

**AZ POST
CASE OVERVIEW
CHARGING BOARD
September 20, 2017
Compliance Specialist: Steve Jacobs**

OFFICER: Dever, Garrett A.

Case No. 17-097

AGE: 39

AGENCY: Chandler Police Department

EMPLOYMENT DATES: January 19, 2002 – June 20, 2017

PREVIOUS EMPLOYMENT: Mohave County Sheriff's Office
February 7, 2000 – January 15, 2002

TRAINING ACADEMY: ALEA

GRADUATION DATE: May 26, 2000

SOURCE OF COMPLAINT: Termination Report (Resigned)

BOARD ACTION NEEDED: NA/RF/IP

ALLEGED CONDUCT:

1. On June 17, 2017, Officer Garrett A. Dever drove his unmarked police vehicle while under the extreme influence of intoxicating liquor.
2. On June 17, 2017, Officer Garret A. Dever was not truthful when he identified himself to Gilbert police officers as "Bruce."
3. On June 17, 2017, Officer Garret A. Dever was not truthful when he denied to Gilbert police officers of having consumed alcoholic beverages.

VIOLATION OF POST RULES:

R13-4-109

- A. **The Board may deny certified status or suspend or revoke the certified status of a peace officer for:**
 7. **The commission of a felony, an offense that would be a felony if committed in this state, or an offense involving dishonesty, unlawful sexual conduct, or physical violence, to wit: A.R.S. § 13--2907.01, false reporting to a law enforcement agency;**
 8. **Malfeasance, misfeasance, or nonfeasance in office; or**
 12. **Any conduct or pattern of conduct that tends to disrupt, diminish or otherwise jeopardize public trust in the law enforcement profession.**

CASE SUMMARY:

On June 17, 2017, Officer Garrett A. Dever, while off-duty but operating an unmarked department vehicle, struck a light pole on a raised center median. During the investigation Officer Dever provided false information to Gilbert Police Officers when he identified himself as "Bruce" and denied having consumed alcohol. Officer Dever declined to participate in either a HGN test or field sobriety test. A search warrant was obtained and a preliminary test of Officer Dever's blood determined a BAC of 0.313%.

CASE NOTES:

1. On June 22, 2017, a termination report was received from the Chandler Police Department with an effective date of June 20, 2017, regarding Officer Garrett A. Dever, which indicated that the agency was aware of conduct that may violate POST rules.
2. According to information received from the Chandler Police Department, on June 17, 2017, following a single vehicle motor vehicle accident, Officer Garrett A. Dever was cited by the Gilbert Police Department for extreme DUI, open container, and false reporting to law enforcement. Officer Dever resigned from the Chandler Police Department without participating in an internal investigation and in summary, the Gilbert Police report states the following:

On 06/17/2017, at approximately 0053 hours, Garrett Dever was involved in a single vehicle collision on Pecos between Recker and Ranch House. Based on his statements, witness statements, and the physical evidence at the scene it was determined Garrett was traveling East on Pecos when he went over the raised positive median barrier, struck a Town of Gilbert pole which then fell into the roadway, and then continued eastbound on Pecos in the westbound lanes before his vehicle ultimately came to a stop just West of Ranch House.

Multiple witnesses observed Garrett running away from the vehicle. One witness observed Garrett exiting the vehicle and said there were no other occupants within the vehicle. A group of anonymous witnesses stated they saw Garrett run into the empty dirt lot to the southeast of where his vehicle stopped. They said Garrett went into the dirt lot with something in his hand, was there for a brief period of time, then emerged from the dirt lot to return to the vehicle with nothing in his hands. An empty Fireball bottle was later located in the same dirt lot.

Upon my arrival on scene Garrett provided me false information and identified himself to me as "Bruce." The investigation continued for a few minutes before Garrett revealed his true identity. Garrett's speech was slurred, he swayed where he stood, staggered as he walked, had blood shot and watery eyes, and had a strong odor of an intoxicating beverage coming from his breath and person. His behavior was consistently not cooperative with officers and

evaluating Fire Rescue personnel. Additionally, Garrett's behavior was bizarre as he appeared to have difficulty processing certain questions and repeatedly attempted to touch investigating officers after repeated requests to cease.

Garrett refused all Standardized Field Sobriety Tests. Garrett requested his phone be retrieved from the center console of his vehicle. No phones were located within the vehicle however, in the closed portion of the center console there was a partially empty bottle of Jim Beam whiskey.

Garrett was transported to Chandler Regional Medical Center where one of their phlebotomists on staff conducted a blood draw. I provided that phlebotomist a copy of a search warrant for Garrett's blood sample and the phlebotomist turned custody of the blood sample and chain of custody over to me.

Garrett invoked his right to counsel and was therefore not questioned about the bottle in the field, the open container in the center console, or the fraudulent name provided to me at the scene.

Submittal of this case for long form charging with the Gilbert Prosecutor's Office is pending receipt of the forensic examination report. The following charges are being long formed to the Gilbert Prosecutor's Office:

ARS 28-1381.A.1 (DUI-Impaired to the slightest degree)

ARS 28-1381.A.2 (DUI-BAC of 0.08 or more)

ARS 28-1382.A.1 (Extreme DUI-BAC of 0.15 to 0.20)

ARS 28-1382.A.2 (Super Extreme DUI-BAC of 0.20 or more)

ARS 4-251.A.2 (Open container liquor in vehicle)

ARS 13-3907.01.A (False reporting to law enforcement)

3. Officer Dever resigned from the Chandler Police Department effective June 20, 2017.

BOARD ACTION TAKEN:

None – New agenda item.