

Herndon

HERNDON POLICE DEPARTMENT



TO: Special Police Officer Mark Butler
FROM: Lieutenant Steven Pihonak
DATE: September 20, 2019
SUBJECT: Sworn Employee Notice of Investigation (HP 807)

The purpose of this memorandum is to inform you that the Department is conducting an administrative investigation to determine all information, facts and circumstances relevant to the following:

IA Case Number: 2019-IA-010

Nature of Complaint: **A-3 - Performance of Duty; which states in part:** *"All personnel shall perform their duties as required or directed by law, Department rule, regulation, policy or procedure, general order, or by order of a supervisor."*, specifically, as it pertains to **General Order 305 Patrol Procedures** stating that 'Patrol officers shall conduct preliminary investigations on all dispatched calls and self-initiated activity warranting enforcement action or investigation.' Specifically, as it pertains to case number 2019-02903 and 2019-02976.

I have been assigned to investigate this complaint. In addition to me, the following person(s) will be present during the interview:

With regard to this investigation, you are advised of the following rights and responsibilities:

1. Each employee of the Department shall cooperate fully with personnel conducting an administrative investigation. It is the responsibility of all employees to answer fully and truthfully any question asked that pertains to the investigation, the alleged violation of policy or law or any action taken by the employee that may affect the Department. During the course of an administrative investigation, statements obtained from an employee are compelled as a condition of employment and employees do not have the right to refuse to answer any question concerning their performance of duty or their adherence to Department rules and regulations. Admissions by the employee in an administrative investigation cannot be used in any criminal prosecution. As soon as it appears the investigation may lead to a criminal prosecution, the employee will be advised of certain rights as required by law.

2. Employees involved in an administrative investigation, to include the subject of the investigation, witnesses, and staff, shall not discuss the investigation with others unless authorized by the investigating officer.
3. In accordance with the Code of Virginia, §9.1-501 – Conduct of Investigation, the following guidelines will be followed during the course of the investigation:
 - a. Any questioning shall take place at a reasonable time and place as designated by the investigating officer, preferably when the officer under investigation is on duty and at the office, unless matters being investigated are of such a nature that immediate action is required.
 - b. Prior to being questioned, sworn personnel shall be informed of (i) the name and rank of the investigating officer and of any individual to be present during the questioning and (ii) the nature of the investigation.
 - c. When a blood or urine specimen is taken from a law enforcement officer for the purpose of determining whether the officer has used drugs or alcohol, the specimen shall be divided and placed into two separate containers. One specimen shall be tested while the other is held in a proper manner to preserve the specimen by the facility collecting or testing the specimen. Should the first specimen test positive, the law enforcement officer shall have the right to require the second specimen be sent to a laboratory of their choice for independent testing in accordance generally with the procedures set forth in Code of Virginia, §18.2-268.1 through §18.2-268.12. The officer shall notify the Chief of Police in writing of their request within 10 days of being notified of positive specimen results. The laboratory chosen by the officer shall be accredited or certified by one or more of the following bodies: the American Society of Crime Laboratory Directors/Laboratory Accreditation Board (ASCLD/LAB), the College of American Pathologists (CAP), the United States Department of Health and Human Services Substance Abuse and Mental Health Services Administration (SAMHSA), or the American Board of Forensic Toxicology (ABFT).
4. All employees are subject to screening for reasonable suspicion of substance abuse pursuant to Administrative Regulation 1-32.
5. If during the course of an administrative investigation, the investigating officer determines cause exists to justify an employee's submission to a medical, physical, psychiatric, laboratory, or polygraph examination, the employee shall submit to such test or exam. Tests may include Breathalyzer, blood or urine tests, the taking of photographs, attendance at physical lineups, or submitting to voice or handwriting samples. The Division Commander supervising the investigation will be responsible for consulting with

the Chief of Police for approval for such tests or exams, except in cases where a time delay would directly affect the outcome of the test, such as a test for blood alcohol content. If the Chief of Police is unavailable, the appointed designee shall be consulted.

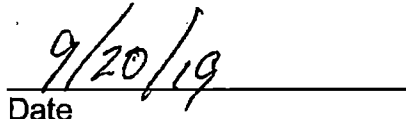
6. Sworn personnel will be required to disclose financial information only when such information is necessary and in accordance with the Code of Virginia, §9.1-503, "Personal Assets of Officers."
7. When your statement, if recorded, is transcribed to written form, you will be provided with an opportunity to review and sign the transcript. If you so desire, a copy of the statement containing your signature will be provided to you at the time of your review.
8. Failure to meet these responsibilities may result in disciplinary action, to include termination.

Employee Acknowledgment

I acknowledge receipt of the "Sworn Employee Notice of Investigation" and have read and understand the information contained in this document.



Employee Signature



Date

Herndon

HERNDON POLICE DEPARTMENT



MEMORANDUM

TO: Colonel Maggie A. Deboard *MAD*
Chief of Police

FROM: Lieutenant Steven Pihonak *[Signature]*
Assistant Commander Support Services Division

IA FILE: 2019-IA-010

DATE: September 27, 2019

SUBJECT: Internal Investigation, Senior Police Officer Mark Butler

SYNOPSIS

On August 28, 2019 Senior Police Officer Mark Butler took a report of a missing juvenile. At the time of the report, the missing juvenile had already been gone for eight days. Detective Choi called Officer Butler about the case that same day and they agreed that Detective Choi would investigate the case if she did not return by Thursday August 29, 2019. On Friday August 30, 2019 Officer Choi saw that the juvenile was still missing in NCIC/VCIN. He attempted to read the initial report, but it was not in the records management system. Detective Choi came to me on that day and said that the report could not be located, and Officer Butler never followed up, or turned the case over to him. The General Orders state that juveniles missing more than 48 hours shall be turned over to the Criminal Investigations Section for investigation. Inquiry into this missing report revealed several other possible violations of policy by Officer Butler.

FINDINGS

The findings and conclusions of this investigation are based upon the interviews, statements and documents as follows for case **2019-02903**.

SOURCE:

Senior Police Officer Mark Butler

Detective Jay Choi

METHOD

Recorded in Person Interview

Recorded in Person Interview

Senior Sergeant Claudio Saa

Recorded in Person Interview

Body Worn Footage Butler

Back End Client

Herndon Police Reports 2019-02903

HPD Records Management System

Investigation:

On August 30, 2019 Detective Choi came to my office and advised me that he was aware of a missing juvenile case from a few days earlier that had not been turned over to him for investigation. Detective Choi stated that he became aware of this case on August 28, 2019. He said that he saw on the CAD that Officer Butler was taking a report of a missing juvenile. He called Officer Butler later that day and asked if he needed any assistance. Officer Butler advised him that [redacted] had been missing for eight days and he was in the process of writing the report. He advised Detective Choi that he would contact him later and forward this case for investigation. Detective Choi stated that he never received any follow up calls or emails from Officer Butler about this case, so he assumed she returned home.

On Friday August 30, 2019 Detective Choi saw that [redacted], was still listed in NCIC/VCIN as a missing juvenile. He attempted to locate the case in the records management system but there was nothing there but the shell of the report. I spoke to Brian Cummings who was able to track this report in the CAD system. The report indicates that Lieutenant Dyer denied this report on 08/29/2019 because the report lacked detail about her clothing and description. Lieutenant Dyer also told Officer Butler in the notes that he needs to turn this case over to CIS, since [redacted] has not returned home. This report was not approved until September 01, 2019, four days after the report was taken. At this point in time the juvenile has been missing for twelve days and CIS was never notified.

At this point I requested an internal affairs investigation to determine the facts of this case.

Video Review:

For this investigation, I reviewed the BWC footage for Officer Butler for case 2019-02903.

The following are observations based on video review:

My first observation from this case is that Officer Butler did not properly classify the video or tag it with a case number in the back-end client. The general orders state that juvenile runaway cases shall be classified as "Non-Serious Offenses." This video was only classified as "other."

Upon his arrival he meets with [redacted] who called to report that her sixteen-year-old daughter [redacted] was missing. Officer Butler enters the home and says, "what's going on," and when she doesn't answer, he says "what's up." She then asks if there is anyone that speaks Spanish and he quickly responds "nope." Officer Butler never introduces himself as a Herndon Police Officer or offers her his name. The overall tone of his voice is one of annoyance or irritation toward [redacted]. She again asks if there is anyone that can speak Spanish and he says, "I'm the only one here." He then asks her if there is anyone in the house that speaks English. When she tells him "no," he stands there in silence for a period, and then calls for SPO Narvaez to respond to the scene to translate. While waiting for Officer Narvaez to respond

to the scene he attempts to get some information from _____. He is able to get _____, call her daughter on the cell phone.

_____ calls the juveniles phone and she answers. Officer Butler takes the phone and says "hey, _____ this is Officer Butler, how are you? She replies, "hello yeah." Officer Butler says, "hey where you at?" She then hangs up and they are unable to get her to answer again. There was no further conversation with _____.

Officer Butler continues to wait for SPO Narvaez, but after several minutes SPO Narvaez marks out with an accident and is unable to respond. Approximately nine minutes into this call Officer Butler places a call to The Herndon Police Departments dispatch and requests the phone number and pin number for the language translation line. He has a phone interpreter assisting him with his investigation. _____ tells him that her daughter has been missing since August 20th. Officer Butler continued to interview _____ and get information for his report. She tells him that _____ told her that she was in Manassas, but she didn't know where. Officer Butler has _____ sign the clearinghouse form and he advises her to call the police when _____ arrives at home.

Incident Report:

A copy of Herndon Police Department incident report 2019-02903 is in the case file. The report is short and lacks detail. The BWC footage reveals that _____ spoke about her daughters' friends and family. She even stated that _____ advised her that she was in Manassas. This information is not in Officer Butler's report. There is an excerpt from the report that states "I had _____ call _____ and _____ answered the phone stating that she was OK. _____ said she would be home when she gets home and hung up the phone when I asked to talk to her." The BWC footage shows that this conversation never occurred. Officer Butler on the BWC footage only says, where are you, and she hangs up.

Detective Jay Choi Interview:

On September 19, 2019 at 1346 hours I had the opportunity to interview Detective Jay Choi. He signed an HPD 808 Order of Confidentiality Notice. Copies of this form are in the file.

I provided Detective Choi with a copy this missing juvenile case and he stated that he was familiar with the case. I asked Detective Choi to tell me about his involvement with this case. He said that he first became aware of this case on that Wednesday September 28. He said that he was at his office and Fairfax and saw on the CAD that Officer Butler was on the scene of a missing juvenile. Detective Choi said that a few hours after the call he called Officer Butler to learn about the missing juvenile. Detective Choi asked him if he wanted to transfer the case to him in CIS, but Officer Butler said that she might come back. Detective Choi said that he told Butler that he could hold onto the case until the end of his tour tomorrow then turn it over to CIS.

Detective Choi decided to follow up on this case on Friday August 30 and saw that the juvenile was still listed as missing. He stated that he thought it was odd because he could not find the case report or any supplements. Detective Choi said that after unsuccessful attempts to locate any further information about the case, he came to see Lieutenant Pihonak on that day. Detective Choi stated that he began to work on the case on this day even though it wasn't

assigned to him. He stated that it was a holiday weekend and he had never had any cases with this juvenile, so he was concerned. Detective Choi said he contacted the mother on this day and got additional information to investigate the report. Detective Choi stated that there was limited information available about this case including the fact that there was never any photo of the missing juvenile submitted with the initial report.

Detective Choi said that he was the one that reached out to Officer Butler on the day the case was reported. He said that he never received a follow up call from SPO Butler about this case. Detective Choi attempted to contact Officer Butler on Friday August 30th and he left him a voicemail message. Detective Choi stated that as of right now SPO Butler never returned his call or inquired about the case.

Senior Sergeant Cluadio Saa Interview:

On September 19, 2019 I had the opportunity to interview Senior Sergeant Saa about this missing juvenile case. He signed an HPD 808 Order of Confidentiality Notice. Copies of this form are in the file.

I showed Sergeant Saa a copy of case 2019-02903 and asked him if he was familiar with the case. He stated that he was made aware of this case by Detective Choi. He stated that Friday August 30th was his first-time hearing about this case, because it was not in the system as "CIS Unassigned." I asked Sergeant Saa if Officer Butler ever notified him that this case needed further investigation. Detective Saa stated that he did not receive any calls or emails about this missing juvenile. He stated that he received no communications about this case.

I then showed Sergeant Saa a print out of two emails and asked him if he recognized them. He stated that these are two email messages that he sent out to all HPD personnel and he sent a similar one last year. He stated that the email reminded officers that juveniles missing more than 48 hours need to submit their reports as CIS Unassigned. He went on to read that in addition officer need to email the CIS Sergeant and advise them that the case is listed as CIS Unassigned. Sergeant Saa stated that the reason for the email is that there are sometimes delays in the records management system which postpone him becoming aware of these time sensitive cases. Sergeant Saa stated that he sent this email to all police personnel on at least three occasions.

Sergeant Saa stated that he should have been informed about this case on the day it was reported because the juvenile had already been missing since August 20th.

Senior Police Officer Butler Interview:

On September 20, 2019 I had the opportunity to interview Senior Police Officer Mark Butler about this missing juvenile case. In this interview we also discussed case 2019-02976 and a separate internal affairs case listed as 2019 IA 11. I interviewed Officer Butler in the conference room in the Chief's Suite. Officer Butler was working his regularly scheduled shift. I began the interview at 0928 hours. I had Officer Butler sign an HPD 807, Notice of Investigation form as well as an HPD 808 Order of Confidentiality Notice. Copies of these forms are in the file. The interview was recorded in its entirety and a copy is in the file.

I showed Officer Butler a copy of the case about the missing juvenile. He looked it over and stated that he remembered the case. I asked him to give me a synopsis about this case. He stated that he met with the mother who advised him that her daughter had been gone for six or seven days. He stated that he called the missing juvenile on the phone and she told him that "yeah I'll come home when I get home." He said that the mother told him that she was in Manassas but didn't know specifically where. He said that he called SPO Murn and asked if she had showed up to school. He also said he called Detective Choi and told him all about this case and then he went on his break. He said he went by the house later that day and the juvenile had not returned home so he "kicked it up to CIS unassigned like I was told to do by my Sergeant."

I then explained to Officer Butler that this case came to my attention because on that Friday, Detective Choi attempted to pull up this case and could not find it. Officer Butler said "right; I think it got denied." I asked him if he can remember when he resubmitted the case for approval. He stated "the next day back at work, I guess. I don't recall right offhand." I told him that it looked like the report had not been resubmitted until September 1. He said, "I couldn't tell you on that." I asked him how many days the juvenile had been missing when he took the report. He looked at the report and stated that she was last seen on 8/20, so it was eight days.

I asked him if he was familiar with the General's Orders as they pertain to the handling of missing juveniles. I showed him a copy and asked if he wanted to see it. He stated, "no we're good." I said when a juvenile is missing for more than 48 hours, the case shall be turned over to CIS for follow up. He said, "um well I guess ok." I advised him that the case wasn't approved for several days and that the report was kicked back to him because he didn't have a description of the girl. He said, "mom didn't have a description of the girl, I mean I was never told any of that, um I don't recall any of that." I asked him if he remembers why the report was denied and he replied, "no not offhand."

I then told Officer Butler that the report states that he contacted Detective Choi on that day. He said, "I did, I called him right away." He also stated that he called Officer Murn that day who advised him that the missing juvenile had not been to school that day. I asked him if he put this information in his report, he replied that he did not.

I told him that Detective Choi told me that he called him when he saw the call in the CAD. I told him that Detective Choi stated that he told him to let him know if anything comes of this case. I advised him that Detective Choi said that he called you about this case and he replied, "I don't know, I don't recall, I could have sworn I called Jay." I asked him if he ever contacted Sergeant Saa about the case. He stated that he told Sergeant Tacci about the case. He stated that he put her in NCIC/VCIN and did what he thought he was supposed to do. I asked him if he ever attempted to follow up with Detective Choi about this case. He said that he attempted to call Jay but "didn't get a response." I asked Officer Butler if he remembers when he tried to call Detective Choi and he stated that he didn't remember.

I asked him if he requested a picture of the juvenile from the mother and he stated that he did. He stated that she didn't have one. I then asked Officer Butler if he classified his BWC footage from that missing juvenile case. He stated, "should have, I believe I did." I asked him if he knew what the proper classification for a missing juvenile investigation is. He stated, "other isn't it." I told him that it should have been classified as a non-serious offense. I advised him

that that it was not properly classified and had no case number associated with it. He responded, "oh shit, ok." He again stated that he didn't remember if he attached a case number to the BWC footage.

CONCLUSION:

Officer Butler responded to a missing juvenile on August 28, 2019. The initial report was denied that day because it was missing critical information about the missing juvenile. In the denial response, Lieutenant Dyer instructed Officer Butler to turn the report over to CIS for further investigation.

A-3 - Performance of Duty specifically as it pertains to **General Order 315, Missing Persons Investigations:** *'All personnel shall perform their duties as required or directed by law, Department rule, regulation, policy or procedure, general order, or by order of a supervisor. All lawful duties required by competent authority shall be performed promptly as directed, notwithstanding the general assignment of duties and responsibilities.'*

The General Orders under Missing Persons specifically states that *"Missing person reports (juvenile or adult) which place the missing person in personal or immediate danger; or juveniles missing for more than 48 hours, or adults missing for more than 5 days, shall be investigated by the Criminal Investigations Section."*

If Detective Choi had not explored this case on August 30th, the case would have more than likely not have been investigated until it showed up in the records management system several days later. For this reason, Sergeant Saa sent numerous emails in the past instructing officers to send an email to CIS if they are turning over a missing juvenile case to the section. Officer Butler was instructed by his supervisor to notify CIS about this case before the end of his tour on August 29, 2019. There are no emails or information to support that Officer Butler made any attempts to turn this case over to CIS.

Administrative Activities Section D-2 Reports and Bookings

'No employee shall knowingly falsify any official report, or enter, or cause to be entered, any inaccurate, false, or improper information in official records of the Department.'

After reviewing the BWC footage, the incident report, and my interview with Officer Butler, there are false statements in his written report. In the official HPD report Officer Butler states that he spoke to _____ on the phone and she stated, "she was OK, _____ said she would be home when she gets home." Upon review of the BWC footage this conversation did not happen, clearly contradicting what he wrote in the report, and what he told me in the interview. The juvenile simply disconnected the call upon hearing his voice.

The written report is short and lacks any detail that would assist CIS in locating the missing juvenile. Officer Butler documented in the official HPD report that the mother had no idea where the missing juvenile was located. This statement is false because in the BWC footage the mother mentioned that the juvenile might be in Manassas. She also named other family members that might have helpful information. SPO Butler failed to document any of this pertinent information in his report.

I asked SPO Butler if he asked the mother for a picture of the missing juvenile during his investigation. He said that he did ask for a picture and the mother stated that she didn't have one. Upon review of the BWC footage, SPO Butler never asked her for a photo of the juvenile. At one point she hands him a student ID and a passport, both which have images of the juvenile.

General Responsibilities A-1 – Truthfulness: *'Personnel shall be truthful and forthright when questioned by competent authority, conveying full details of actual events. Personnel shall not practice deceptive conduct to include lying, making material omissions, or engaging in other unacceptable and deliberate acts of dishonesty. Personnel shall be trustworthy and act with integrity in the exercise of authority and discretionary power.'*

Officer Butler knowingly falsified information in his report. The BWC footage clearly contradicts what he wrote in his report. During the interview Officer Butler stated that he asked for a photograph of the juvenile, but her mother stated that she didn't have one. The BWC footage again clearly contradicts this statement, because he never asked for a photograph. There are also several material omissions in this report, such as not documenting other family members names and the information that she was in Manassas. These factors could have made a direct impact on the solvability of this crime, or at the very least the ability for investigators to follow up. The lack of this pertinent information could have serious consequences if it caused a delay in finding a missing juvenile.

A-3 - Performance of Duty specifically as it pertains to **General Order 303 Audio and Video Recordings** specifically section VIII Processing In-Car and Body Worn Audio/Video Recordings: *'classifying or reclassifying body worn camera recordings shall be finalized no later than the beginning of the officer's next tour of duty following the captured recording.'*

Officer Butler did not classify the BWC footage in accordance with the General Order. The case was classified only as "other," and there was no case number tagged with the video. Officer Butler has been previously counseled by several supervisors about the proper way to classify videos. He has also received remedial training specific to proper classification of videos.

Therefore, the following determinations are recommended for Officer Butler:

A-3 - Performance of Duty specifically as it pertains to **General Order 315, Missing Persons Investigations:**
Sustained

A-3 - Performance of Duty specifically as it pertains to **General Order 303 Audio and Video Recordings** specifically section VIII Processing In-Car and Body Worn Audio/Video Recordings:
Sustained

D-2 Administrative Activities specifically as it pertains to **Reports and Bookings:**
Sustained

General Responsibilities A-1 – Truthfulness: Sustained

Recommendation:

I scheduled a second interview with Officer Butler on September 25, 2019 to ask some follow up questions to this case as well as 2019 IA 11, and 2019 IA 16. It appears that SPO Butler abruptly chose to resign when I called him to my office. He advised Sergeant Tacci on the morning of September 25, 2019 that he wanted to make it to mid-October here before resigning. He only presented Captain Anzengruber with his resignation after being called to my office that morning.

Officer Butler informed me that he wanted to make his campaign to be Warren Counties Sherriff his priority. He also asked me if him choosing to resign puts an end to the Internal Affairs Investigations. Officer Butler resigned and we did not have the opportunity to continue the interview.

Herndon

HERNDON POLICE DEPARTMENT



MEMORANDUM

TO: Colonel Maggie A. Deboard *MAD*
Chief of Police

FROM: Lieutenant Steven Pihonak *[Signature]*
Assistant Commander Support Services Division

IA FILE 2019-IA-16

DATE: November 8, 2019

SUBJECT: Internal Investigation, Senior Police Officer Mark Butler

On September 2, 2019 Officer Butler responded to a larceny from auto case (2019-02976). There was an inquiry started because the report could not be found in the record management system a week after it was reported. Officer Butler did not submit his report in a timely manner as specified in the General Orders specifically stated in **Administrative Activities Section D-1, Submitting Reports: Personnel shall promptly submit any reports required as a part of the performance of their duties or as required by competent authority.** Further investigation has revealed other violations of policy.

I am requesting an Internal Affairs investigation to determine the facts of this case:

Findings:

The findings and conclusions of this investigation are based upon the interviews, statements and documents as follows for case **2019-02976**.

Source:

Senior Police Officer Mark Butler
Body Worn Footage Officer Mark Butler
Herndon Police Reports 2019-02976

METHOD

Recorded in Person Interview
Back End Client
HPD Records Management System

Investigation:

On September 10, 2019 Public Information Specialist Lisa Herndon could not locate a larceny from vehicle case for the weekly press report. The initial case was written by Officer Butler on September 2, 2019, but it could not be located in the records management system. Brian Cummings provided me with a copy of the report which tracks the progress of cases submitted through the CAD. A copy of this report is in the case file. The report shows that that this larceny from auto case was submitted on September 2, 2019. The report was denied that same day by Corporal Forbach. Corporal Forbach asked Officer Butler to correct some issues he found with the initial report. For unknown reasons this report sat in the system in an unapproved status from September 02, 2019 until September 11, 2019.

Information was needed from this report for the press release that was scheduled to be released on September 10, 2019. Brian Cummings was able to extract a draft only version of this report from the records management system. I also viewed the In-Car and Body Worn Camera footage for this report. Inquiry into this missing report revealed several other possible violations of policy by Officer Butler, which are outlined below.

Incident Report:

The incident report, 2019-02976, is a larceny case at 405 Maple Court. A copy of this report is in the case file. Around this time period there was an increase in larceny from auto reports in this area of Herndon. This was a larceny case where someone opened the unlocked car and removed the victim's wallet and personal belongings. The report indicates that the victim reported that his wallet and cash were stolen. The report also states that the victim's driver's license, and Employment Authorization Card were stolen as well.

Officer Butler writes in the report, *"The vehicle was processed with negative results partially because the vehicle was wet from the early morning rain. The area was searched with no results and no other individuals noticed or saw anything."* He also wrote that the victim called Chevy Chase Bank and they advised him that his credit card was used at 0300 hours at the McDonalds on Elden Street.

This report is short and lacks sufficient detail. Officer Butler initially submitted this report without the credit card even being listed as stolen property. Nowhere in the report is there any information about this credit card, including the account numbers.

Video Review:

For this investigation, I reviewed the In-Car and BWC footage for Officer Butler for case 2019-02976.

The following are observations based on video review:

The BWC footage starts at 0738 hours and is just over six minutes in length. The In-Car camera is facing away from the scene and offers no valued information. The BWC shows Officer Butler speaking to the victim and an unknown female who was assisting with translation. The translator was telling him that his license, work permit and a credit card were

stolen from his vehicle. Officer Butler offers the victim information on how to obtain a new work permit card.

The victim advised him that they believe the vehicle was locked. Officer Butler stated that he does not see any signs of forced entry. He walks from the back of the victim's car around to the driver's side door. The translator asked him if they could have used something to enter the car. Officer Butler says, "these cars are so hard to do like that anymore...and I can't see where anybody...and it's all wet so were not going to be able to pull any prints off of it." Officer Butler is simply looking at the vehicle from the outside. There is a thin layer of dew on the roof of the car however the doors and windows are completely dry. There is a clear image in the video of latent hand prints on the drivers' side door. Officer Butler never opened the car doors and looked inside the vehicle. There are also visible hand prints on the trunk lid when he is standing near the back of the car. In the report Officer Butler wrote that the vehicle was "processed with negative results." At no time during this video did Officer Butler process anything for latent evidence.

Officer Butler asks the victim which bank the credit card came from. They tell him that there was a Capital One credit card. Officer Butler says "you had a Capital One Credit Card." They then told him that there was a Costco membership card and Officer Butler says, "I just need the credit cards." The victims then said they had a Citi Bank Card and he replied, "I don't need Citi Card either because that's a debit card, so make sure you call your banks." He does ask them if they have an account number for the Capital One credit card. They said that they did not have it he replies "no, ok no problem." He does not make any further attempt to get the account information. After three minutes and thirty seconds into his investigation, he walks back to his car and tells the victim that he will give him a case number. He returns after a few minutes and hands the victim the case number and tells him to call immigration and DMV to get a new employment authorization card and driver's license. He tells them to lock their car and maybe get a car alarm and he then returns to his police vehicle.

Senior Police Officer Butler Interview:

On September 20, 2019 I had the opportunity to interview Senior Police Officer Mark Butler about this larceny case. In this interview we also discussed internal investigation cases 2019-IA-10 and 2019 IA 11. I interviewed Officer Butler in the conference room in the Chief's Suite. Officer Butler was working his regularly scheduled shift. I began the interview at 0928 hours. I had Officer Butler sign an HPD 807, Notice of Investigation form as well as an HPD 808 Order of Confidentiality Notice. Copies of these forms are in the file. The interview was recorded in its entirety and a copy is in the file.

I advised Officer Butler that there was a case that I needed to discuss with him. I provided him with a copy of the larceny from auto case so that he could familiarize himself with the case again. I asked him to tell me what he recalled about this case. He said that he got dispatched there, and the guy said that "his wallet and stuff was stolen." He stated, "I went to proc...look around, the car was soaking wet from the dew and all that." He began to say process earlier and stopped himself and used the words "look around." Officer Butler went on to say that he wrote up the report, and then later the victim called HPD with additional information. He stated that he called the victim back and was told that someone used his card around 0300 hours that morning at the McDonalds. He stated that he went to McDonalds on another call later with Corporal Forbach. He said the woman at McDonalds could not get the video. He said that he

asked Corporal Forbach to go back to the McDonalds later that night to get the video. Officer Butler said Corporal Forbach told him that he could not see anyone in the video. Officer Butler then submitted the report as inactive. I asked Officer Butler if there were any signs of forced entry on the car, he replied, "no." I asked him if he remembers all the items that the victim reported as stolen. Officer Butler said, "his bank card, his EAD card, his drivers license. I told him that upon reviewing the HPD report, the only things that he listed was the wallet and the cash. He said, "Yeah I forgot about the EAD card, so I went back, and I think I wrote a supplement, or Tacci denied it and said put it in there." I asked him if he then added in the credit card and the bank card. He stated, "no it was just a bank card was my understanding...from Chevy Chase."

I told Officer Butler that the victim told him that day that he had a Capital One Credit Card and a Citi Bank, and you told him that you didn't need it because it was a debit card. He replied, "yeah I thought that was it, we didn't do debit cards because a debit card belongs to the bank, and a credit card we use." He stated that he didn't recall and would have to see the video.

I told Officer Butler that the victim reported that his debit card was stolen, and you said, 'I don't need that.' He replied again, "I didn't think we did need a debit card." I explained that we have had other cases where suspects have swiped debit cards as credit cards at McDonalds, they are tracked the same way. He stated again that he didn't think that he needed the debit card and that was his mistake.

I then asked him if he found any prints inside or outside the car. He stated "no, there wasn't any, the car was covered with dew, and no forced entry or anything like that as I was looking through it." I said so you processed the car and looked through it. He replied "yeah." I said in the report you said you searched the area, and no one saw or heard anything. He said, "yeah I checked the parking lot."

I asked him about the victim later contacting him about the card being used. He stated that a few hours later, after the initial call, the victim told him about the credit card being used. He said that he was dispatched there on a follow up. I asked if he spoke to the victim in person. Officer Butler said that he believes that he spoke to him on the phone. I asked him if the victim reported that the credit card was used at McDonalds. He said, "yes at 3 a.m. in the morning." I asked him if he remembers which card got used that morning and he replied, "no he didn't say." I asked SPO Butler if he asked the victim, and he replied, "uh I don't recall." I asked Officer Butler how he expected McDonalds to locate the suspect without the credit card information. He replied that he was looking at the time or the timeframe the card was used. I told him that if McDonalds had the card number, they could have found the exact time the card was used and find it in the video. Officer Butler said, "if I'm not mistaken, he didn't have any of his account information, because I did ask him that."

I then explained to Officer Butler that this was another one of his cases that didn't show up in the records management system for several days. He advised me that the report was denied, and it wasn't "coming back to his CAD." He said that he was aware that the report was denied by Tacci, but he could not locate it. Officer Butler made no attempt to locate the report or bring this to his supervisors attention.

I then showed him the BWC footage of this larceny from auto case. We got to a point in the video where the victim was telling him all the things that were stolen. SPO Butler said, "the

reason I said that was because he said Costco." I told him that he also said that he didn't need the Citi Bank card either. He stated "yeah." He then said, "LT I feel as though I worked the case as far as I was going to get it, um then kicked it." He was referencing turning the case over to CIS for further investigation, however he simply inactivated this case.

I asked Officer Butler to show me where in the video he processed the car. He stated, "when I walked up to the car, I saw all the dew and there was no way I was getting prints off of anything." I asked him if he looked inside the car. He stated, "I don't recall that I did, when I looked in the window, because you can see that there was nothing scattered out in the car." Prior to seeing the video Officer Butler stated that "I was looking through it," when asked about processing the car. I said the wallet was taken from inside the car, that's what they reported, right? He replied, "yeah." I read him the report again where he wrote '*I processed the car.*' I said typically that means that you dust for fingerprints, and I only saw you looking at the car. He just replied, "ok."

I told Officer Butler that this just looks like laziness and sloppiness. I told him that he was only there for six minutes and the victim was trying to tell him all the items that were stolen and he didn't want to take in all the information for the report. SPO Butler says, "I'm not disagreeing with you, this is not my best work." We then went on to discuss another Internal Affairs Investigation separate from this investigation.

Conclusion:

Officer Butler responded for a larceny from auto case on September 2, 2019. The initial report was denied on that day because it was missing crucial information about the stolen property. This report was denied on September 2, 2019 yet was not resubmitted by the Officer Butler for approval until September 11, 2019. This extended period of time became an issue, because Lisa Herndon could not locate this report for the weekly press release. This was not the first time he had problems getting reports approved in a timely manner. The following are the violations that this investigation has revealed:

A-3 - Performance of Duty specifically as it pertains to **General Order 322, Records and Reports** specifically **Section VI-E**, '*Arrest reports shall be completed and submitted prior to the end of the officer's shift, unless excused by a supervisor due to an urgent extenuating circumstance (e.g., injury, fatigue, or a personal conflict of a sensitive nature). If delayed due to extenuating circumstances, the report shall be completed and submitted by the next day the officer is scheduled to work.*'

This report was not turned in in a timely manner in accordance to this General Order. Officer Butler had four full working days to correct and resubmit this report. There were no urgent extenuating circumstances that existed that may have justified the delay in the submission of this report.

Administrative Activities D-2 Reports and Bookings: '*No employee shall knowingly falsify any official report, or enter, or cause to be entered, any inaccurate, false, or improper information in official records of the Department.*'

On September 2, 2019, Officer Butler knowingly submitted an official report which contained false information. He states in this report that he processed this vehicle. Upon viewing the BWC footage it is apparent that he did not process or attempt to process this vehicle. He did

not even open the door of the vehicle to look for signs of latent evidence. He also failed to enter all the items that were reported stolen by the victim. Officer Butler did not refute any of these violations during the interview.

General Responsibilities A-1 – Truthfulness *'Personnel shall be truthful and forthright when questioned by competent authority, conveying full details of actual events. Personnel shall not practice deceptive conduct to include lying, making material omissions, or engaging in other unacceptable and deliberate acts of dishonesty. Personnel shall be trustworthy and act with integrity in the exercise of authority and discretionary power.'*

Officer Butler knowingly falsified information in his report. The BWC footage clearly refutes his claim that he processed this vehicle for latent evidence. There are also several material omissions in this report, such as not obtaining debit cards and credit card numbers. These factors could have made a direct impact on the solvability of this crime, or at the very least the ability for investigators to follow up.

Therefore, the following determinations are recommended for Officer Butler:

A-3 - Performance of Duty specifically as it pertains to **General Order 322, Records and Reports** specifically **Section VI-E: Sustained**

Administrative Activities D-2 Reports and Bookings: Sustained

General Responsibilities A-1 – Truthfulness: Sustained

Recommendation:

I scheduled a second interview with Officer Butler on September 25, 2019 to ask some follow up questions to this case as well as 2019 IA 10, and 2019 IA 11. He chose to abruptly to resign when I called him to my office. He advised Sergeant Tacci on the morning of September 25, 2019 that he wanted to make it to mid-October here before resigning. He only presented Captain Anzengruber with his resignation after being called to my office on this morning.

Officer Butler informed me that he wanted to make his campaign to be Warren Counties' Sherriff his priority. He also asked me if him choosing to resign puts an end to the Internal Affairs Investigations. Officer Butler resigned and we did not have the opportunity to conduct the interview.

Herndon

HERNDON POLICE DEPARTMENT



MEMORANDUM

To: Colonel Maggie A. DeBoard *MAD*
Chief of Police

From: B. C. Anzengruber, Captain *BCA*
Field Operations Division Commander

Date: December 2, 2019

Subject: Commanders Review – 2019-IA-0016

I have reviewed the information contained in internal affairs investigation #2019-IA-016 conducted by Lieutenant Steve Pihonak. I support his recommendations as follows:

- Violation of Herndon Police Regulation A-3 Performance of Duty as it pertains to General Order 322, Records and Reports specifically Section VI-E.4: **Sustained**
- Violation of Herndon Police Regulation D-2 Reports and Bookings: **Sustained**
- Violation of Herndon Police Regulation A-1 Truthfulness: **Sustained**

The support for my conclusion is outlined in this memorandum.

On September 10, 2019, Lisa Herndon (Public Information Specialist) could not locate a larceny from vehicle case for the weekly press report. There had been a rash of larceny from auto cases in this neighborhood. An inquiry was initiated by Lieutenant Pihonak to determine why the report was not completed a week after it was reported. On September 2, 2019 at approximately 7:20 a.m., HPD CAD showed that Officer Butler responded to 405 Maple Court for a larceny from vehicle report. The victim told Butler that his Chevy Chase card had been used at the McDonalds at 0300 hours that morning. He wrote the initial report that same day however his supervisor, Corporal Forbach, denied the report because it was lacking sufficient information regarding a debit card, credit card, and a Costco card. Corporal Forbach asked Butler to make the corrections.

The report sat in the system in an unapproved status from September 2 until September 11, 2019. From September 2 through September 10, 2019, Butler worked four full working days during which he could have made the corrections but did not.

The report was resubmitted on September 11, 2019 and it contained further information regarding the larceny. The earlier submitted draft report did not list the denominations of the money taken, the credit card information, and the debit card information in the property section

of the report. There was only a brief sentence in the narrative that the victim had called Chevy Chase Bank and the card had been used at McDonalds at 0300 hours. The original report submitted by Butler lacked sufficient information to conduct an investigation.

Information was needed from the report to complete the press release, and Brian Cummings was able to extract a draft only version of the report from the records management system. Lieutenant Pihonak reviewed the Body Worn Camera (BWC) footage from the incident which revealed several discrepancies between what Butler wrote in his report and what he actually did on the scene.

In the incident report, Butler wrote that *the vehicle was processed with negative results partially because the vehicle was wet from the early morning rain. The area was searched with no results and no other individuals noticed or saw anything.* The video revealed that Butler spent approximately three and half minutes conducting his investigation. He spent that time speaking to the victim regarding the stolen items and he glanced at the car.

Butler can be heard and seen speaking to a female friend of the victim who was acting as a translator. The translator tells Butler that the victim's driver's license, work permit, a Capitol One credit card, Citi Bank debit card, a Costco card, and cash totaling \$60.00 were missing. Butler tells the victim he doesn't need any information for the Citi card because it's a debit card. He did ask the victim if he had an account number for the Capitol One card and when he replied "no", Butler said "ok no problem" and he made no additional effort to obtain the information.

Lieutenant Pihonak said he observed latent hand prints on the driver's side door and on the trunk lid in the video. The BWC video clearly shows that Butler never attempted to dust or lift any of the latent prints observed on the car. Butler never opened the car door to look for possible latent prints inside the car. According to the video, Butler never canvassed the area for someone who may have heard or seen anything suspicious. The video ends with Butler giving the victim a case number and then getting in his car and driving off.

Regarding the suspect using the credit card at McDonalds, Butler went by that McDonalds; however, there was no one working at that time that could access the video. He asked Corporal Forbach who was working later that day to follow up. According to the report, Corporal Forbach checked for the video footage with negative results. Lieutenant Pihonak asked Butler how Corporal Forbach checked the footage when he didn't have the credit card number. Butler said that Corporal Forbach was looking for the suspect during the timeframe the card was supposedly used. If Butler had conducted a proper investigation he would have taken his time with the victim and obtained the card number. The card number would have allowed the McDonalds staff to find the exact time the credit card was used.

Lieutenant Pihonak scheduled a second interview with Butler regarding this case on September 25, 2019; however, Butler abruptly resigned that day prior to the interview. Even without that interview, Lieutenant Pihonak still laid out a clear argument against Butler for a **sustained** violation for all of the below violations. The investigation determined that:

- Butler violated **Regulation A-3- Performance of Duty specifically as it applies to General Order 322, Records and Reports specifically Section VI-E.4** which states " Officers shall complete reports in a timely manner and submit for supervisory review before the officer's day off. Supervisors are responsible for ensuring that all reports are reviewed and submitted to the Records Section." Butler originally submitted his report

on September 2 and it was rejected. He resubmitted his report on September 11, 2019. Butler had four full working days within which to correct and resubmit his report and he didn't do it. His supervisor Corporal Forbach rejected the report because it lacked the necessary details of a proper investigation. Butler could have avoided this problem if he had simply included the necessary information that his supervisor requested in the report. His resubmission still lacked the credit card number. A proper investigation would have included the credit card number, all he had to do was exert a little additional effort and contact the victim to obtain the number. His final resubmission and investigation of this case lacked the attention to detail and thoroughness that I would expect from a senior police officer.

- Butler violated **Regulation D-2 Reports and Booking** which states "No Employee shall knowingly falsify any official report, or enter, or cause to be entered, any inaccurate, false, or improper information in official records of the Department." Butler wrote in his report that *the vehicle was processed with negative results partially because the vehicle was wet from the early morning rain. The area was searched with no results and no individuals noticed or saw anything.* It is common knowledge and practice in police work that when an officer writes in their police report that they **processed the scene**, it means they checked for latent fingerprints and took photographs of the scene. The BWC video clearly shows that Butler never opened the car door to look for signs of latent evidence inside the car, let alone attempted to process for latent fingerprints or take photographs. He also failed to enter all of the items that were reported stolen by the victim. His whole investigation lasted three and one half minutes and he didn't even bother to obtain sufficient information/evidence to turn the case over to CIS so that they could do a proper investigation. According to Lieutenant Pihonak, Butler did not refute any of these violations. Butler falsified his official police report when he entered inaccurate and false information regarding the processing of the scene.
- Butler violated **Regulation A-1 Truthfulness** which states "Personnel shall be truthful and forthright when questioned by competent authority, conveying full details of actual events. Personnel shall not practice deceptive conduct to include lying, making false material omissions, or engaging in other unacceptable and deliberate acts of dishonesty. Personnel shall be trustworthy and act with integrity in the exercise of authority and discretionary power." Butler knowingly falsified information in his police report. The BWC footage clearly refutes his claim that he processed the car for latent evidence. There are also several material omissions in his report, such as not obtaining debit card and credit card numbers. These factors could have made a direct impact on the solvability of this crime, or at the very least the ability for investigators to conduct a follow up investigation. As noted earlier, there had been a rash of larceny from autos in the neighborhood and this was an important case.

I agree with Lieutenant Pihonak's findings of **SUSTAINED** for all of the above violations.

It is incumbent upon a police officer to value their integrity. Every time an officer writes a report, testifies in court, or conducts an investigation it is a reflection of the integrity of both the individual and the Department. There have been ongoing performance issues with Butler over the last couple of years, to include insubordination and performance of duty. It is clear from this report that he falsified his police report and lied about the actions he took on the scene because he was lazy and didn't take the necessary time to properly process the scene. He lied about what he

did so that his actions would not be questioned. We only found the issue of truthfulness between his written report and his actual recorded actions because we were looking for a police report.

Herndon

HERNDON POLICE DEPARTMENT



MEMORANDUM

To: Colonel Maggie A. DeBoard
Chief of Police

From: B. C. Anzengruber, Captain
Field Operations Division Commander *BCA*

Date: December 11, 2019

Subject: Commanders Review – 2019-IA-0010

I have reviewed the information contained in internal affairs investigation #2019-IA-010 conducted by Lieutenant Steve Pihonak. I support his recommendations as follows:

- Violation of Herndon Police Regulation A-3 - Performance of Duty as it pertains to General Order 315, Missing Persons Investigations: **Sustained**
- Violation of Police Regulation A-3 - Performance of Duty as it pertains to General Order 303, Audio and Video Recordings, specifically section VIII Processing In-Car Body Worn Audio/Video Recordings: **Sustained**
- Violation of Herndon Police Regulation D-2 - Reports and Bookings: **Sustained**
- Violation of Herndon Police Regulation A-1 - Truthfulness: **Sustained**

The support for my conclusion is outlined in this memorandum.

On August 28, 2019, Senior Police Officer Mark Butler took a report of missing juvenile. At the time of the report, the 16 year old juvenile had been missing since August 20, 2019. Detective Choi said he saw on the CAD that Butler was taking a report of a missing juvenile. Choi said he called Butler later that day and asked him if he needed any assistance. Butler advised Choi that the 16 year old juvenile () had been missing for eight days and he was in the process of writing up the case. Butler told Choi that he would contact him later and forward the case to him for follow-up investigation. Choi said that when Butler did not call or email him, he assumed that had returned home.

On Friday, August 30, 2019, Choi saw that was still listed as a missing juvenile in NCIC/VCIN. He attempted to locate the case in the records management system but there was nothing there but the shell of the report. Choi notified Lieutenant Steve Pihonak that the report could not be located and that Butler never followed up or turned the case over to him. The General Orders state that juveniles missing for more than 48 hours shall be turned over to the

Criminal Investigations Section for investigation, and Butler had indicated earlier to Choi that he would contact him about the case.

When Lieutenant Pihonak asked Butler if he was familiar with the General Order that pertains to the handling of missing juveniles which states that the case is to be turned over to CIS for follow up when the juvenile is missing for more than 48 hours, Butler replied "um well I guess ok." Butler said that he did call Choi on the day [redacted] was reported missing. When Lieutenant Pihonak advised Butler that Choi said he was the one who reached out and called him, Butler said "I don't know, I don't recall." Lieutenant Pihonak asked Butler if he ever contacted Sergeant Saa (CIS supervisor) and he never answered the question. Sergeant Saa has sent out numerous emails instructing officers to send an email to CIS if they are turning over a case for further investigation to the CIS section. Butler did say that he told Sergeant Tacci about the case and he said that he attempted to call Choi but he "didn't get a response." Lieutenant Pihonak asked Butler if he remembered when he attempted to call Choi and he said he didn't remember.

Brian Cummings (Network Security Engineer) was able to track the report in the CAD system. He found that Lieutenant Dyer denied the report on Thursday, August 29, 2019, at approximately 1333 hours because the report lacked detail about the missing juvenile's clothing and her description. In the HPD police report 2019-02903, Butler wrote that the mother "does not have any information on her daughter and has no idea who she is with or where she really is." Butler further wrote that the mother "did not know of any clothing description." Lieutenant Pihonak asked Butler if he asked the mother for a picture of Katy and Butler said she didn't have one. There is no mention of a picture of [redacted] in the police report. In the report, Butler wrote that he spoke with [redacted] and she told her mother over the phone that she was "ok" and she said that she would be home when she gets home.

Lieutenant Dyer also told Butler in the notes section that he needed to turn the case over to CIS. Butler told Lieutenant Pihonak that he thought he made the correction on the day he came back to work which would have been August 29, but he wasn't sure about it and he told Lieutenant Pihonak "I guess, I don't recall right off hand." The report with corrections was not approved until Sunday, September 1, 2019 by Corporal Austin at 1623 hours which was four days after the initial report was taken. At this point the juvenile had been missing for 12 days.

Choi investigated the case further despite any contact or notification from Butler regarding the missing juvenile. Choi said he had to start the investigation from scratch because the report lacked relevant information such as the juvenile's picture and information regarding her friends and possible whereabouts. Choi said he went back over to the mother's house and re-interviewed her to gather the basic information that should have been in Butler's original report. Based on information he received from the mother, he contacted several people and [redacted] returned home on September 3, 2019. [redacted] had been missing for 15 days.

Lieutenant Pihonak scheduled a second interview with Butler regarding this case on September 25, 2019; however, Butler abruptly resigned that day prior to the interview. Even without that interview, Lieutenant Pihonak still laid out a clear argument against Butler for a **sustained** violation for all of the below violations. The investigation determined that:

- Butler violated **Regulation A-3 - Performance of Duty, specifically as it applies to General Order 315, Missing Persons Investigations**, which states that "Missing Person reports (juvenile or adult) which place the missing person in personal or immediate

danger; or juveniles missing for more than 48 hours, or adults missing for more than 5 days, shall be investigated by the Criminal Investigations Section."

Butler originally submitted his report on September 28th and it was rejected by his supervisor because it was missing critical information about the missing juvenile. In the denial process, Lieutenant Dyer instructed Butler to turn the report over to CIS before the end of his tour on August 29, 2019 for further investigation. There are no emails to CIS or any other information to support that Butler made any attempt to turn this case over to CIS. Butler said he made the corrections and resubmitted the report on the day he came back to work on August 29, 2019. Butler had two working days after taking the report to notify CIS. If Detective Choi had not looked at the CAD and saw that Butler was taking a missing juvenile report and looked for the report two days later, this case may never have been investigated. All Butler had to do was send an email to CIS advising the section that he took a missing juvenile report and he would have complied with policy.

- Butler violated **Regulation D-2 - Reports and Booking** which states "No Employee shall knowingly falsify any official report, or enter, or cause to be entered, any inaccurate, false, or improper information in official records of the Department." Butler wrote in his report that he spoke to [redacted] mother and that [redacted] spoke to her on the phone and she stated that, *"she was ok; and she would be home when she gets home."* The Body Worn Camera (BWC) footage revealed that this conversation did not happen and contradicts what Butler wrote in his police report. [redacted] simply disconnected the call upon hearing his voice. Butler wrote in his report that the mother had no idea where [redacted] was located. The BWC footage revealed that the mother told Butler that [redacted] might be in Manassas and named other family members who might provide some helpful information. Butler failed to put any of this information in his report. Butler told Lieutenant Pihonak that he asked the mother for a photograph of [redacted] and the mother said she didn't have one. In the BWC footage the mother hands Butler a student ID and a passport both of which had photographs of [redacted]

Butler was at the missing juvenile's house for a total of 27 minutes. He spent approximately 10 minutes using the language line to assist with the interview of the mother because she didn't speak English. He didn't even bother to obtain sufficient information/evidence to turn the case over to CIS so that they could do a proper investigation. Choi said the investigation was so poor that he had to start his investigation from scratch to obtain basic information. Butler's final resubmission and investigation of this case lacked the attention to detail and thoroughness that is expected from a senior police officer. Butler falsified his official police report when he entered inaccurate and false information regarding this investigation.

- Butler violated **Regulation A-3 - Performance of Duty**, as it pertains to **General Order 303 - Audio and Video Recordings**, which states "classifying or reclassifying body worn camera recordings shall be finalized no later than the beginning of the officer's next tour of duty following the captured recording." Butler did not classify the BWC footage in accordance with the General Order. The case was classified as "other", and there was no case number logged with the video. Butler had been previously counseled by several supervisors about the proper way to classify videos and he also has received remedial training specific to proper classification of videos. This is just another example of Butler's sloppy and lazy police work.

- Butler violated **Regulation A-1 – Truthfulness**, which states “Personnel shall be truthful and forthright when questioned by competent authority, conveying full details of actual events. Personnel shall not practice deceptive conduct to include lying, making false material omissions, or engaging in other unacceptable and deliberate acts of dishonesty. Personnel shall be trustworthy and act with integrity in the exercise of authority and discretionary power.” Butler knowingly falsified information in his police report. The BWC footage clearly refutes his claim that the mother did not have a photograph of _____. In the footage he never asked for a photograph and the mother handed him two photo identification cards which he could have copied and placed in the case file. There are numerous material omissions such as not documenting family member’s names and the information that the missing juvenile was in Manassas. The BWC footage revealed that _____ did not tell Butler or her mother that she was *ok and that she would be home when she gets home* as Butler wrote in his police report. The lack of detail in Butler’s report made it difficult for the investigators to follow up and could have serious consequences if it caused a delay in finding the missing juvenile.

I agree with Lieutenant Pihonak’s findings of **SUSTAINED** for all of the above violations.

It is incumbent upon a police officer to value their integrity. Every time an officer writes a report, testifies in court, or conducts an investigation it is a reflection of the integrity of both the individual and the department. There have been ongoing performance issues with Butler over the last couple of years, to include insubordination and performance of duty violations. It is clear from this investigation that he falsified his police report and lied about the actions he took on the scene because he was lazy and failed to obtain pertinent information for CIS to conduct a proper investigation. He lied about what he did so that his actions would not be questioned. We only found the issue of truthfulness between his written report and his actual recorded actions because a detective was looking for a missing juvenile report so that he could conduct a follow up investigation and locate the juvenile.

I would have recommended termination for this incident in combination with several other similar incidents where truthfulness and insubordination were found, except that Butler abruptly resigned from the department in the middle of his shift.