

OFC Gomez stated the incident with K9 Ike was unfortunate and not intentional. He knew that K9 Ike was like family to OFC Curry. He went on to point out his frustration with the lack of oversight and supervision with the K9 program. He pointed to the fact that no supervisor ever checked their equipment, kennels, etc. during his time as a K9 Handler. He quoted policy about the need for kennel checks to occur by supervisors on a continuous basis but it has not been happening. He stated he felt OFC Curry was not to blame for this incident regarding K9 Ike. He stated it was a tragedy on a very hot day.

OFC Gomez explained the "No K9 Left Behind" system where if a handler accidentally turned his vehicle off that they must open the back door of the vehicle in order for the alarm not to go off. This simulates opening the door to let the dog out if the K9 was actually back there. He stated he has to do this every time he goes to put fuel in his vehicle on-duty where he has to shut off the vehicle. OFC Gomez knew that there was a low voltage safeguard associated with the K9 heat alarm system.

When asked how this specific incident with K9 Ike could possibly have occurred, OFC Gomez stated the only fault he could think of would be a catastrophic fault with the battery, to include no pager alert. He was then shown the video with OFC Rauch starting OFC Curry's K9 vehicle and stated the rapid binging sound was the car alarm and not the K9 heat alarm sounding.

OFC Gomez had no direct knowledge of where or when OFC Curry wore his pager, but speculated that he always carried it based on the summer heat. OFC Gomez stated that he was now logging the tests of the system, but that occurred after the K9 Ike incident. He further confirmed that if the system was left unplugged, like he does when cooling down his vehicle at home, then the entire system remains inoperative. OFC Gomez did not have a strong understanding of the electronics on how the K9 heat alarm system works. He stated he relies on the daily/weekly checks to ensure the system is operational and would not know how to actually troubleshoot the system.

After watching the videos concerning the day of the incident, it was noted that the back secured lot was being resurfaced and that is why OFC Curry parked out front that day versus in back. OFC Gomez stated he was not alarmed when provided the facts that OFC



Curry was inside the building for an hour and a half and did not go out and check on his vehicle and K9 Ike. **OFC Gomez stated he knew that they are supposed to check on their K9s every half hour during summer months and every hour all other times.** When asked if he did not have his pager on him right now, would he be concerned for his K9 in the car right now. **OFC Gomez stated “If it was a hotter day, I would have probably went and checked on him because I don’t trust this system and I don’t know if this will go through all the walls and lockers....”**

When asked about the future of the MPD K9 Program, OFC Gomez’s response was for more supervision and accountability by a supervisor overseeing the unit. In addition, he recommended upgrading the K9 heat alarm system. OFC Gomez stated that after the narcotics incident inside the school, that the K9 unit was forbidden from doing any training inside the City of Maricopa which he described as extreme and counterproductive.

After the interview, we tested OFC Gomez’s pager system. OFC Gomez left his pager in the Lieutenants Office and then went out and set the alarm off while his truck was parked in the back secured parking lot. The pager did not activate. One loose antenna connection was later found by LT Judd and rectified. Even after the antenna was reconnected, the pager alert system had very limited range inside the building. The pager had to be moved to the back of the building before it would receive the alert.

A search of MPD database Power-DMS for all policies, manuals, and training bulletins associated with Vehicle Operations, Police Service Dogs, Canine, and K9 located the following:

- Operations Policy 4.09 titled Operation of Department Vehicles (4/24/2019) **A1**
- Operations Policy 1.86 titled Police Service Dog (10/8/2014) **A2**
- Operations Policy 4.22 titled Canine (K9) Program (7/1/2011) **A3**
- Operations Policy 4.23 titled Canine (K9) Program Manual (9/15/2011) **A4**
- Operations Manual (no number) titled Canine (K9) Unit Manual (11 pages) which had an original date of 9/6/2019 and a revision date of 8/25/20 **A5**

On September 17, 2020 LT Elliott and I interviewed OFC Curry at the MPD Conference Room. OFC Curry’s attorney, Chad Smith with YPL Law Firm, was present during the entire interview. I informed OFC Curry that the Pinal County Attorney had given MPD notice that a declination letter was being drafted which stated the County Attorney’s Office would not be filing criminal charges for OFC Curry’s actions regarding the K9 Ike incident.

When presented with the policies/manuals listed above (A1-A5), OFC Curry informed us that these documents were outdated documents. He was in possession of more current documents, which he provided, and that he considered binding references regarding the MPD K9 Program. The items OFC Curry provided were:

- PSD Manual Policy 1.10 titled PSD Unit Administration (7/29/2015) **A6**
- PSD Manual Policy 1.30 titled Control & Housing of PSD (7/29/2015) **A7**
- PSD Manual Policy 1.40 titled Care of the Police Service Dog (7/29/2015) **A8**
- PSD Manual Policy 1.50 titled PSD – Unit Training (7/29/2015) **A9**



- PSD Manual Policy 1.60 titled Record Keeping (8/20/2015) **A10**
- PSD Manual Policy 2.10 titled Apprehending Fleeing Suspects & Area Searches (7/29/2015) **A11**
- PSD Manual Policy 2.20 titled Use of PSD For Narcotics Detection (7/29/2015) **A12**
- PSD Manual Policy 2.30 titled Police Service Dog Bite Incidents (7/29/2015) **A13**
- PSD Manual Policy 3.20 titled PSD Vehicles (8/31/2015) **A14**

The synopsis of the interview is as follows:

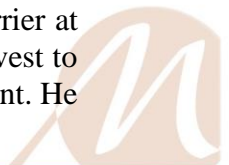
Referencing OPS 4.09 policy mentioned above, we asked him about the “seatbelt extender” he had in his vehicle. He informed us that it is used for tactical purposes which satisfied our curiosity about the item. He was then asked about items in Section 9 of this same policy dealing with the maintenance of city vehicles. Under these bullet-points he was questioned about items relating to damage of a vehicle and the reporting requirements of that damage. He stated he understood all these requirements to report damage to his vehicle. He stated that Fleet was very receptive to fixing items that needed to be fixed on the K9 vehicles since they were a priority.

OFC Curry stated that SGT Mellor was his Patrol Supervisor at the time of the K9 Ike incident. He further stated that he has never had a supervisor inspect his vehicle during his tenure at MPD. I could not locate a Vehicle Inspection Log for vehicle 492 in the stack of forms from the July-September quarterly vehicle inspection paperwork I recently acquired.

The questioning then began with K9 specific questions. OFC Curry explained the normal day-to-day procedures as a K9 Team. He said his day usually starts an hour before he leaves for work. This is primarily him starting the vehicle in order for it to cool down enough for the dog. He described the snooze button feature which will prevent the vehicle’s K9 heat alarm from activating while the car is cooling down. OFC Curry was asked how long the snooze lasts, similar to an alarm clock snoozing, and he was unsure of that time frame. He further explained some other K9 responsibilities like feeding and breaking the K9.

OFC Curry stated he normally parks just outside the double doors at the back of the MPD police station. However, on June 26, 2020 the rear secure parking lot of the police station was not accessible due to repaving operations. OFC Curry explained he rarely, if ever, turns his K9 vehicle off while at work. He initially was not comprehending my questions regarding the “No Dog Left Behind” system, but we went back to the snooze feature of the K9 Heat Alarm. OFC Curry stated he usually only has to pause his alarm at initial starting of the vehicle. He said he has had occurrences where he had to exit his residence and re-snooze the alarm before, but the most he ever remembers snoozing it was 3 times. OFC Curry had a general understanding of the K9 Heat Alarm as far as the activation and the pager operation. He stated he has had the pager alarm go off before while on duty, but he could not remember it going off while he was inside the building.

When asked where his pager was on the day of the K9 Ike incident, OFC Curry was unsure of its location. He stated the pager probably was either in his driver’s door side pocket or it was in the glove compartment. He stated the reason the pager was not on his carrier at the time of the incident was because he had recently reconfigured his outer carrier vest to facilitate a new Axon body worn camera (BWC) he was trying out for the Department. He



said prior to the new camera system, his pager holder was secured to his vest on the right side near his arm. He could not provide any timelines for when he received the new camera or when he possibly disassembled his vest carrier and took his K9 pager case off. I then asked him when he took his pager off his vest and he could not commit to a day, week, month, or even a year. His statement was that he just couldn't recall.

OFC Curry stated the K9 unit did test the paging system in 2016 and recognized deficiencies with the system. He stated that back in 2016 he had multiple supervisors overseeing the K9 program. He stated then LT Campbell, LT Aguirre, and LT Paulson had rotated through the leadership roles of managing the K9 program. OFC Curry said his daily patrol related supervision was under the on-duty SGT, but K9 related issues were handled by a lieutenant.

I asked OFC Curry if he ever brought to the attention of his supervisor the deficiencies with the pager system. He began telling me that a memo was drafted by the then K9 Trainer, OFC Thornton, and was sent to Commander Kaphing. It wasn't until I continued this line of questioning that OFC Curry's attorney divulged that they had a copy of that memo (A26) which they presented. This memo was dated August 2, 2016 and has no chain of command endorsements written on it.

Reviewing this A26 memo, it states the K9 Heat Alarm system is antiquated and ineffective. It proposes switching to a newer cellular system that provides metrics regarding kennel temperature and will alert multiple persons via a cellular text. A specific section of that memo deemed concerning are the last three sentences of the second paragraph under Background Discussion. The sentences state:

“While the system comes with a “pager” the pager itself is useless and rarely works correctly or at all. My pager does not even tell me when the alarm is going off. Therefore the pagers are not used or carried by the handlers”.

OFC Curry was then asked about the remote-control dog door release which is a common tool of K9 Handlers. He stated he does not normally carry that tool because of the liability of having the dog accidentally released unsupervised.

OFC Curry knew that he could bypass the K9 Heat Alarm system by removing the Cat 5 cable similar to how OFC Gomez cools his vehicle down. He stated he has done this during maintenance periods before, so the alarm would not go off while at Fleet (A27 & A30). He walked me through the snooze process of the system and how to remotely open the K9 kennel door via the control console of the K9 Heat Alarm System. We showed him some pictures of the electronics equipment located behind the K9 vehicle driver's seat. He knew there was equipment located back there, but did not have a technical knowledge of its operation. We shared picture #5606 with OFC Curry and shared with him the broken antenna wire associated the equipment.

We then showed him some pictures (#5645 and #5646) of the roof of his K9 vehicle (492). He did not recognize that the two antennae were missing/damaged. He acknowledged that from this point forward that antennae should be checked frequently by all police officers on all vehicles. He also stated that car washes are tough on roof mounted antennae. He had no indications that the antennae were not working and stated he would not have noticed



items on the roof unless there a symptom to alert him. OFC Curry stated that the upgraded system requested in 2016 would not have required a daily antenna check since it is cellular. That system would also provide signal strength, kennel temperature, vehicle indicators, etc.

OFC Curry did not blame a lack of supervision as a potential factor for this incident. We then spoke about the issue of having older policies in the active Power DMS database that are in conflict with newer policies/manuals which he provided. Specifically, OFC Curry electronically signed for Operations Policy 1.86 in February 2016, but there were no signatures for any of the policies/manuals he provided. We then took a break.

Upon returning from the break, we discussed why OFC Curry did not have his pager on his person at the time of the incident. His response was because he didn't have his vest on him and he was focused on going to the meeting. He acknowledged that even if he had his vest on, he still would not have had his pager on him. He was not sure how long the battery life on a pager was or what size battery it used, unlike OFC Gomez. He estimated it could have been months since the last time he changed the batteries.

He acknowledged that the only way he would have known that there was a problem with his vehicle was either the pager or someone coming in to tell him there was a problem. We then showed him the video of OFC Rauch starting his vehicle on the day of the incident. OFC Curry recognized the car alarm bell ringing rapidly to be the actual car alarm which is not associated with the K9 Heat Alarm system. He also clarified why OFC Rauch initially had an issue starting the vehicle with the wrong key in the video, which was tied to a shared key with OFC Gomez's vehicle door/bed locks.

We then allowed OFC Curry to read Operations Policy 4.23 dated 2011 (page 6- of-8) titled K9s In Vehicle. He agreed that the times indicated in this policy are reasonable expectations, whether this was an outdated policy or not. He also corroborated what OFC Gomez stated about the fact that sections in policy are not being completed regarding a supervisory inspection of their kennels at their residences and other administrative functions. OFC Curry stated his current K9 supervisor is now LT Judd who recently acquired that position after LT Paulsen's retirement.

We then switched back to the "No Dog Left Behind" system and OFC Curry either didn't understand the question or does not utilize this system on a frequent basis. We had to explain what OFC Gomez explained to us regarding that system before OFC Curry could explain that system. I also returned back, once again, about the pager being on him religiously while on duty. OFC Curry could not definitively state when he removed the pager from his outer carrier vest. We then took another break at the request of OFC Curry's attorney.

Upon continuing the interview, OFC Curry clarified statements regarding the "No Dog Left Behind" system. He stated that when OFC Rauch started his vehicle and then turned it off that the "No Dog Left Behind" system should have activated the alarm, which it did not. However, I had OFC Gomez perform the same fast start and stop of his K9 vehicle mirroring what OFC Rauch performed and it did not set the alarm off. It did have a series of rapid beeps as if it was going to alarm but it did not. I watched OFC Rauch's video again



and I did actually hear the same rapid beeps from OFC Curry's system indicating the system was on but not setting off the alarm.

OFC Curry speculated what could have happened in this incident was that the K9 vehicle stalled, for some unknown reason, and the AC still keep running off battery power until the battery ultimately lost all of its electrical charge and that could be why the alarm failed to sound. I informed him of the manufacturer's information stating that there was also a low voltage sensor which should also have set off the K9 Heat Alarm if that was the case.

Based on the above information, it appeared that the one possible explanation for this incident was for multiple failures of separate systems (the engine stalling and the K9 Heat Alarm system simultaneously failing). Otherwise, the only other explanation was for the K9 Heat Alarm system being unplugged when the mechanical engine failure occurred. Therefore, I once again asked OFC Curry at what times he unplugged his system and he again stated that it was only when he downed his vehicle at Fleet.

OFC Curry had no explanation for why the 4-year-old memo addressing the faulty system fell to the wayside. He then wanted to clarify the amount of time he was without his pager on his vest. OFC Curry stated he did wear his pager consistently during his time as a K9 handler. The times he was without his pager were basically few and far between. We then took one additional break so they could come back and give a final statement.

Upon their return, OFC Curry gave a synopsis of the pager holder and how it attached to his vest. He stated he has no idea how this incident happened and reiterated that Ike's safety was his priority. He acknowledged again that the pager was not on him at the time of the incident, but it was not due to him not being concerned about his K9 partner.

During the course of this investigation, I located an item in Power DMS titled "Written Directive Addendum #19-01" with a review date of 8/25/2019 (A15). This item is a memo from the K9 Supervisor, LT Joshua Paulsen, to Chief of Police Steve Stahl concerning "**Immediate Update to Operations Policy 4.23 Canine (K9) Program Manual**". This directive contains information concerning the distance K9 Handlers must live in relation to the City of Maricopa in order to retain their status as a K9 Handler. This memo refers to the "**current** Operations Policy 4.23 Canine (K9) Program Manual" which is a manual dated 9/15/2011. This is in conflict with the K9 Manuals presented by OFC Curry during his interview (A6-14) which were dated 2014 and 2015. OFC Curry alleged the policies he presented superseded the OPS 4.23 Canine (K9) Program Manual (A4) located in Power DMS. Therefore, the K9 Operations Policy Manuals which OFC Curry provided were possibly a draft and not considered an active resource for the K9 program, even though it contained an electronic signature by the Chief of Police.

With that said, Operations Policy 4.23 (A4) Section 7 (Care of Canines) on page 6 of 8 states (special attention to the bolded and underlined sections):

Canines in Vehicles

- When a canine handler leaves the vehicle, the vehicle shall be locked and the front windows rolled up. The canine handler shall ensure that the temperature alarm system is activated while a canine is in the vehicle when conditions warrant it.



- **The canine handler will ensure that the canine's welfare is checked at least every 30 minutes when the ambient temperature inside the vehicle is 75 degrees and above during the spring and summer months.** During the winter, the canine handler must check the vehicle and canine every 60 minutes. If kenneling facilities or portable kennels are available, the kennels should be utilized if the canine handler will be away from the vehicle for more than 30 minutes.
- If the vehicle's back windows are covered with protected screens, the rear windows may be opened to allow ventilation. **Whenever possible, vehicles will be parked in shaded areas.**
- **When the outside temperature is above 85 degrees Fahrenheit, all attempts shall be made to prevent the canine from being left unattended in the vehicle.**
- The canine handler, while attending to collision investigations, arrest situation, motorist assists, etc., shall request additional units to relieve the canine handler when extreme temperatures could adversely affect the health of the canine.

Even if the policies provided by OFC Curry at his interview were the most up-to-date references, Policy 3.20 PSD Vehicles (A14) states in Section 1, fourth bullet point:

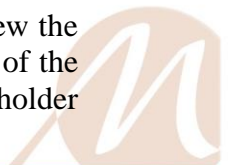
The handler is responsible for the PSD left unattended in a vehicle. Handlers should be constantly aware of the dangers of leaving an animal unattended, especially in hot weather, and make frequent checks on the animal.

As noted in the DPS Investigative Report (A16), the temperature outside on the date of the incident was approximately 107 degrees and the MPD security camera videos show OFC Curry's vehicle was parked in an unshaded spot in front of the Police Department. Another video, titled PD Parking SW, clearly shows there were multiple available shaded spots for parking in the same front lot when OFC Curry arrived for his meeting.

I then reviewed OFC Curry's Body Warn Camera (BWC) footage in order to see if there was evidence of him continuously wearing his K9 Heat Alarm pager as discussed in his interview. OFC Curry stated in this interview that he had taken his police carrier vest apart upon receiving a new style of BWC mounting system. According to BWC footage I observed, it appears OFC Curry received his new BWC system on 6/12/2020 since he appears to be conducting a 30 second test while reading the new BWC instructions in the MPD Briefing room. Since the K9 Ike incident occurred on 6/29/2020, I reviewed BWC footage prior to the 6/12/2020 date.

I knew OFC Curry was on extended medical leave during the first half of 2020 which was corroborated by his BWC footage having a break in usage from November 23, 2019 to June 12, 2020. I was able to review three BWC recorded investigations under MPD DR#s 191123018, 191122050, and 1911026. DR# 1911026 was a single officer call where OFC Curry handled a damaged property call-for-service, therefore no other officers would have captured a recording of OFC Curry in uniform in order to see if he was carrying his K9 Heat Alarm pager while on duty.

The other two investigations did capture OFC Curry in uniform and I was unable to view the pager anywhere on his vest carrier or belt. I specifically looked in the front right area of the MOLLE system by his right arm, as he described in his interview, and did not see the holder



in either of these two videos. Special attention for later review can be narrowed down to the following sections:

- DR – 191123018 – Leach footage from 17:00 to 17:52
- DR – 191122050 - Helin footage starting at time 5:50 of the 23:30 minute footage

I was able to identify most other piece of equipment on OFC Curry's vest and on his duty belt. I could not see the pager pouch, which should have stood out with the "AceK9.com" insignia in white on the front. The fact that the pouch was not on his vest carrier at that time is consistent with memo from OFC Thornton to then Commander Kaphing. However, it is in conflict with OFC Curry's statement that he indeed wears the pager. The next most recent BWC footage for OFC Curry was from August 4, 2018 and prior. These footages have significant misclassifications of associated DR numbers which hindered me from easily identifying other officers on scene.

On 9/24/2020, OFC Curry sent me an email with an attachment (A18) which he requested be added to this PSU file. The attachment was Technical Service Bulletin (TSB 15-0137) from Ford Motor Company titled **BATTERY JUNCTION BOX FUSE 27 – CRANK NO START, LOSS OF RPM AND/OR MALFUNCTION INDICATOR LAMP (MIL) ILLUMINATED WITH MULTIPLE DTCS**. This TSB was for 2009-2014 F-150 trucks where they identified the issue as "Some 2009-2014 F150 vehicles may exhibit a crank no-start and/or a malfunction indicator (sic) lamp (MIL) illuminator with diagnostic trouble codes"

On the AceK9.com website, I located a YouTube video on a "No K9 Left Behind Live Demo" under URL <https://www.acek9.com/hotnpoppro-b/no-k9-left-behind/> which demonstrates its operation. The company website also lists this option as an add-on to the Hot N Pop system which costs extra. I did not observe any additional options on the original purchase receipt from the DPS report. On 10/31/2020 I invited OFC Gomez into my office and we watched the above video together. Upon watching it, he realized he actually does not have the No K9 Left Behind System in his K9 vehicle, even though he originally thought that he did. It appears OFC Curry was also confused during his interview whether he had this same system or not. Therefore, the original assumption that OFC Curry could not have accidentally turned off his vehicle when he arrived at the MPD was incorrect.

One other discrepancy I located upon reading HP-5010 Owner's Manual (A28) was the time the K9 heat alarm system would snooze while waiting for the kennel area to cool down. The manual states:

***Snooze Mode:** At start up, Snooze Mode will automatically appear if there is an over temperature or another condition that requires attention. A Snooze period of approximately 10 minutes allows time to get the vehicle running and cooled down for the safety of your K9. When the Hot-N-Pop® Pro does not detect a safe condition at the end of the snooze period the Pre Alert alarm will activate. Snooze can be manually reactivated (By pressing OK). Only 3 snooze periods are allowed.*

I had OFC Gomez check his snooze feature during a recent 90 degree plus day and his would snooze for approximately 15 minutes before setting the alarm off again. That is why OFC Gomez stated he waits until he gets to the MPD to test his alarm (ie unplugs it) because of the number of times it would alarm and disturb his neighbors. OFC Curry did not know the times



associated with the snooze function during his interview. Yet he started his vehicle an hour before his shift to let it cool down with a normal snooze function of 1-2 times. He stated his vehicle is not in the shade when he starts it, and its operations should be comparable to OFC Gomez's procedures.

Recommended Findings:

1. MPD Policy ADM 1.20 – Conduct of Conduct: #22 Failure to exercise care or control in the use of MPD equipment, property, materials, forms and facilities. **(SUSTAINED)**
2. MPD Policy ADM 1.20 – Code of Conduct: #29 Operating an MPD vehicle in an unsafe manner when such carelessness causes damage to city property, or brings negative attention to MPD. **(SUSTAINED)**
3. MPD Policy ADM 1.20 – Code of Conduct: #74 Unsatisfactory Performance. **(SUSTAINED)**

The reasons for these recommendations are due to OFC Curry being the senior K9 Handler at MPD, with over 8 years of K9 handling experience. A common theme in all K9 related policies, whether current or archived, is that the K9 Handler is ultimately responsible for the safety and care of their K9 partner. OFC Curry knew of the memo that his fellow K9 partner, OFC Thornton, drafted in 2016 which began with:

“In the last 12 months nearly a dozen Police K9’s have died as a result of heat related injuries while they are properly designated police vehicles [sic]. This is happening across the country and each time it happens it leaves a black eye on the department involved. Our K9’s are some of the most valuable assets and a bonding agent that brings the department and the public together with love of the dogs”.

Another common theme in the two sets of policies, one of which OFC Curry contests as outdated, is that they both direct the handler to make frequent checks on their K9 partner while the K9 is inside their vehicle. OFC Curry had the ability to park in a shaded spot, had the ability to bring his K9 inside the building, or had the ability to repeatedly check on K9 Ike throughout his meeting. It was common knowledge that Arizona temperatures are extreme, especially during summer months. OFC Curry failed to take additional safety precautions, particularly with a recent mechanical issue with his vehicle where it would lose power.

There is no evidence to dispute OFC Curry showed a great deal of love and devotion for K9 Ike. In addition, as the DPS Investigative Report indicates, there is no direct evidence regarding the ultimate cause of why:

- The K9 vehicle was not running when OFC Curry exited the building on the day of the incident.
- The K9 Heat Alarm system did not function as it was designed, either by activating the heat alarm or the low voltage alarm. (even though it later worked properly as described by the owner of the company, at the Ford dealership twice, and while in the custody of DPS Investigators) **(A16 – page 7 of 12)**
- The K9 vehicle immediately started for OFC Rauch, post incident, when it would not start for OFC Curry during the emergency. **(See video)**



Factors which OFC Curry could have controlled were either noticing missing antennas off the roof of his vehicle or conducting better testing of the paging system's range which would have alerted him to the loose connection behind his seat. I refer, once again, to OFC Thornton's memo to Commander Kaphing (A26) where he states:

"While the system comes with a "pager" the pager itself is useless and rarely works correctly or at all. My pager does not even tell me when the alarm is going off. Therefore the pagers are not used or carried by the handlers".

It should be noted from the DPS investigation that Detective Ellis performed a function test of the pager alert and it was operational in both the audible and vibrate modes (**A16 – page 1 of 2 in Supplemental Report**).

Officer Curry, as well as K9 Supervisor LT J. Paulsen, had an obligation to MPD K9's to follow through on the recognized, approved, and financed upgrade to this system which they did not. (**See A21**)

Identified MPD Policy/Procedural Contributors:

1. A new K9 Heat Alert System was identified by the Department as needed, authorized, and ultimately funded with no follow through on its purchase.
2. The K9 supervisor, LT J. Paulsen, was on extended medical leave which left the K9 program unsupervised from a programmatic standpoint. The K9 Handlers had direct supervision operationally by their respective shift Patrol Supervisors, but no oversight of the program in interim.
3. A direct result of LT J. Paulsen's absence and supervision, mentioned above, led to a lack of OFC Curry's reintegration back into the K9 Handler role after his extended time off for medical reasons.
4. Multiple policies relating to the K9 Program were collocated in the MPD Policy Database known as Power DMS. Although the correct policy was properly documented in Power DMS, OFC Curry was operating under another policy which was signed and more current than the one in the system.
5. Police Service K9's cannot escape from their vehicles when in distress. There was, and still is, the strongest need for MPD K9 Kennels to be located inside a climate-controlled space while at the MPD headquarters building or equivalent. In addition, the handlers must be held accountable and have the understanding that Police Service K9's will not be left unsupervised when their handler is fulfilling any administrative functions based on outside climate conditions.

Administrative Insight:

TBD

