

## Mickey Petersen

---

**From:** Joe Puglia  
**Sent:** Friday, July 23, 2021 8:04 AM  
**To:** Mickey Petersen  
**Subject:** Fw: IPA Disagreement with Finding in OPS # 21-0100

FYI

---

**From:** John Carlson1 <John.Carlson1@tucsonaz.gov>  
**Sent:** Thursday, July 22, 2021 3:45 PM  
**To:** Mitchell Kagen <Mitchell.Kagen@tucsonaz.gov>  
**Cc:** Joe Puglia <Joe.Puglia@tucsonaz.gov>; Timmy Gilder <Timmy.Gilder@tucsonaz.gov>  
**Subject:** Re: IPA Disagreement with Finding in OPS # 21-0100

Mr. Kagan,

Thank you for taking the time to speak to Lt. Gilder and I on Monday July 19, 2021 regarding this incident and your concerns with the findings, specifically the use of profanity being not sustained. As discussed at our meeting on Monday and after further consideration and discussion, I am not inclined to change my finding on the use of profanity.

As you pointed out in our meeting Mr. Tuck did bring this concern of profanity up at the scene. However, I would argue that Mr. Tuck only voiced that concern after he did not get his way in getting Officer Stevenson to essentially look the other way suggesting it was minor and only a scratch. Once he was told it was a city vehicle and there was a procedure that needed to be followed, he walked away and met with his family, only then to return and addresses the concern over the use of profanity. Additionally, he says in his OPS interview that he could hear the officer yelling and cussing over the phone and his daughter hung up. He got over there right away, within four minutes, which is possible from the location of his residence to the scene. However, there is no information from his daughter, or the passenger, to anyone at the scene about the use of profanity.

My impression of the OPS interview several days later was that Mr. Tuck was so upset overhearing the officer yell at his daughter that he raced over there, yet upon arrival his first concern is not to address the yelling or profanity, but to instead try to imply the accident is a minor scratch and not a big deal as stated above. There is no indication that he spoke to Sgt. Babauta about that concern of use of language at the scene, nor the officer investigating the accident. Certainly, Sergeant Babauta should have addressed that at the scene and documented such in his personnel report if it was brought to his attention. Officer Stevenson denies using profanity at the scene. I have since spoken to Sgt. Babauta and he does not have any recollection of Mr. Tuck mentioning anything about profanity being used by Officer Stevenson and described Mr. Tuck as quite animated and difficult himself.

The statements by Ms. [REDACTED] and her passenger, [REDACTED] I feel are unreliable. I will not go far as to say there is collusion, but it is clear there was ample opportunity to discuss this with Mr. Tuck. As pointed out by yourself, "*Exact word-for-word recall cannot be expected*", however I would argue that the narrative is almost identical to what Officer Stevenson described, only now the Tuck party claims the use of profanity and Officer Stevenson denies using profanity. This is supported in the OPS

interview where Mr. Tuck hands the phone to his daughter. It is several days after the incident and there are not independent interviews of these individuals. As discussed in our conversation on Monday I feel that there was a lot of conversation between the parties involved prior to notifying OPS to include [REDACTED] mother.

Your question was, *"Boiled down, the only question is, "Is it more likely than not Focus Officer Stevenson said the word, "fuck" even once in any context in his encounter with [REDACTED] and [REDACTED] on March 4, 2021?"* and asked that we revisit the finding in Allegation 305 (Profanity) be revisited.

I am not comfortable changing that finding and saying that it is more probable than not, therefore, I cannot sustain that violation for use of profanity.

Thank you. Stay safe.

Captain John Carlson  
Tucson Police Department  
Administrative Services Division  
Office 520-837-7748  
Mobile 520-647-1392