



# INTERNAL AFFAIRS CASE CLOSURE REPORT

INTERNAL AFFAIRS NUMBER

2022-154

DATE CLOSED

01/23/2023

EMPLOYEE NAME

Daniel Caputo

BADGE NUMBER

11181

ALLEGATION A Discourteous Treatment

ALLEGATION B

ALLEGATION C

ALLEGATION D

FINDINGS	A	B	C	D	DISCIPLINARY ACTION	A	B	C	D
Sustained	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	PPR / Counseling	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Not Sustained	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Letter of Instruction	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Exonerated	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Letter of Reprimand	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Unfounded	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Loss of vacation <input type="checkbox"/> days <input type="checkbox"/> hours				
Canceled	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> days <input type="checkbox"/> hours off without pay				
Inquiry	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Demotion	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Deferred	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Revocation of probation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
					Termination	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
					Resigned in Lieu	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
					Retired in Lieu	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

IA Tasks

- Employee Disposition Letter
- Complainant Disposition Letter
- No Disposition Letters Necessary
- Complaint

Division Tasks (included in case file)

- Disciplinary Action
- Affidavit of Service
- PAR
- 10-Year Disciplinary History

**Brady Material:**

DISSEMINATED TO

DATE

- Yes
- No

EMPLOYEE NOTIFIED

DATE

- Yes
- No

**R13-4-109 POST**

AZ POST DISSEMINATED TO

DATE

Certification Status Review

- Yes
- No

**Racial Bias Profiling Material:**  Yes  No

INTERNAL AFFAIRS COMMANDER REVIEW

  
 #62841  
 Commander



# INTERNAL AFFAIRS CASE CLOSURE REPORT

INTERNAL AFFAIRS NUMBER 2022-154	DATE CLOSED 01/23/2023
EMPLOYEE NAME Jason Gibbs	BADGE NUMBER 7151

ALLEGATION A Discourteous Treatment

ALLEGATION B

ALLEGATION C

ALLEGATION D

FINDINGS	A	B	C	D	DISCIPLINARY ACTION	A	B	C	D
Sustained	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	PPR / Counseling	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Not Sustained	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Letter of Instruction	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Exonerated	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Letter of Reprimand	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Unfounded	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Loss of vacation <input type="checkbox"/> days <input type="checkbox"/> hours				
Canceled	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> days <input type="checkbox"/> hours off without pay				
Inquiry	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Demotion	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Deferred	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Revocation of probation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
					Termination	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
					Resigned in Lieu	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
					Retired in Lieu	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

IA Tasks

- Employee Disposition Letter
- Complainant Disposition Letter
- No Disposition Letters Necessary
- Complaint

Division Tasks (included in case file)

- Disciplinary Action
- Affidavit of Service
- PAR
- 10-Year Disciplinary History

**Brady Material:** DISSEMINATED TO \_\_\_\_\_ DATE \_\_\_\_\_

Yes  No EMPLOYEE NOTIFIED \_\_\_\_\_ DATE \_\_\_\_\_  
 Yes  No

**R13-4-109 POST** AZ POST DISSEMINATED TO \_\_\_\_\_ DATE \_\_\_\_\_

Certification Status Review  
 Yes  No

**Racial Bias Profiling Material:**  Yes  No


INTERNAL AFFAIRS COMMANDER REVIEW

 #G28-1  
 \_\_\_\_\_  
 Commander

**ARIZONA DEPARTMENT OF PUBLIC SAFETY**  
**INTEROFFICE MEMORANDUM**



**KENNETH G. HUNTER**  
INTERIM DIRECTOR

**DATE:** January 23, 2023  
**TO:** Polography Examiner Supervisor Daniel Caputo, #11181, Human Resoure Bureau  
**FROM:** Captain Robert Phillips, Internal Affairs Commander   
**SUBJECT:** **CASE DISPOSITION – CASE #2022-154**  
**FOR:**  Action  Decision  Information  Signature

You may or may not know that a complaint was filed alleging misconduct on your part. This memorandum is to inform you of the disposition of Complaint #2022-154 received in Internal Affairs on October 17, 2022. A member of the APA Ethics and Grievance Committee has made an inquiry into the events surrounding the incident.

The inquiry is now complete. The allegation of Discourteous Treatment was found to be without merit.

There will be no further action in this matter.

**ARIZONA DEPARTMENT OF PUBLIC SAFETY**  
**INTEROFFICE MEMORANDUM**



**KENNETH G. HUNTER**  
INTERIM DIRECTOR

**DATE:** January 23, 2023

**TO:** Captain Jason Gibbs, #7151, Human Resources Bureau

**FROM:** Captain Robert Phillips, Internal Affairs Commander 

**SUBJECT:** **CASE DISPOSITION – CASE #2022-154**

**FOR:**  Action  Decision  Information  Signature

You may or may not know that a complaint was filed alleging misconduct on your part. This memorandum is to inform you of the disposition of Complaint #2022-154 received in Internal Affairs on October 17, 2022. A member of the APA Ethics and Grievance Committee has made an inquiry into the events surrounding the incident.

The inquiry is now complete. The allegation of Discourteous Treatment was found to be without merit.

There will be no further action in this matter.

**ARIZONA DEPARTMENT OF PUBLIC SAFETY**  
**INTEROFFICE MEMORANDUM**



**KENNETH G. HUNTER**  
INTERIM DIRECTOR


**DATE:** January 23, 2023

**TO:** File

**FROM:** Captain Robert Phillips, Internal Affairs Commander 

**SUBJECT:** **CASE DISPOSITION – CASE #2022-154**

**FOR:**  Action  Decision  Information  Signature

The Internal Affairs (IA) received a complaint/inquiry from  alleging Misconduct against Polygraphy Examiner D. Caputo, #11181, and Captain J. Gibbs, #7151. The inquiry was investigated by APA Ethics and Grievance Committee.

The investigation revealed no misconduct on the part of the employees. All issues related to the complaint and actions of the employees have been satisfactorily addressed. I have reviewed the available documents and resources related to the case. There is no significant information which would justify further investigation into the matter. Refer to the inquiry report for further details.

This matter is considered closed.

(Letter to Employees and Complainant)

## Staci Biver

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**From:** [REDACTED]  
**Sent:** Monday, October 17, 2022 11:02 PM  
**To:** Staci Biver  
**Subject:** Re: Complaint Form

Hi Ms. Biver,

Thank you so much for all your help, here are the completed forms.



ARIZONA DEPARTMENT OF PUBLIC SAFETY

# COMPLAINT ACCEPTANCE REPORT

INTERNAL INVESTIGATIONS NUMBER

See G.O. 2.2.10 for reference

INTERNAL  EXTERNAL

<b>EMPLOYEE NAME</b> (Subject of Complaint)		LAST NAME	SUFFIX	FIRST NAME	MI	OR	<input type="checkbox"/> Unknown
		Caputo		Daniel			
<b>CLASSIFICATION</b>		BADGE NO.	LOCATION CODE	PHONE NO.	CELL / ALTERNATE PHONE NO.		
<b>COMPLAINANT NAME</b>		LAST NAME	SUFFIX	FIRST NAME	MI	OR	<input type="checkbox"/> Unknown
		[REDACTED]		[REDACTED]			
ADDRESS		CITY		STATE	ZIP CODE		
[REDACTED]		[REDACTED]		[REDACTED]	[REDACTED]		
PHONE NO.	CELL / ALTERNATE PHONE NO.	OTHER CONTACT INFORMATION, EMAIL, ETC.					
[REDACTED]	[REDACTED]	[REDACTED]					
<b>OPTIONAL INFORMATION</b>		ETHNICITY OR NATIONAL ORIGIN		GENDER		DATE OF BIRTH (mm/dd/yyyy)	
				<input type="checkbox"/> Male <input type="checkbox"/> Female			
<b>COMPLAINANT EMPLOYER</b>		BUSINESS ADDRESS			PHONE NO.		
[REDACTED]		[REDACTED]			[REDACTED]		
<b>WITNESS NAME</b>		HOME ADDRESS			PHONE NO.		
[REDACTED]		[REDACTED]			[REDACTED]		
<b>WITNESS NAME</b>		HOME ADDRESS			PHONE NO.		
[REDACTED]		[REDACTED]			[REDACTED]		
<b>DATE OF INCIDENT</b>	<b>TIME OF INCIDENT</b>	<b>INCIDENT LOCATION</b>					
[REDACTED]	[REDACTED]	[REDACTED]					
<b>DATE REPORTED</b>	<b>TIME REPORTED</b>	<b>METHOD COMPLAINT FILED</b>					
[REDACTED]	[REDACTED]	<input type="checkbox"/> Telephone <input type="checkbox"/> Mail <input type="checkbox"/> In Person <input type="checkbox"/> Other					
<b>REPORT TAKEN BY</b>		BADGE NO.	CLASSIFICATION	PHONE NO.	LOCATION CODE		
[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]		

**BRIEF SUMMARY OF WHAT OCCURRED**  
 I am writing this letter to file a complaint about a pre-employment polygraph exam that I was subjected to on June 22nd, 2022, at approximately 8:00 AM by the examiner Daniel Caputo. I would like to preface this letter by stating that I understand I am not entitled to employment with the Arizona Department of Public Safety but do feel that I am entitled to be treated fairly and with respect throughout the hiring and pre-employment process. If you are to look at document "ADPS19-214688-Attachement%20G-ADPS%2019-00008313" as part of Contract "#ADPS19-214688", you will see that the owner of Northland Investigations states "That is why we treat every applicant with respect and professionalism. We strive to provide a positive experience for all applicants." In the case of my pre-employment polygraph examination, I do not feel that I was treated professionally or with respect and feel that my examiner acted with extreme callousness and unprofessionalism. Furthermore, this experience was one of the worst of my entire life, and the examiner and owner made no effort to make this a "positive experience," and actively strove to make it the opposite. Nobody deserves to be treated like this, and pre-employment screening should not justify this kind of abusive and unprofessional behavior.

### COMPLAINANT'S SIGNATURE

The Department views all citizen complaints against its employees very seriously and actively pursues investigations into allegations of misconduct. You must ensure your complaint is based on true and factual information. False reporting in an attempt to unjustly subject a Department employee to undeserved discipline, slander, or to place his/her employment in jeopardy can result in criminal charges and/or a civil suit filed by the involved employee.

Pursuant to section 13-2907.01, Arizona Revised Statutes, it is a class 1 misdemeanor to knowingly make to a law enforcement agency a false, fraudulent, or unfounded report or statement or to knowingly misrepresent a fact for the purpose of interfering with the orderly operation of a law enforcement agency or misleading a peace officer.

I affirm all of the information I have provided on this form and in any accompanying documents or data, is true, complete, and correct.

COMPLAINANT'S SIGNATURE [REDACTED] DATE 10/17/22

CONFIDENTIAL INFORMATION - DO NOT REPRODUCE ANY PORTION OF THIS REPORT.

# COMPLAINT ACCEPTANCE REPORT - Continued

INTERNAL INVESTIGATION NUMBER

This experience was not just unpleasant, it was extremely traumatizing and can best be described as sadistic. The examiner, Daniel Caputo, was extremely unprofessional throughout the course of the examination, which caused me to perform negatively. When explaining what should have been a very simple set of instructions, he (in my opinion purposefully) instead explained them in a manner that was extremely complex and impossible to understand and proceeded to rudely chastise me by saying "YOU WERE SUPPOSED TO ANSWER NO TO THAT QUESTION" when I accidentally answered one of his questions incorrectly. Considering it was his fault that he failed to explain the directions in a clear and easy to understand manner, he should have addressed this concern in a more professional manner, rather than angrily shouting at me as if it were my fault.

He also informed me that I was "talking with my gut" and would have to answer his questions by nodding my head instead of responding verbally. I think it is abundantly clear that this was a deliberate effort to decrease my chances of passing the exam and increase the level of discomfort I was feeling. The first time I moved to nod my head, Caputo angrily barked at me "HALF OF THAT MOVEMENT." If there was truly an issue with the way I moved my head, he should have addressed the issue in a more professional and non-confrontational manner. Again, I feel this was done to decrease my chances of passing the exam and increasing my level of discomfort.

Furthermore, while I was in the in-test phase of the examination, Caputo falsely accused me of trying to cheat on the exam by very rudely stating "STOP TRYING TO THROW OFF THE MACHINE." He did not provide any details about what I was supposedly doing to try to "throw off the machine," and (again) I feel that this was done to decrease my chances of passing the exam and increase the level of discomfort I was feeling. I want to make it abundantly clear that I made absolutely no efforts to cheat on the test, and Caputo's assertion that I did so is either malfeasance or incompetence, or a combination of both. If he legitimately felt that I was making efforts to cheat on the test, which I do not think he did, he should have addressed these concerns in a more professional and non-confrontational manner, rather than in a way that served to actively anger me.

Finally, Caputo concluded the exam by accusing me of lying and attempted to bully me into changing my answers to his questions. When I would not change my truthful answers to his questions, he angrily unhooked me from the recording instruments, and stormed out of the room like a child throwing a temper tantrum. He even made an extremely petty comment about not forgetting my coffee, and he was sorry that it cooled. I am not using hyperbole or exaggerating when I say that I have never witnessed such unprofessional and immature behavior in my entire life.

I would like to conclude by stating that I understand the importance of screening applicants to ensure moral suitability, but subjecting people to this kind of abuse is completely unnecessary and counterproductive. No applicant should leave a polygraph examination feeling like they've been violated and emotionally abused. I also do not think it appropriate to falsely accuse applicants of trying to lie and cheat on the test yet provide no evidence for them having done so.

Additional sheet attached

## COMPLAINANT'S SIGNATURE

The Department views all citizen complaints against its employees very seriously and actively pursues investigations into allegations of misconduct. You must ensure your complaint is based on true and factual information. False reporting in an attempt to unjustly subject a Department employee to undeserved discipline, slander, or to place his/her employment in jeopardy can result in criminal charges and/or a civil suit filed by the involved employee.

I affirm that all of the information I have provided on this form and in any accompanying documents or data, is true, complete and correct.

COMPLAINANT'S SIGNATURE



DATE 10/17/22

CONFIDENTIAL INFORMATION - DO NOT REPRODUCE ANY PORTION OF THIS REPORT



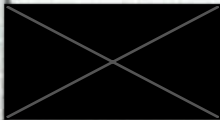
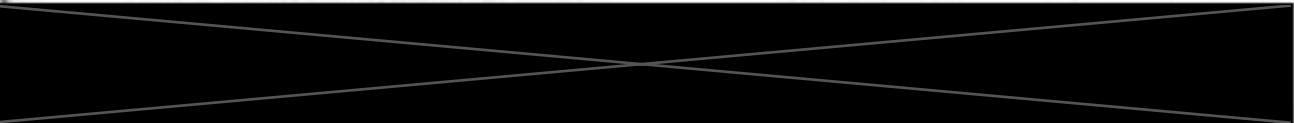



ARIZONA DEPART

# COMPLAIN

See G.O. 2.2.10 for refe

INTERNAL

<b>EMPLOYEE NAME</b> (Subject of Complaint)	<b>LAST NAME</b> Gibbs
<b>CLASSIFICATION</b>	BA
<b>COMPLAINANT NAME</b>	<b>LAST NAME</b> 
<b>ADDRESS</b> 	
<b>PHONE NO.</b> 	<b>CELL / ALTERNATE</b>



# COMPLAINT ACCE



"combative." This was after te  
inappropriate or unprofessiona  
effort to take my complaint se  
regarding this matter. I do not  
individual maintains a position  
taxpayers of Arizona, I feel he  
accusations of misconduct.

-- Very Respectfully,

On Oct 17, 2022, at 1:51 PM, Staci Biver <SBiver@AZDPS.GOV> wrote:

Good afternoon Mr. [REDACTED]

This email is to let you know your complaint has been received by the Internal Affairs.

Attached you will find the complaint form, make sure to sign and date the bottom. Once complete, email it back to me. After I receive your complaint I will send you an email informing you it's been received. From there, I will forward the complaint to the Internal Affairs Commander. Please don't hesitate to call with any questions my contact information is listed below.

Staci Biver, 10140

Administrative Assistant

Arizona Department of Public Safety

Internal Affairs

(602) 223-2467

[sbiver@azdps.gov](mailto:sbiver@azdps.gov)

<03605 Complaint Acceptance Report 06-22.pdf><Complaint Acceptance Continuation.pdf>



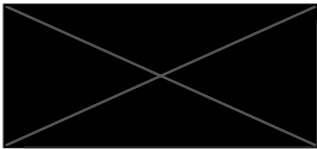
# ARIZONA DEPARTMENT OF PUBLIC SAFETY

2102 WEST ENCANTO BLVD. P.O. BOX 6638 PHOENIX, ARIZONA 85005-6638 (602) 223-2000

*"Courteous Vigilance"*

KATIE HOBBS Governor KENNETH G. HUNTER Interim Director

January 18, 2023



Dear Mr. 

The Arizona Department of Public Safety received your complaint alleging misconduct during your pre-employment polygraph on June 22, 2022, and conversations you had with Inspector Vasquez in December of 2022.

The Department conducted an inquiry into the events surrounding this incident. A review of the investigation completed for this inquiry revealed no misconduct.

In Conclusion, we thank you for bringing this matter to our attention and allowing us the opportunity to respond. We now consider this matter closed.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert Phillips" with a stylized flourish.

Robert Phillips, Captain  
Arizona Department of Public Safety  
Internal Affairs Commander

slb