

Divisional Investigation

Case #2012-00035

Officer Joshua Hastings #29383

Northwest Division

Allegations

- Conduct Unbecoming
- Sleeping on Duty

INTERNAL AFFAIRS

DATE: 03-16-12
 TIME: 0800 hours
 BY WHOM: Chief Thomas
 CASE #: 2012-00035

LITTLE ROCK POLICE DEPARTMENT CITIZEN COMPLAINT FORM

TYPE OF COMPLAINT:EMPLOYEE MISCONDUCT SERVICE (QUALITY OF) ACCIDENT

COMPLAINANT'S NAME: Divisional Investigation R/S: DOB:	ADDRESS APT ZIP	TELEPHONE NUMBER
EMPLOYER'S NAME	BUSINESS ADDRESS	TELEPHONE NUMBER
TIME 0333 hours	DATE OF OCCURRENCE March 5, 2012	LOCATION OF OCCURRENCE 1700 John Barrow Road
DISTRICT	SQUAD	UNIT
ARREST OR CITATION	IF YES, CHARGES	ATTORNEY'S NAME

BRIEF DESCRIPTION OF COMPLAINT:

Divisional investigation authorized by Chief Stuart Thomas pursuant to allegations of conduct unbecoming and sleeping on duty.

NAME OF EMPLOYEE(S) INVOLVED	DIVISION	POSITION	SUPERVISOR
Joshua Hastings #29383	Northwest	Patrolman	Sgt. Parker
DATE COMPLAINT TAKEN: 03-16-12	TIME COMPLAINT TAKEN: 0800 hours		
SIGNATURE OF COMPLAINANT	SIGNATURE OF EMPLOYEE RECEIVING COMPLAINT		

WITNESSES	ADDRESS	RELATIONSHIP	TELEPHONE #

OBSERVATIONS OF SUPERVISOR FILLING OUT COMPLAINT FORM: (Is complainant abusive or polite, thought to be under the influence of drugs or alcohol or sober, emotionally and/or mentally upset or calm, etc.)

N/A

DISPOSITION: (To be completed by Chief of Police, Internal Affairs Officer and/or Division Commander)

NOTE: All complaints involving physical abuse shall be forwarded immediately to the Office of Internal Affairs by the Division Commander.

All other complaints shall be forwarded within 24 hours of the time the complaint is received to the Office of Internal Affairs.

OFFICER'S REPORT

DATE: 03-06-2012

SUBJECT: SLEEPING ON DUTY

TO: Sgt. Parker

FROM: Officer Joshua Hastings 29383

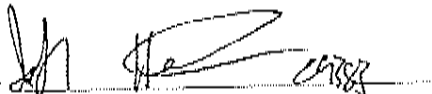
Sir,

On today's date, I was parked at 1700 John Barrow Road (Seconded Baptist Church) in the back of the parking lot looking out to the street. While parked at this location I fell asleep in my vehicle. Main channel called me and I did not key my radio to answer. After several minutes officer Seton located me and I advised main channel and Sgt Parker of my location. When I pulled into the back of the church parking lot my intentions were to not fall asleep on duty. When I work x62 district I pull behind the church to write my reports and check my city email in a safe location. I understand that I am not to fall asleep on duty and take full responsibility for my actions. I will try my best from now on to keep awake on duty and try to get more sleep off duty.

The reason I was so tired was a lack of sleep at the house due to church at 0900 hours and watching my wife nephews over the weekend for the first time.

Respectfully,

Signature



NOTE: Use this form for all written reports to your supervisor. Use additional paper of the same size if needed

LITTLE ROCK POLICE DEPARTMENT

1

OFFICER'S REPORT

DATE: March 5, 2012

SUBJECT: Locating Officer Hastings

TO: Sgt. J. Parker


FROM: Ofc. Eddie Scott Seaton

Sir,

On the 5th of March 2012, I was on patrol working North West. Communications called Officer Hastings; I heard communications attempt him called twice. I called and told them I would attempt to call him by phone. I had heard Hastings mention radio problems on a previous occasion. I attempted to call him by phone. I could not reach him. I tried again but did not reach him. Communications called for him again after I told them I could not reach him. I then left to go to his last known location. Another officer said he was not there, that he saw him leave. I then tried to call him again. I began to search Kanis after that I then started to search John Barrow. As I went South on John Barrow, I saw the Tahoe behind the Second Baptist Church. The Church is located to at 1700 John Barrow. I pulled in and found Officer Hastings. Officer Hastings appeared to be unconscious. I woke him and told him that communications was trying to reach him. I then left.

Respectfully,

SIGNATURE


2935'7

NOTE: Use this form for all written reports to your Supervisor. Use additional paper of the same size if needed.

S600-2

Mar 05 03:56 2012

UNIT HISTORY RECORDS

Unit: 3X62
From: 04-Mar-2012/22:56:06 Thru:

UNIT SEGMENTS

Date/Time	Activity	Event #	Comments
04-Mar-2012/22:56:06	LOGONI		V/09C187 O/29383 Hastings, Joshua I/741454 T/INFO (PA)
04-Mar-2012/23:35:51	DSP	LRP1203040346	
04-Mar-2012/23:41:49	CLEAR	LRP1203040346	
04-Mar-2012/23:44:11	TSTOP	LRP1203040359	T/TS [TOWN COUNTY/U] , 501NOW
05-Mar-2012/00:00:15	CLEAR	LRP1203040359	
05-Mar-2012/00:06:14	SSTOP	LRP1203050002	T/SS [W 28TH ST / S UNIVERSITY AVE ,LR]
05-Mar-2012/00:08:55	CLEAR	LRP1203050002	
05-Mar-2012/00:20:02	TSTOP	LRP1203050007	T/TS [ASHER AVE / S UNIVERSITY AVE ,LR] , GLD CAMERO
05-Mar-2012/00:21:32	CLEAR	LRP1203050007	
05-Mar-2012/00:33:25	TSTOP	LRP1203050009	T/TS [FAIR PARK/VALERO] , 942MSX [925 FAIR PARK]
05-Mar-2012/00:36:12	CLOCOS	LRP1203050009	
05-Mar-2012/00:43:31	CLEAR	LRP1203050009	
05-Mar-2012/01:31:24	TSTOP	LRP1203050017	T/TS [KANIS/BARROW/ SUPERSTOP] , 002RNH
05-Mar-2012/01:33:08	CLEAR	LRP1203050017	
05-Mar-2012/01:33:15	EXCH	LRP1203050018	T/CHKSUE
05-Mar-2012/01:35:41	CLOCOS	LRP1203050018	[8100 W 36TH]
05-Mar-2012/03:44:20	CLEAR	LRP1203050018	
05-Mar-2012/03:54:29	SELF		T/NWSS

03:33 - 03:44

LITTLE ROCK POLICE DEPARTMENT SUPERVISORY EVALUATION FORM

- Citizen Complaint
- Administrative Investigation

Case # _____

Involved Employee(s): Officer Joshua Hastings #29383

Complainant or Type Incident: Sleeping on Duty

Date of Complaint: _____

Date of Incident: 03/05/2012

EVALUATION & RECOMMENDATIONS:

Charge / Allegation	Disposition
1. <u>Rules&Regulation 1/5019.00</u>	1. <u>S</u>
2. <u>Rules&Regulation 1/5020.00</u>	2. <u>S</u>
3. <u>Rules&Regulation 1/5020.01</u>	3. <u>S</u>
4. _____	4. _____
5. _____	5. _____
6. _____	6. _____

DISPOSITION	
S	Sustained
NS	Not-Sustained
E	Exonerated
U	Unfounded
MC	Misconduct Not Based on Orig. Compliant
W	Withdrawn

DISCIPLINARY RECOMMENDATION

- | | | |
|--|---|--|
| <input type="checkbox"/> Counseling | <input type="checkbox"/> Oral Reprimand | <input type="checkbox"/> Written Reprimand |
| <input type="checkbox"/> Suspension - _____ Days | <input type="checkbox"/> Demotion | <input type="checkbox"/> None |
| <input type="checkbox"/> Termination | | |

Comments: On Monday, March 5, 2012, at approximately 0333 hours, Communications conducted a status check on main channel of all out of service officers. Communications attempted to raise Officer Joshua Hastings (3X62) on main channel more than several times, but with no response. Officer Seaton (3X71) advised on main channel that Officer Hastings had radio problems on previous occasions. At the time of Officer Seaton's radio traffic, it was unclear if he meant Officer Hastings was having problems on the above date, or on a previous date.

Officer Seaton then advised Communications on main channel that he would give Officer Hastings a phone call. I then acknowledged and tried to raise Officer Hastings on main channel, but with negative results. Communications then restricted main channel per policy for the search of Officer Hastings. I advised Communications to radio tone Officer Hastings, but with negative results. I then asked Communications did they know where Officer Hastings' last call location was, they advised at 36th /Gilman on a check condition of a subject, which he shown to be on the call for two (2) hours. Officer Herndon (3Y61) advised on main channel that he and Officer Hastings had completed the check condition call and left the area.

I then advised Communications to check the other channels, but with negative results. I advised Officer Seaton to go and check all the restrooms at the Northwest Substation, but with negative results. Officer Seaton then advised that he would search the John Barrow area for Officer Hastings. Communications then attempted to raise Officer Hastings again and he finally acknowledged. Officer Seaton had located Officer Hastings who was asleep behind the Second Baptist Church located at 1700 John Barrow Road. I then advised Officer Hastings to stand by to meet with me. I advised Officer Hastings to write me a letter in regards to why he didn't answer his radio.

(Continued on Page 2)

Little Rock Police Department Supervisory Evaluation Form

Page 2

Case # _____

Comments Cont'd: I advised Officer Seaton to write an officer's letter on his actions in locating Officer Hastings. I also advised Communications to make a copy of the radio traffic of the search for Officer Hastings. A copy of the tape is enclosed in the file.

During the search of Officer Hastings, I advised Communications to conduct a Google map search; however, the system was not working due to unknown issues. I attempted to review the MVR footage from Officer Hastings' vehicle #09C187, but there was no video found. Per Policy, Officer Hastings was not required to have his MVR in operation since he was not on call for service, or in contact with citizens.

Findings and Recommendations: It is clearly documented that Officer Hastings, while on duty, failed to answer the radio due to him being asleep in his patrol vehicle. In Officer Hastings' letter, he even admits to sleeping in his patrol vehicle while on duty. The search for Officer Hastings started approximately 0333 hours and ended at 0344 hours. Without the continuous search and effort by northwest officers, it is clearly unknown who much more time elapse before we could have located Officer Hastings.

It is in my opinion that Officer Hastings placed himself in a very dangerous and ambush situation which was very negligent on his part. The out-come could have been a very sad occasion, for his family, the City of Little Rock and the Little Rock Police Department therefore, this makes Officer Hastings in violation of the below listed Rules and Regulation.

1/5019.00, officers shall remain alert, observant, and occupied with police business during their tour of duty. While on duty, officers shall devote their entire time and attention to the business of the department.

1/5020.00, officers are prohibited from engaging in the following activities while on duty.

1/5020.01, states no sleeping, loafing or idling.

I concluded that the aforementioned violations of Rules and Regulation be shown as "Sustained" and that Officer Hastings be afforded the opportunity for an Administrative Hearing before disciplinary action is recommended.

[Handwritten Signature]

3-6-12
Date

Little Rock Police Department Administrative Evaluation Form (Final Recommendations Only)

DISPOSITION	
S	Sustained
NS	Not Sustained
E	Exonerated
U	Unfounded
MC	Misconduct Not Based On Orig. Complaint
W	Withdrawn

Citizen Complaint Formal Complaint
 Administrative Investigation Yes No Case # _____

Involved Employee(s): **Officer J. Hastings #29383**
 Complaint or Type Incident: **Conduct Unbecoming / Sleeping on Duty**
 Date of Complaint: _____ Date of Incident: **03-05-2012**

DIVISION REVIEW - EVALUATION & RECOMMENDATIONS:

Allegation or Charge	Disposition
1. Conduct Unbecoming R/R 1/4002.00	1. S
2. Sleeping on Duty R/R 1/5020.01	2. S
3. _____	3. _____
4. _____	4. _____
5. _____	5. _____
6. _____	6. _____

DISCIPLINE	
<input type="checkbox"/>	None
<input type="checkbox"/>	Counseling
<input type="checkbox"/>	Oral Reprimand
<input type="checkbox"/>	Written Reprimand
<input type="checkbox"/>	Suspension _____ Days
<input type="checkbox"/>	Demotion
<input type="checkbox"/>	Termination

Comments/Recommendations: I concur with Lt. Timmons' recommendation that Officer Hastings is in violation of Rules and Regulations 1/5020.01, when he fell asleep while on duty and that the allegation be classified as "Sustained." I also recommend that Officer Hastings is in violation of R/R 1/4003.00, which states, "No officer shall engage in any personal act or conduct which, if brought to the attention of the public, could result in justified criticism of that officer or the Department. No officer shall be personally involved in disturbances or police incidents to his/her discredit." Accordingly, I recommend that all the allegations be classified as "Sustained" and Officer Hastings be afforded the opportunity to have an Administrative hearing in regards to these allegations.

Capt. Jan Temple 11158
 Division Commander

03-08-2012
 Date

BUREAU REVIEW - EVALUATION & RECOMMENDATIONS: FINDINGS & DISPOSITION:

Concur Do Not Concur

Allegation or Charge	Disposition
1. <u>R/R 1/4002.00 CONDUCT UNBECOMING</u>	1. <u>S</u>
2. <u>R/R 1/5020.00 - 1/5020.01 SLEEPING</u>	2. <u>S</u>
3. <u>ON-DUTY</u>	3. _____

DISCIPLINE	
<input type="checkbox"/>	None
<input type="checkbox"/>	Counseling
<input type="checkbox"/>	Oral Reprimand
<input type="checkbox"/>	Written Reprimand
<input type="checkbox"/>	Suspension _____ Days
<input type="checkbox"/>	Demotion
<input type="checkbox"/>	Termination

Comments/Recommendations: I agree that this file contains sufficient evidence to show the above listed violations as Sustained. I recommend that Officer Hastings be afforded the opportunity to have an Administrative hearing.

Capt. W. Bentley ABC
 Assistant Chief

03-14-12
 Date

CHIEF OF POLICE - FINDINGS & DISPOSITION - IF APPLICABLE -

Concur With: Assistant Chief Division Commander Do Not Concur

Allegation or Charge	Disposition
1. _____	1. _____
2. _____	2. _____
3. _____	3. _____

DISCIPLINE	
<input type="checkbox"/>	None
<input type="checkbox"/>	Counseling
<input type="checkbox"/>	Oral Reprimand
<input type="checkbox"/>	Written Reprimand
<input type="checkbox"/>	Suspension _____ Days
<input type="checkbox"/>	Demotion
<input type="checkbox"/>	Termination

Comments/Recommendations: _____



City of Little Rock

Police Department

700 West Markham
Little Rock, Arkansas 72201-1329

NOTICE OF INTENT

TO: Police Officer Joshua Hastings #29383

March 22, 2012

This is to officially inform you that disciplinary action is being considered against you in reference to your alleged violation of the following sections of the Rules and Regulations of the Little Rock Police Department:

**Rules and Regulations
Section 1/4002.00**

Which states, "Officers shall not engage in any conduct which constitutes conduct unbecoming an officer or neglect of duty."

**Rules and Regulations
Section 1/5020.00**

Which states, "Officers are prohibited from engaging in the following activities while on duty:

Subsection 1/5020.01, which states, "Sleeping, loafing or idling."

You allegedly violated the aforementioned sections of the Rules and Regulations on March 5, 2012, when you failed to respond to a status check on main channel from Communications and to your supervisor and another officer, who were attempting to contact you. You were subsequently found asleep parked behind the Second Baptist Church in your patrol vehicle by another officer.

The evidence against you in this matter consists of investigative file #2012-00035.

Stuart Thomas
Chief of Police

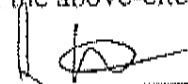
Pursuant to General Order 211, you may have an administrative hearing on the above-cited sections of the Little Rock Police Department's Rules and Regulations. The hearing will be conducted by Police Department management personnel at which time the above charges will be explained to you and you will be afforded an opportunity to present your side of the incident, unless you specifically waive the hearing in writing.

Notice of Intent
Police Officer Joshua Hastings #29383
Page 2

You are also advised that prior to any disciplinary action being taken, your personnel file, located in the Office of the Chief of Police, will be reviewed and that your personnel file is available for review at a mutually convenient time.

I hereby request an administrative hearing on the above-cited charges.

*Admin hearing
scheduled 4-4-12
@ 2100
Capt. Joe Yemph*



Signature

03-25-2012

Date

Det. Bean 13584

Witness

I do not desire an administrative hearing on the above-cited charges.

Signature

Date

Witness



City of Little Roc.

Police Department

700 West Markham
Little Rock, Arkansas 72201-1329

MEMORANDUM

TO: Captain Ken Temple

FROM: Lieutenant Dennis Ball ^{DB}

RE: Officer J. Hastings #29383 File # 2012-00035

DATE: March 25, 2012

On this date at approximately 0300 hrs I served Officer J. Hastings #29383 with a Letter of Intent for Divisional Investigative File # 2012-00035. Officer Hastings advised that he wished to have an Administrative Hearing on the above matter and requested in writing that he receive a copy of Divisional Investigative File # 2012-00035. Officer Hastings was advised that he would be notified in the future upon the scheduling of his hearing.

OFFICER'S REPORT

DATE: 03/25/2012 SUBJECT: 2012-00035 IA FILE

TO: Sgt. Parker

FROM: Officer Joshua Hastings 29383

Sir,

I REQUEST A COPY OF MY INTERNAL INVESTIGATION FILE 2012-00035 TO REVIEW BEFORE MY ADMINISTRATIVE HEARING. I WILL ALSO BE SUPENDED FROM 03/25/2012 TO 04/02/2012.

Red 3-25-12 Lt Bran 13584

Respectfully,

Signature *[Handwritten Signature]* 29383

NOTE: Use this form for al written reports to your supervisor. Use additional paper of the same size if needed

1 **ADMINISTRATIVE HEARING**
2 **OFFICER JOSH HASTINGS**

3
4 CAPTAIN TEMPLE: This is an administrative hearing for Officer Josh
5 Hastings, employee number 29383. Time is now 2055
6 hours on April the 4th, 2012. I'm Captain Temple. Also
7 present in the room is Sergeant Parker and Officer
8 Hastings. Officer har, Officer Hastings, do you
9 understand this is an official police investigation and
10 the proceedings will be taped?

11 OFFICER HASTINGS Yes sir.

12 CAPTAIN TEMPLE: Officer Hastings the purpose of this administrative
13 hearing, which you have requested, is to give you the
14 opportunity to provide any additional information, or to
15 clarify any inaccuracies in the investigative case file
16 number 12 00035, which has been provided to you for
17 your review. Specifically Officer Hastings, disciplinary
18 action is being considered against you involving the
19 following Rules and Regulations of the Little Rock
20 Police Department. Rules and Regulations section 1
21 4002.00, which states, officers shall not engage in any
22 conduct wo con, which constitutes unbecoming an
23 officer or neglect of duty. And Rules and Regulations 1
24 5020.00, which states, officers are prohibited from
25 engaging in the following activities while on duty.
26 Subsection 1 502.01, which states, sleeping, loafing or
27 idling. You allegedly violated the aforementioned
28 sections of the Little Rock Police Department's Rules
29 and Regulations on March 5th, 2012, when you failed to
30 respond to a status check on main channel from
31 communications and to your supervisor and another
32 officer who were attempting to contact you. You were
33 subsequently found asleep, parked behind the Second
34 Baptist Church in your patrol vehicle by another
35 officer. Pursuant to General Order 211, and at your
36 request you may now begin your administrative hearing
37 involving the evidence against you.

38 OFFICER HASTINGS On uh, March 3rd, we were asked by my sister's, excuse
39 me, by my wife's sister to watch her two kids. I've had,
40 I don't have any kids so I'm not used to watching them.
41 I had uh, two boys from March 3rd to the 5th. That
42 Friday, I had to go to Hot Springs, pick the kids up

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from school. Uh, we went to Playtime Pizza and spent five hours at Playtime Pizza. We went back to their house and spent the night in Hot Springs at a new, new environment to me. Uh, watched the kids. Got up that next morning, went to a basketball game that they had. Spent all day with them and had Saturday night off. They were, her parents, excuse me, her sister was supposed to be home that Saturday night. They decided to go to Mobile, Alabama and stay an extra two nights in Mobile, Alabama, which I don't know why they decided to do that but it left me with two kids and not having a full day of rest. I thought that I could do it and make it thru church Sunday morning and the kids all day Sunday afternoon without having you know, any problems at work. I came to work. Patrolled my areas. Went over to my spot where I sit and do my reports and watch the, the apartments across the street from 1701 which we've had several incidents there and see if I couldn't find somebody. During that time I fell asleep. It was not on purpose that I went there to fall asleep. I just, because I was tired from all the events that happened this week, that I fell asleep. Now I have been taking great measures to keep myself from falling asleep anymore. If I, if I even think about getting tired, I let Sergeant Parker know immediately that I'm getting sleepy and to put me with somebody or to send me home. I have, I'm getting my sleep at night time. I'm back taking my medication that helps me to sleep at night time, that my doctor prescribed me. From this point on, I, I feel that I will never have a problem again with falling asleep on duty because I have disappointed my sergeant, my lieutenant, and my captain by me falling asleep on duty and not doing my duties. That's, that's all I have to say Captain.

35 CAPTAIN TEMPLE:
36
37

Well, let me clarify something. You stated that you had the kids, that you volunteered to take the kids, or were they just dropped off with you?

38 OFFICER HASTINGS
39
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Volunteered to take the kids for the, the few days that we were supposed to have them. We did not know that they were going to extend their stay in Mobile.

41 CAPTAIN TEMPLE:
42

Okay. And you're saying that you had the kids on the 3rd.

43 OFFICER HASTINGS

Um, hum. Which...

1 CAPTAIN TEMPLE: Which is a Saturday. You were off that night.

2 OFFICER HASTINGS Um, hum. That was, we had them...

3 CAPTAIN TEMPLE: All day Sunday?

4 OFFICER HASTINGS Um, hum.

5 CAPTAIN TEMPLE: Okay. So you came to work Sunday night?

6 OFFICER HASTINGS Yes sir. Did not...

7 CAPTAIN TEMPLE: (inaudible) Monday morning.

8 OFFICER HASTINGS Did not want to call in sick 'cause I wasn't sick.

9 CAPTAIN TEMPLE: Okay.

10 OFFICER HASTINGS So, and, I didn't, I didn't try to hide anything. I came
11 out and said yes sir, that I was asleep.

12 CAPTAIN TEMPLE: Alright. Sergeant Parker, do you have anything you'd
13 like to add to this?

14 SERGEANT PARKER: No sir. You, you asked the question I was gonna ask.

15 CAPTAIN TEMPLE: Okay. Officer Hastings do you have anything further
16 you'd like to add involving the allegations?

17 OFFICER HASTINGS No sir.

18 CAPTAIN TEMPLE: Alright. This is gonna conclude this inves,
19 administrative hearing requested. Once again, I must
20 remind you this is an official police investigation,
21 you're not to discuss the proceedings with anyone
22 except your supervisor. And the time is now 2101 hours
23 on April the 4th, 2012.

LITTLE ROCK POLICE DEPARTMENT SUPERVISORY EVALUATION FORM

- Citizen Complaint
- Administrative Investigation

Case # 2012-00035

Involved Employee(s): Officer Joshua Hastings #29383
 Complainant or Type Incident: Conduct Unbecoming/Sleeping on Duty
 Date of Complaint: _____ Date of Incident: 03/05/2012

EVALUATION & RECOMMENDATIONS:

Charge / Allegation	1. <u>Rules&Regulation 1/5019.00</u>	Disposition	1. <u>S</u>
	2. <u>Rules&Regulation 1/5020.00</u>		2. <u>S</u>
	3. <u>Rules&Regulation 1/5020.01</u>		3. <u>S</u>
	4. <u>Rules&Regulation 1/4002.00</u>		4. <u>S</u>
	5. _____		5. _____
	6. _____		6. _____

DISPOSITION	
S	Sustained
NS	Not-Sustained
E	Exonerated
U	Unfounded
MC	Misconduct Not Based on Orig. Compliant
W	Withdrawn

DISCIPLINARY RECOMMENDATION

- | | | |
|---|---|--|
| <input type="checkbox"/> Counseling | <input type="checkbox"/> Oral Reprimand | <input type="checkbox"/> Written Reprimand |
| <input checked="" type="checkbox"/> Suspension - <u>30</u> Days | <input type="checkbox"/> Demotion | <input type="checkbox"/> None |
| <input type="checkbox"/> Termination | | |

Comments: On Monday, March 5, 2012, at approximately 0333 hours, Communications conducted a status check on main channel of all out of service officers. Communications attempted to raise Officer Joshua Hastings (3X62) on main channel more than several times, but with no response. Officer Seaton (3X71) advised on main channel that Officer Hastings had radio problems on previous occasions. At the time of Officer Seaton's radio traffic, it was unclear if he meant Officer Hastings was having problems on the above date, or on a previous date.

Officer Seaton then advised Communications on main channel that he would give Officer Hastings a phone call. I then acknowledged and tried to raise Officer Hastings on main channel, but with negative results. Communications then restricted main channel per policy for the search of Officer Hastings. I advised Communications to radio tone Officer Hastings, but with negative results. I then asked Communications did they know where Officer Hastings' last call location was, they advised at 36th /Gilman on a check condition of a subject, which he shown to be on the call for two (2) hours. Officer Herndon (3Y61) advised on main channel that he and Officer Hastings had completed the check condition call and left the area.

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(Continued on Page 2)

Sgt. Jacob Parker 18195
Supervisor

4-7-12
Date

**Little Rock Police Department
Supervisory Evaluation Form**
Page 2

Case # 2012-00035

Comments Cont'd: I advised Officer Seaton to write an officer's letter on his actions in locating Officer Hastings. I also advised Communications to make a copy of the radio traffic of the search for Officer Hastings. A copy of the tape is enclosed in the file.

During the search of Officer Hastings, I advised Communications to conduct a Google map search; however, the system was not working due to unknown issues. I attempted to review the MVR footage from Officer Hastings' vehicle #09C187, but there was no video found. Per Policy, Officer Hastings was not required to have his MVR in operation since he was not on call for service, or in contact with citizens.

Findings and Recommendations: It is clearly documented that Officer Hastings, while on duty, failed to answer the radio due to him being asleep in his patrol vehicle. In Officer Hastings' letter, he even admits to sleeping in his patrol vehicle while on duty. The search for Officer Hastings started approximately 0333 hours and ended at 0344 hours. Without the continuous search and effort by northwest officers, it is clearly unknown how much more time elapse before we could have located Officer Hastings.

It is in my opinion that Officer Hastings placed himself in a very dangerous and ambush situation which was very negligent on his part. The out-come could have been a very sad occasion, for his family, the City of Little Rock and the Little Rock Police Department; therefore, this makes Officer Hastings in violation of the below listed Rules and Regulation.

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1/4003.00, which states, "No officer shall engage in any personal act or conduct which, if brought to the attention of the public, could result in justified criticism of that officer or the Department. No officer shall be personally involved in disturbances or police incidents to his/her discredit".

On April 4, 2012, at approximately 2055 hours, Officer Hastings attended his Administrative Hearing at the Northwest Division and present were I and Captain Temple. Officer Hastings was given the opportunity to provide any additional information, or to clarify any inaccuracies in the investigative case file #2012-00035.

During Officer Hastings' hearing, he explained the reason why he fell asleep while on duty. He stated on March 3, through 5, 2012; he volunteered to watch his wife's sister kids while their parents went out of town. Officer Hastings stated that the parents initially supposed to have been gone only for a day but the parents ended up staying gone an extra two nights so he was stuck to watch the kids. Officer Hastings stated that he had been up all that day without any rest and thought he could come to work and be functional. Officer Hastings stated he patrolled his area and went to a location on Barrow Road which is behind Second Baptist Church to sit where he normally writes his reports.

(Continued on Page 3)

Sgt. Archie Parker - 18145
Supervisor

4-7-12
Date

Little Rock Police Department
Supervisory Evaluation Form
Page 3

Case # 2012-00035

Comments Cont'd: Officer Hastings explained that he uses this particular location as surveillance for any criminal activity that would occur at the apartment complex just adjacent from his location. Officer Hastings stated that while sitting in his patrol vehicle, he unintentionally fell asleep. Officer Hastings also mentioned in his hearing that he was back taking prescribed medication that helps him sleep and if he notices he is too sleepy to continue his daily tour of duty, he would notify me and have him ride with another officer, or send him home.

Complaint History of Officer Hastings:

Officer Hastings has a very lengthy complaint history for such a short time with the Department since being hired in 2007. Officer Hastings has consistently been recommended for disciplinary actions on one, or more occasions in every year since making his probationary period. His previous sustained disciplinary history stems from 5 (five) Counseling to 2 (two) Oral Reprimands, 6 (six) Written Reprimands and 5 (five) different Suspensions totaling up to 19 suspension days. Officer Hastings also has the pending investigation file #2012-00035, which he will be recommended severe disciplinary actions in regards to those allegations that were brought against him.

It is in my opinion based on the severity of the current allegations and the complaint history of Officer Hastings, he has continuously shown poor decision making and unprofessionalism as a Little Rock Police Officer. As Officer Hastings' supervisor, I have great concern for his mental stability and decision making as a Little Rock Police Officer.

I have reviewed the file containing the documents and statements that pertains to the incident. I concluded that Officer Hastings was in violation of the aforementioned Rules and Regulations therefore, I recommend all allegations be shown "sustained". I recommend that Officer Hastings be suspended as a member of the Little Rock Police Department for a period of 30 days. I also recommend that Officer Hastings receive a mandatory EAP counseling before returning to his tour of duty.

Sgt. Robin Rankin-18195
Supervisor

4-7-12
Date

LITTLE ROCK POLICE DEPARTMENT SUPERVISORY EVALUATION FORM

- Citizen Complaint
- Administrative Investigation

Case # 2012-00035

Involved Employee(s): Officer Joshua Hastings #29383
 Complainant or Type Incident: Conduct Unbecoming-Sleeping on Duty
 Date of Complaint: _____ Date of Incident: 03/05/2012

EVALUATION & RECOMMENDATIONS:

Charge / Allegation	Disposition
1. <u>R&R 1/5019.00</u>	1. <u>S</u>
2. <u>R&R 1/5020.00</u>	2. <u>S</u>
3. <u>R&R 1/5020.01</u>	3. <u>S</u>
4. <u>R&R 1/4002.00</u>	4. <u>S</u>
5. _____	5. _____
6. _____	6. _____

DISPOSITION	
S	Sustained
NS	Not-Sustained
E	Exonerated
U	Unfounded
MC	Misconduct Not Based on Orig. Complaint
W	Withdrawn

DISCIPLINARY RECOMMENDATION

- | | | |
|---|---|--|
| <input type="checkbox"/> Counseling | <input type="checkbox"/> Oral Reprimand | <input type="checkbox"/> Written Reprimand |
| <input checked="" type="checkbox"/> Suspension - <u>15</u> Days | <input type="checkbox"/> Demotion | <input type="checkbox"/> None |
| <input type="checkbox"/> Termination | | |

Comments: I have received this file for review and recommendations. I have read this file and its contents.

Summary:
On March 5, 2012, at approximately 0333 hrs, communications attempted to check the status of Officer J. Hastings 29383 (3X62) who had been on a call for over two hours. Officer Hastings did not respond. Several attempts were made to contact Officer Hastings on the radio as well as attempting to contact him on his cell phone. These attempts were unsuccessful. Sgt. Parker attempted to have communications conduct a GPS/Bluetree location query but the system was not operable at the time. The channel was held and officers were dispatched to various locations and areas of the NW precinct in an attempt to locate Officer Hastings. After 10 minutes of searching, Officer Seaton located Officer Hastings behind the church at 1700 Barrow Rd. Officer Hastings was asleep. Sgt. Parker had Officer Hastings explain himself and Officer Hastings advised that he had been watching his wife's sister's children from March 3-5, 2012 and had not gotten very much sleep during that time. Officer Hastings advised that he went to the location behind the church where he usually writes his reports and monitors the apartment complex across the street. Officer Hastings advised that he unwillingly fell asleep as he sat there.

Complaint History:
Officer Hastings has acquired a lengthy history in the short time that he has been with the department. Officer Hastings has received 5 Counseling's, 2 Oral Reprimands, 6 Written Reprimands and 5 individual Suspensions totaling 19 days off without pay.

Findings and Recommendations:
Officer Hastings was afforded an Administrative Hearing that was held on April 4, 2012, at 2100 hrs in the Northwest Precinct. Captain Temple, Sgt. Parker, and Officer Hastings were present for the hearing. Officer Hastings was advised of the allegations against him. Officer Hastings made a statement in which he explained

At B...
 Supervisor

4-10-12
 Date

Little Rock Police Department Supervisory Evaluation Form

Page 2

Case # 2012-00035

Comments Cont'd: that he had been watching his wife's sister's children while their parents were out of town. Officer Hastings advised that the parents stayed out of town longer than expected and he continued to care for the children. Officer Hastings explained that during this time he did not receive very much sleep or rest. Officer Hastings admitted that he had fallen asleep unintentionally and that he did not go to that location for the purpose of going to sleep but that location was where he frequently wrote reports. Officer Hastings revealed that he had seen his doctor and begun to take sleep medication to help regulate his sleep and feels that falling asleep on duty in the future will not be a problem. Officer Hastings stated that in the future if he ever felt like that again he would contact his supervisor and take off. Officer Hastings acknowledged that he has disappointed his chain of command and was apologetic.

In his evaluation, Sgt. Parker has voiced his concerns about Officer Hastings in that he has shown a propensity for poor decision making and unprofessional conduct as a Little Rock Police Officer. Sgt. Parker has indicated that he has concerns about Officer Hastings' mental stability and decision making processes as a Little Rock Police Officer.

I find that Officer Hastings did go to sleep while on duty, a violation of the following Rules and Regulations:

R&R 1/5019.00 which states "Officers shall remain alert, observant, and occupied with police business during their tour of duty. While on duty, officers shall devote their entire time and attention to the business of the department."

R&R 1/5020.00 which states "Officers are prohibited from engaging in the following activities while on duty,"

R&R 1/5020.01 which states "no sleeping, loafing or idling."

R&R 1/4003.00 which states "No officer shall engage in any person act or conduct which, if brought to the attention of the public, could result in justified criticism of that officer or the Department. No officer shall be personally involved in disturbances or police incidents to his/her discredit".

I find that Officer Hastings is in violation of the aforementioned Rules and Regulations. I recommend that each be shown as **Sustained**. I concur with and make the same recommendation as Sgt. Parker in that Officer Hastings should attend mandatory EAP counseling. I feel that this would help Officer Hastings reacquire some focus and direction as it relates to his performance at work.

I find that the aforementioned violations are of a serious nature. Officer Hastings endangered himself by his actions and also endangered the citizens of this area when the officers of this precinct had to stop everything that they were doing, answering calls, patrol, Etc. to search for a "missing" man.

I recommend, in the interest of progressive discipline-his last suspension was for 6 days and in that Officer Hastings has not been found to have been sleeping on duty in the past, he receive **15 Days Suspension Without Pay and have to attend/start EAP counseling before returning to work.**

Lt. Bell

4-16-12

Date

Little Rock Police Department Administrative Evaluation Form (Final Recommendations Only)

DISPOSITION	
S	Sustained
NS	Not Sustained
E	Exonerated
U	Unfounded
MC	Misconduct/Not Based On Orig. Complaint
W	Withdrawn

Citizen Complaint Formal Complaint
 Administrative Investigation Yes No Case # **12-00035**

Involved Employee(s): **Officer J. Hastings #29383**
 Complaint or Type Incident: **Conduct Unbecoming / Sleeping on Duty**
 Date of Complaint: _____ Date of Incident: **03-05-2012**

DIVISION REVIEW - EVALUATION & RECOMMENDATIONS:

Allegation or Charge	Disposition
1. Conduct Unbecoming R/R 1/4002.00	1. S
2. Sleeping on Duty R/R 1/5020.01	2. S
3. _____	3. _____
4. _____	4. _____
5. _____	5. _____
6. _____	6. _____

DISCIPLINE	
<input type="checkbox"/>	None
<input type="checkbox"/>	Counseling
<input type="checkbox"/>	Oral Reprimand
<input type="checkbox"/>	Written Reprimand
<input checked="" type="checkbox"/>	Suspension 10 Days
<input type="checkbox"/>	Demotion
<input type="checkbox"/>	Termination

Comments/Recommendations: I concur that Officer Hastings violated R/R 1/4003.00, which states, "No officer shall engage in any personal act or conduct which, if brought to the attention of the public, could result in justified criticism of that officer or the Department. No officer shall be personally involved in disturbances or police incidents to his/her discredit." I also concur that he violated R/R 1/5021.00, when he fell asleep while on duty and that both of the allegations be classified as "Sustained." Both of these are very serious allegations. Accordingly, I recommend that Officer Hastings be suspended without pay for ten (10) days and that he be prohibited from working off duty for sixty (60) days.

Capt. Joe Temple 11158
 Division Commander

4-16-2012
 Date

BUREAU REVIEW - EVALUATION & RECOMMENDATIONS: FINDINGS & DISPOSITION:

Concur Do Not Concur

Allegation or Charge	Disposition
1. R/R 1/4002.00 CONDUCT UNBECOMING	1. S
2. R/R 1/5020.00 & 1/5020.01 SLEEPING ON DUTY	2. S
3. ON-DUTY	3. _____

DISCIPLINE	
<input type="checkbox"/>	None
<input type="checkbox"/>	Counseling
<input type="checkbox"/>	Oral Reprimand
<input type="checkbox"/>	Written Reprimand
<input checked="" type="checkbox"/>	Suspension 10 Days
<input type="checkbox"/>	Demotion
<input type="checkbox"/>	Termination

Comments/Recommendations: After reviewing the information in this file, I recommend the listed violations be classified as Sustained. I concur with Captain Temple's recommendation of ten (10) day suspension. I also concur with no off-duty for sixty (60) days. I feel this restriction is appropriate due to officer's discipline history and to assist him focus on his job.

Capt. J. Bentley ABC
 Assistant Chief

04-17-12
 Date

CHIEF OF POLICE - FINDINGS & DISPOSITION - IF APPLICABLE -

Concur With: Assistant Chief Division Commander Do Not Concur

Allegation or Charge	Disposition
1. _____	1. _____
2. _____	2. _____
3. _____	3. _____

DISCIPLINE	
<input type="checkbox"/>	None
<input type="checkbox"/>	Counseling
<input type="checkbox"/>	Oral Reprimand
<input type="checkbox"/>	Written Reprimand
<input type="checkbox"/>	Suspension _____ Days
<input type="checkbox"/>	Demotion
<input type="checkbox"/>	Termination

Comments/Recommendations: Concur with the findings and recommendations of the Division Commander.


City of Little Rock

Police Department

 700 West Markham
 Little Rock, Arkansas 72201-1329

April 20, 2012

 Police Officer Joshua Hastings #29383
 Northwest Division
 Little Rock Police Department
 Little Rock, AR 72201

RE: Letter of Suspension

Dear Officer Hastings:

You are hereby notified that you are suspended as a member of the Little Rock Police Department for a period of fifteen (15) working days without pay. Your days of suspension will be Saturday, May 5, 2012, through Wednesday, May 9, 2012; Saturday, May 12, 2012, through Wednesday, May 16, 2012; and Saturday, May 19, 2012, through Wednesday, May 23, 2012. In addition, your privileges to work in an off-duty capacity as a police officer are prohibited beginning with the start of your suspension. Upon completion of sixty days, you may request to reinstate off-duty employment through your Chain of Command. Also, you will be required to attend mandatory counseling sessions with the City of Little Rock Employee Assistance Program (EAP). You will return to your regular assigned duties on Saturday, May 26, 2012, following your scheduled days off. You are suspended for violating the following listed sections of the Rules and Regulations of the Little Rock Police Department:

**Rules and Regulations
Section 1/4002.00**

Which states, "Officers shall not engage in any conduct which constitutes conduct unbecoming an officer or neglect of duty."

**Rules and Regulations
Section 1/5020.00**

Which states, "Officers are prohibited from engaging in the following activities while on duty:

Subsection 1/5020.01, which states, "Sleeping, loafing or idling."

You violated the aforementioned sections of the Rules and Regulations on March 5, 2012, when you failed to respond to a status check on main channel from Communications and to your supervisor and another officer, who were attempting to contact you. You were subsequently found asleep parked behind the Second Baptist Church in your patrol vehicle by another officer.

Handwritten signature: J. B. 13589

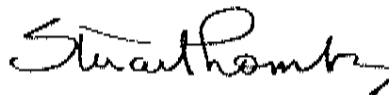
Handwritten signature: J. B. 29383

Handwritten date: 4-22-2012

Letter of Suspension – Officer Joshua Hastings
April 20, 2012
Page 2

On April 4, 2012, you were afforded an administrative hearing concerning the above listed violations. Your supervisors have reviewed the facts contained in Internal Affairs Files #2012-00035 and a determination was made that you be suspended for a period of fifteen (15) working days without pay. Pursuant to General Order 210.II.B.(6), you will not be allowed to participate in any off-duty employment during your suspension period. In addition, your privileges to work in an off-duty capacity as a police officer are prohibited beginning with the start of your suspension. Upon completion of sixty days, you may request to reinstate off-duty employment through your Chain of Command. Also, you will be required to attend mandatory counseling sessions with the City of Little Rock Employee Assistance Program (EAP).

You are hereby advised that if you do not feel that this suspension is proper and just, you do have the right to appeal to the Little Rock Civil Service Commission. Such appeal must be in writing directly to the Commission within ten (10) days from the date you were notified of the suspension, setting forth your reasons why you do not feel this action is proper. It is the officer's responsibility to ensure that appeal notices arrive in the Human Resources Department by the deadline.



Stuart Thomas
Chief of Police

ST:sks

cc: Acting Asst. Chief Wayne Bewley
Captain Ken Temple
Lieutenant Dennis Ball
Sergeant Jackie Parker
Don Flegal, Human Resources Director
Lisa Hinshaw, Payroll