

** PUBLIC **

PHOENIX POLICE DEPARTMENT REPORT

** RECORD **

ORIGINAL

PAGE NUMBER: 1

DR NUMBER: 2011 00331216

REPORT DATE: 20110226 TIME: 0145

TYPE OF REPORT: DOMESTIC VIOLENCE ASSAULT

OFFENSE: 415F

PROSECUTION DESIRED: NO

SUSPECT[S]: DETAINED

LOCATION: N PIESTEWA PARKWAY
E CACTUS ROAD

BEAT: 0635 GRID: DB35B

DATE/TIME OF OCCURRENCE: FRI 022511 1119

REPORTING OFFICER[S]: RANDALL PATTERSON
TERRY GRABER

9314 UNIT: 63K
9448

PREMISES: STREET/ROADWAY/ALLEY VEHICLE

OFFENSE INVOLVED: DOMESTIC VIOLENCE
BIAS - NONE (NO BIAS)

PARTY-CREW: NO

PHOTOGRAPHS TAKEN: YES BY: 9448

**** SUSPECT INFORMATION ****

SUSPECT-01:

NAME: BUNDGAARD, SCOTT ALLEN

SPEAKING: ENGLISH

SUSPECTED OF USING: NOT APPLICABLE

RACE: W SEX: M AGE: 43 DOB: 1968 HT: 601 WT: 175
HAIR: SDY EYES: BLU SSN:
OLN: B109 AZ R&I:
OCCUPATION: STATE SENATOR EMPLOYED:
LEVEL OF FORCE : RESTRAINT, JOINT LOCKS, PRESSURE PTS, OR CUFFS

EMOTIONAL CONDITIONS: COOPERATIVE

RIGHTS ADVISED: YES TIME: 1147 OFFICER: 9314

**** WITNESS INFORMATION ****

WITNESS -01:

NAME: MAIACCO, RICH

SPEAKING: ENGLISH

RACE: W SEX: M AGE: DOB: HT: 000 WT: 000
SPECIAL AGE RANGE: UNKNOWN

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PUBLIC RECORDS
Released pursuant to
A.R.S. 39-121, Et. Seq.
To:

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CLOTHING DESC & MISC:

RICH IS A PHOENIX POLICE OFFICER #5497

OCCUPATION: POLICE OFFICER

CAN ID SUSPECT(S): YES

WILL TESTIFY: YES

SUSPECT(S): SP1 AP1
MISC.

**** CRIME AGAINST PERSON M.O. ****

VICTIM: V-01 M.O. FOR SUSPECT: AP-01

VEHICLE INVOLVEMENT: SUSPECT IN VEHICLE
VICTIM IN VEHICLE

SUSPECT:

PRIMARY FORCE/MEANS OF ATTACK: BODILY FORCE

INFLECTED/ACTIONS:

HIT/ASSAULT DURING ACT

INTIMATE PARTNER INVESTIGATION: YES

ACTS-PHYSICAL:

PUNCH/PUSH/SLAP

ACTS-NONPHYSICAL: NOT DICTATED

INCIDENT DURATION: 5 MINUTES

BEYOND HEAT OF THE MOMENT: NO

OCCURED IN MORE THAN ONE PLACE: NO

MULTIPLE ACTS: NO

MULTIPLE PLANES OF INJURY: NO

CHILD USED FOR EMPHASIS: NO

**** NARRATIVE ****

SERIAL NUMBER: 9314

ON 2-25-11 AT APPROXIMATELY 2319 HOURS AP1 AUBRY BALLARD AND SP1 SCOTT BUNDGAARD COMMITTED DOMESTIC VIOLENCE ASSAULT DURING A PHYSICAL ALTERCATION WHILE DRIVING NORTH BOUND ON THE STATE ROUTE 51 ONE HALF MILE SOUTH OF CACTUS RD.

AT APPROXIMATELY 2319 HOURS MYSELF AND OFFICER GRABER 9448 RESPONDED TO AN EMERGENCY CALL OF A MALE THROWING A FEMALE ONTO THE GROUND FROM A GOLD COLORED SEDAN ON THE STATE ROUTE 51 JUST SOUTH OF CACTUS ROAD. AS OFC GRABER AND I WERE DRIVING SOUTH BOUND ON THE SR-51 I WITNESSED A GOLD COLORED VEHICLE STOPPED ON THE NORTH BOUND SIDE NEXT TO THE CONCRETE MEDIAN APPROXIMATELY ONE HALF OF A MILE SOUTH OF CACTUS ROAD. THE AIR UNIT ALSO HELPED DIRECT US TO THE STOPPED VEHICLE. OFC GRABER, WHO WAS DRIVING OUR FULLY MARKED PATROL VEHICLE, STOPPED ON THE OTHER SIDE OF THE MEDIAN NEXT TO THE GOLD VEHICLE IN THE HOV LANE. I CONTACTED THE MALE WHO WAS STANDING OUTSIDE BETWEEN THE CAR AND CONCRETE MEDIAN. THE SUBJECT WAS LATER IDENTIFIED AS SCOTT BUNDGAARD BY HIS ARIZONA DRIVERS LICENSE. I DETAINED SCOTT AND PLACED HIM IN HANDCUFFS WITH HIS HANDS BEHIND HIS BACK.

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AT THIS TIME DPS WAS ARRIVING AND POSITIONED THERE VEHICLES BEHIND SCOTT'S GOLD MERCEDES.

I ASKED SCOTT WHY HE HAD PULLED OVER ONTO THE SIDE OF THE FREEWAY AND HE STATED THE FOLLOWING. SCOTT WAS OUT AT A CHARITY EVENT WITH HIS GIRLFRIEND OF 8 MONTHS AKA AUBRY BALLARD AND DECIDED TO LEAVE. IT WAS LATER FOUND THAT AUBRY SPENDS THE NIGHT AT SCOTT'S HOUSE ALMOST EVERY WEEKEND. SCOTT WAS DRIVING AUBRY TO HIS PARENTS HOUSE BECAUSE AUBRY HAD LEFT HER CAR PARKED THERE. SCOTT SAID AUBRY WAS UPSET THAT HE WAS DANCING WITH ANOTHER WOMEN DURING THE EVENT. SCOTT SAID AUBRY WAS MAKING STATEMENTS THAT HE DIDN'T LOVE HER ANYMORE AND BEGAN TO YELL AT HIM. SCOTT STATED THAT AUBRY SAID SHE WAS GOING TO JUMP OUT OF THE CAR INTO TRAFFIC AS THEY WERE DRIVING NORTH BOUND ON THE SR-51. SCOTT SAID AUBRY THREW HIS SUIT OUT OF THE WINDOW JUST AS THEY PASSED SHEA BOULEVARD. SCOTT ALSO STATED THAT AUBRY HIT HIM SEVERAL TIMES IN THE FACE AND TRIED TO GRAB THE STEERING WHEEL AND CRASH THE VEHICLE INTO THE CEMENT MEDIAN. SCOTT STOPPED THE VEHICLE AND GOT OUT TO RETRIEVE HIS SUIT AND WHEN HE WAS RETURNING TO HIS VEHICLE AUBRY GOT OUT OF THE VEHICLE AND CONTINUED TO THROW ITEMS ONTO THE FREEWAY. SCOTT GRABBED THE ITEM ON THE FREEWAY AND TRIED TO PUT AUBRY BACK INTO THE VEHICLE. SCOTT STATED THAT HE WAS A STATE SENATOR. I SAW SCOTT'S RIGHT EYE WAS BRUISED AND HAD A SMALL CUT UNDERNEATH IT. SCOTT'S LIP WAS ALSO SWOLLEN AND HE POINTED TO WHERE THE TOP BUTTON ON HIS SHIRT WAS BUT SAID AUBRY RIPPED IT OPEN AND THE BUTTON FELL OFF. SCOTT ALSO HAD A SMALL CUT UNDERNEATH HIS NOSE ON THE LEFT SIDE OF HIS FACE.

SCOTT WAS PLACED INTO THE BACK OF A DPS PATROL VEHICLE AND AUBRY WAS PLACED IN ANOTHER ONE. BOTH PARTIES WERE TRANSPORTED OFF THE FREEWAY TO THE PARK PARKING LOT AT 3500 EAST CACTUS ROAD FOR THEIR SAFETY. I DROVE SCOTT'S VEHICLE TO THAT LOCATION AS MY PARTNER FOLLOWED ME IN THE PATROL VEHICLE.

UPON ARRIVAL AT THE PARK I PLACED SCOTT IN THE BACK OF MY PATROL VEHICLE AND TOOK HIS HANDCUFFS OFF. SINCE SCOTT STATED THAT HE WAS A STATE SENATOR AND THAT HE WAS IN SESSION, MY SUPERVISOR SERGEANT RODARME #6999 CONTACTED THE LEGAL DEPARTMENT TO VERIFY THAT INFORMATION. AT 2347 HOURS I READ SCOTT HIS MIRANDA RIGHTS AND ADVISED HIM THAT HE WAS NOT UNDER ARREST BUT STILL UNDER INVESTIGATIVE DETENTION. SCOTT REPLIED "YES" WHEN ASKED IF HE UNDERSTOOD HIS RIGHTS BUT SAID HE WOULD NOT ANSWER ANY OTHER QUESTIONS WITHOUT HIS LAWYER PRESENT.

SGT RODARME WAS ADVISED BY OUR ON DUTY LEGAL ATTORNEY THAT UNDER ARTICLE 4 OF THE CONSTITUTION THAT IF THE SENATE WAS IN SESSION AND UNLESS SCOTT COMMITTED TREASON OR BREACH OF THE PEACE THEN HE WAS IMMUNE TO ARREST. IT WAS VERIFIED THAT LEGISLATION WAS IN SESSION.

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I CONTACTED W1 RICH MAIOCCO BY TELEPHONE AND HE STATED THE FOLLOWING. RICH WAS ENTERING THE SR-51 NORTH BOUND FROM SHEA BOULEVARD WHEN HE WITNESSED A GOLD COLORED SEDAN PARKED NEXT TO THE CEMENT MEDIAN. RICH SAID HE WITNESSED A MAN PUSHING OR PULLING A FEMALE NEXT TO THE PASSENGER SIDE DOOR OF THE GOLD COLORED SEDAN. RICH ALSO STATED THAT THE FEMALE FELL TO THE GROUND NEAR THE PASSENGER DOOR WHILE THE MALE HAD HIS HANDS ON HER. RICH IS WILLING TO TESTIFY AND CAN IDENTIFY THE MALE AND FEMALE.

OUR INVESTIGATION REVEALED THAT SENATOR BUNDGAARD WAS IMMUNE FROM THIS CRIME. I REMOVED SCOTT FROM THE BACK OF MY VEHICLE AND HIS INJURIES WERE PHOTOGRAPHED BY OFC GRABER #9448. OFC GRABER ALSO PHOTOGRAPHED AUBRY'S INJURIES. BASED ON SENATOR BUNDGAARD'S POSITION HE WAS RELEASED. HIS GIRLFRIEND AUBRY WAS BOOKED INTO 4TH AVENUE JAIL FOR DOMESTIC VIOLENCE ASSAULT. I AM REQUESTING THAT THE DOMESTIC VIOLENCE ASSAULT CHARGE BE SUBMITTED ON SENATOR BUNDGAARD WHEN THE LEGISLATION IS NOT IN SESSION. PLEASE REFER TO OFC WERNER #9412 FOR FURTHER INFORMATION REGARDING AUBRY'S STATEMENT. SCOTT DOES NOT DESIRE PROSECUTION AND WILL NOT TESTIFY AGAINST AUBRY.

VICTIM RECEIVED RIGHTS INFORMATION: YES

MAIL-IN SUPPLEMENT:

INVOICES:

DR ENTERED BY : 9314

DR FINALIZED BY : 9314

END OF REPORT

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REPORT DATE: 20110226 TIME: 0638

TYPE OF REPORT: DOMESTIC VIOLENCE ASSAULT

OFFENSE: 415F

PROSECUTION DESIRED:

SUSPECT[S]: BOOKED

LOCATION: N PIESTEWA PARKWAY
E CACTUS ROAD

BEAT: 0635 GRID: DB35B

DATE/TIME OF OCCURRENCE: FRI 022511 1119

REPORTING OFFICER[S]: TERRY WERNER

9412 UNIT: 63K

OFFENSE INVOLVED: BIAS - NONE (NO BIAS)

REPORT DISPOSITION: FIELD CLEARED BY ARREST

OVER AGE 18: YES

**** SUSPECT INFORMATION ****

ARRESTED PERSON-01:

NAME: BALLARD, AUBRY MICHELLE

SPEAKING: ENGLISH

SUSPECTED OF USING: NOT APPLICABLE

RACE: W SEX: F AGE: 34 DOB: 1976 HT: 506 WT: 127
HAIR: BRO EYES: GRN SSN:
LEVEL OF FORCE : NOT DICTATED OR WRITTEN

ARREST:

DATE: 022611 TIME: 0046 DAY: SAT GRID: DB36
LOC: 012209 N 36TH STREET PHOENIX AZ
PHX.P.D. BOOKING NO: 201102260240

*** PROPERTY/EVIDENCE ***

RECOVERY LOCATION: 000000
DATE: 000000

SEARCH WARRANT INVOLVED:

0001 PKG 001 CODE:EI AP01

ITEM: RATAPE BRAND: MODEL: COLOR:

DESCRIPTION: STATEMENT GIVEN BY AP1 AUBRY BALLARD WHICH WAS
IMPOUNDED AS EVIDENCE AT DESERT HORIZON PRECINCT

**** NARRATIVE ****

SERIAL NUMBER: 9412

ON 022611 AT APPROXIMATELY 2319 HOURS, I RESPONDED AS ONE MAN UNIT RADIO
CALL LOCATED ON NORTH PIESTEWA PARKWAY JUST OF EAST CACTUS ROAD ON THE
NORTHBOUND SIDE OF THE FREEWAY.

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Continued.

UPON ARRIVING, I FOUND SP1 SCOTT BUNDGAARD AND AP1 AUBRY BALLARD. FOR THE PURPOSE OF SAFETY, THE TWO SUBJECTS AND THE VEHICLE WERE MOVED TO 11229 NORTH 36TH STREET IN THE PARKING LOT.

UPON ARRIVING, I ASKED AUBRY TO EXPLAIN THE INCIDENT. IT SHOULD BE NOTED THAT MS BALLARD AND SENATOR BUNDGAARD HAVE AN INTIMATE RELATIONSHIP WHERE MS BALLARD FREQUENTLY STAYS THE NIGHT ON WEEKENDS AT SENATOR BUNDGAARD'S RESIDENCE. THEY HAVE BEEN IN A RELATIONSHIP FOR APPROXIMATELY EIGHT MONTHS.

MS BALLARD STATED THAT ON 022611 AT APPROXIMATELY 2319 HOURS, SENATOR BUNDGAARD WAS IN THE DRIVER SIDE SEAT OF THE VEHICLE AND MS BALLARD WAS IN THE FRONT PASSENGER SIDE SEAT. THEY WERE IN THE CARPOOL LANE GOING NORTHBOUND ON THE I-51 OR THE PIESTEWA PARKWAY JUST BEFORE THE CACTUS ROAD EXIT. SHE SAID THAT THEY VERBALLY ARGUING WHILE SHE WAS DRIVING. DURING THE ARGUMENT, SENATOR BUNDGAARD USED HIS RIGHT ARM IN A SWINGING MOTION AND HIT MS BALLARD OVER HER CHEST. THE STRIKE CAUSED BRUISING ON THE LEFT UPPER CHEST AREA OF MS BALLARD. MS BALLARD STATED THAT HE STRUCK HER TWICE.

IT SHOULD BE NOTED THAT MS BALLARD DENIED ANY MEDICAL ATTENTION FOR HER INJURIES.

MS BALLARD THEN SAID, "YOU HIT ME" AND STRUCK SP1 BUNDGAARD IN THE FACE WITH HER LEFT ARM USING AN OPEN HAND. MS BALLARD ATTEMPTED TO THEN USE HER PHONE TO CALL HER PARENTS FOR SOME HELP. SP1 BUNDGAARD GRABBED HER PHONE OUT OF HER HAND AND THREW IT OUT OF HIS DRIVER SIDE WINDOW. MS BALLARD STATED THAT AFTER 20 TO 30 SECOND, SENATOR BUNDGAARD STOPPED THE VEHICLE IN THE INSIDE SHOULDER OF THE NORTHBOUND CARPOOL LANE TO GO BACK FOR HER PHONE. BOTH SUBJECTS LEFT THE VEHICLE AND WERE ATTEMPTING TO FIND THE PHONE WHEN SENATOR BUNDGAARD RETURNED TO THE VEHICLE, THREATENING TO LEAVE MS BALLARD ON THE FREEWAY. MS BALLARD WENT BACK TO THE VEHICLE AND ATTEMPTED TO OPEN THE DRIVER SIDE DOOR, BUT UNABLE TO BECAUSE SENATOR BUNDGAARD HAD LOCKED THE DOORS. AFTER A FEW MOMENTS, SENATOR BUNDGAARD OPENED THE DRIVER SIDE DOOR AND PUSHED MS BALLARD TO THE GROUND WITH A TWO HANDED IMPACT PUSH, MAKING HER FALL TO THE GROUND CAUSING A LACERATION ON HER RIGHT KNEE AND A CAUSED A SCRAPE ALSO ON HER RIGHT HAND.

IT SHOULD BE NOTED THAT MS BALLARD HAD DIFFICULTY REMEMBERING ALL THE DETAILS OF THE INCIDENT, BUT SHE STATED THAT HE PUSHED HER DOWN AT LEAST TWICE.

AT THIS TIME, MS BALLARD WAS PLACED UNDER ARREST ON 022611 AT APPROXIMATELY 0046 HOURS. MIRANDA WARNING WAS READ DIRECTLY FROM THE CARD AT 0048 HOURS. MS BALLARD STATED YES TO UNDERSTANDING HER RIGHTS.

FOR FURTHER INFORMATION CONCERNING MS BALLARD'S STATEMENTS, PLEASE LOOK TO HER RECORDED STATEMENTS WHICH WERE IMPOUNDED AS EVIDENCE ON A CASSETTE TAPE AT DESERT HORIZON PRECINCT.

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MS BALLARD THAT SHE DOES NOT WANT PROSECUTION AGAINST SENATOR BUNDGAARD.

MS BALLARD WAS BOOKED ON 13-1203A WHICH IS ASSAULT DOMESTIC VIOLENCE. SHE WAS PROCESSED AT DESERT HORIZON PRECINCT AND TRANSFERRED DOWN TO 4TH AVENUE JAIL.

FOR FURTHER INFORMATION CONCERNING THIS REPORT, PLEASE LOOK TO THE ORIGINAL REPORT BY OFFICER PATTERSON #9314.

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DICTATED ON 022611/0638/1

VICTIM RECEIVED RIGHTS INFORMATION: NO

MAIL-IN SUPPLEMENT:

INVOICES: 3992796

DR ENTERED BY : A4072 DR FINALIZED BY : A4072

END OF REPORT

DR NO: 2011 00331216 001