

JERSEY VILLAGE POLICE DEPARTMENT



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IAD 12-11

Investigative Finding

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Scope and Authority

In correspondence dated November 12, 2012, the Chief of Police directed Lt. Sergeant C. J. Harper to conduct an Internal Affairs inquiry into the assertion of _____ concerning employee censorable conduct. The purported conduct was:

- That Officer Zatzkin pushed and shoved her causing a fall

Synopsis and Finding

In this inquiry undisputable facts are present. These facts are:

- Interview of Officer Zatzkin and complainant conclusively show Officer Zatzkin thinking was critically flawed during the event when placing his hands on complainant's shoulders ; and,
- Both agree as result of the argument Officer Zatzkin placed hands on her shoulders causing her to fall; and,
- Both agree the intent was to force her exit from a room in which was sleeping; and,
- Officer Zatzkin and complainant agree she fell hitting her head.

From this event, it is the belief of this investigator Officer Zatzkin, and complainant acquired the acumen essential to prevent future discord from occurring. Both have participated in counseling and from the point in time of the event no other incidents have been reported. Officer Zatzkin professes he and complainant are empowered with knowledge, from the open counseling, to collaboratively argue in an open dialog that does not escalate or become a cycle of violence.

Despite these positive things, nonetheless Officer Zatzkin is in violation of departmental policy as set forth below.

Given Officer Zatzkin has taken positive steps to remedy events of this nature occurring, it is the recommendation of this investigator that Officer Zatzkin receive a documented counseling to include being told any future issues will be dealt with severely, and may result in termination of employment – even should the complainant fail to cooperate or desire to pursue the investigation.

Fact Collection Issues and Controls:

It was evident from the inception of this inquiry the entire issue was sensitive; and, the complainant might well desire to simply not be involved. As such, a critical factor in the assessment of facts collected was to safeguard the integrity of information gained by establishing controls.

Every attempt was made in this inquiry to conclusively establish a substantive finding and ensure the reliability and integrity of data. The only controls present were limited contact with complainant, and the mandated participation of Officer Zatzkin.

In this, the belief and opinion of this investigator is that some measure selective recall might be present. However, should that be the fact, there is nothing to suggest a deviation from their committed personal beliefs or knowledge of the ground truth. Despite these inhibitors, authenticity of the information learned can be relied upon to reach key conclusions.

Details of Investigation

On November 10, 2012, _____ spoke with Sgt. S. Joachim (R), telling her at or about three (3) weeks prior to their speaking, Officer Zatzkin had pushed her causing a fall where she struck her head. The outcry was accomplished by phone.

In correspondence to the Chief of Police, Sgt. Joachim (R), said complainant was advised she would cause to be made an official offense report, and requested she appear for a statement. The complaint said, "I don't want him fired," and told the sergeant, "Could you just talk to him." Concerning providing a statement the complainant said, "[she.] would think about it [statement]." The complainant said she believed Officer Zatzkin had an _____ and had viewed a phone number when examining his cellphone.

The sergeant spoke with Officer Zatzkin who confirmed conflict and discord existed with _____. He went on to say he'd requested complainant leave the residence giving rise to the outcry. Admitting the confrontation, Officer Zatzkin said he has left the residence to avoid escalation of issues.

Specifically Officer Zatzkin said the event of this complainant came when he and complainant was arguing in the room with _____. Going on he said complainant's voice continued to become louder. He went on to say he suggested they move to another room when _____ began to cry. According to Officer Zatzkin the actions of complainant intensified to the extent he placed one hand on each shoulder in attempt to, ". . .move her aside." With this he said complainant lost standing balance falling where her head struck a table.

Complainant did appear the JVPD in the afternoon of November 12th. In this she requested a 'key' be obtained from Officer Zatzkin. Officer Zatzkin told the sergeant a spare key was in apartment. With this complainant asked if she could speak with Officer Zatzkin. The correspondence of Sgt. Joachim (R), said it was a private matter and advised complainant should make a sworn statement.

Police Offense Report

On November 14th Det. Sgt. R. Dooley initiated an official offense report under case number 12-15220. A copy of his report is inclusive with this investigation.

Under color of law Det. Sgt. Dooley interviewed Officer Zatzkin. In this his statement mirrored the fact circumstance of placing hands on complainant's shoulders. He goes on to expand the issue by saying when placing her hands on complainant he ". . . moved her outside the door." With this he said complainant "plops straight down and hit her head on a table leg. Officer Zatzkin said there she was not bleeding, or exhibited any injury.

In his investigation Det. Sgt. Dooley interviewed the complainant – by phone. It should be noted that Det. Sgt. Dooley left several messages for complainant to contact where he met with negative success. In his contact complainant said she held no desire to persist with the complaint.

Ultimately complainant did confirm the salient points of the issue as said by Officer Zatzkin - with additional detail. These details are:

- Complainant and Officer Zatzkin and she were arguing over her having reviewed call history of his cell phone. In this she saw a number she couldn't associate with known friends. When she called the number a female answered.
- In the argument Officer Zatzkin told complainant, ". . . leave the house and find someplace else to live."
- Complainant said she was disturbed when told to leave the home. As such she phoned the JVPD speaking with Sgt. Joachim (R) and complained of the event that occurred three (3) weeks prior.
- Complainant said she phoned Sgt. Joachim (R) to document she had been told to leave the home. And went on to say she mentioned the earlier incident where she ". . . fell and hit her head on the table."

- She went on to say, "I tend to fall when someone grabs my shoulders."
- The interview was concluded where complainant told Det. Sgt. Dooley she held no desire to pursue the issue. She did appear and signed a non-prosecution affidavit.

Interview: Officer Mark Zatzkin

Officer Zatzkin was interviewed independently of the earlier conversation with Det. Sgt. Dooley. In this he confirmed facts as given, and provided other details. These details are:

- He admitted the argument escalated to the extent he felt it would spiral out of control if not contained.
- was crying: Zatakin said "I just wanted her to leave the room and we could argue or whatever but she wouldn't."
- "I grabbed her shoulders and should not have. She is smaller than and even with us both going to the gym I'm much larger. I never intended for her to fall, and wouldn't do anything to hurt her in that way.
- Officer Zatzkin said, "I know how she is, and know how loud she can get, and should have just left and let it settle down. I know now how it could, and should have been avoided. I take complete responsibility for the event. No matter how much she yelled or whatever I should have just left and not let it get to me."

Actions Post-event

- From the point in time of the event Officer Zatzkin and complainant have entered counseling.
- From this Officer Zatzkin, and complainant have had no issues and in his words they have cohabited and participated in
- At the core of the discord were issues concerning a vehicle for complainant. This has been resolved.
- Officer Zatzkin said he's making a serious effort to correct the issues that gave genesis to the discord. In this he has taken vacation days to devote to spending time with complainant and

- From the entire issue Officer Zatzkin said he has learned to be a

Violation of Policy

It is the opinion of this investigator that Officer Zatzkin is in violation of the below shown areas of the JVPD Policy Manual.

Jersey Village Police Department, Policy Manual: Chapter 1, General Provisions; section 1.03.04, Insubordination

- Officers shall not engage in any conduct which constitutes insubordination or any other conduct unbecoming an Officer.

Jersey Village Police Department, Policy Manual: Chapter 5, Performance of Duty; Section 5.01.00, Professional Conduct

- All personnel shall conduct their personal affairs in a manner will not bring discredit to the Jersey Village Police Department.