

**AZ POST
CASE OVERVIEW
CHARGING BOARD
March 15, 2017
Compliance Specialist: Lori Wait**

OFFICER:	Mata, Gonzalo P. Jr.	Case No. 15-160
AGE:	32	
AGENCY:	Kearny Police Department	
EMPLOYMENT DATES:	May 4, 2014 – September 21, 2015	
PREVIOUS EMPLOYMENT:	Kearny Police Department January 24, 2013 – May 4, 2014 Huachuca City Police Department March 12, 2013 – May 29, 2012	
TRAINING ACADEMY:	Pima Community College Academy	
GRADUATION DATE:	June 22, 2011	
SOURCE OF COMPLAINT:	Termination Report (Resigned in lieu of termination)	
BOARD ACTION NEEDED:	NA/RF/IP	

ALLEGED CONDUCT:

1. On July 18, 2015, Officer Gonzalo Mata, texted, "I'm going to kill you" to his estranged wife, Ms. LW.
2. On July 18, 2015, Officer Gonzalo Mata violated a written Memorandum of Understanding from his agency by contacting his estranged wife, Ms. LW, with text messages outside the scope of their allowed contact.
3. On July 19, 2015, Officer Gonzalo Mata violated a written Memorandum of Understanding from his agency by contacting his estranged wife, Ms. LW, in person outside the scope of their allowed contact.
4. On July 28, 2015, Officer Gonzalo Mata violated a Court Order of Protection by telephoning his estranged wife, Ms. LW, from a blocked number.
5. On July 28, 2015, Officer Gonzalo Mata violated a Court Order of Protection by following her to her gym, LA Fitness.
6. On July 28, 2015, Officer Gonzalo Mata violated a Court Order of Protection by driving by his estranged wife, Ms. LW's, residence.

VIOLATION OF POST RULES: *The above conduct violates the following rules that were in effect 1/1/2007-4/7/2016:*

* **R13-4-109**

A. The Board may deny certified status or suspend or revoke the certified status of a peace officer for:

- 7. The commission of a felony, an offense that would be a felony if committed in this state, or an offense involving dishonesty, unlawful sexual conduct, or physical violence: To wit: Domestic Violence/Stalking, ARS 13-3601A/13-2923A2; Class 3 Felony**
- 8. Malfeasance, misfeasance or nonfeasance in office; or**
- 9. Any conduct or pattern of conduct that tends to disrupt, diminish or otherwise jeopardize public trust in the law enforcement profession.**

CASE SUMMARY:

On May 14, 2015, Sgt. Holloway with Kearny Police Department was directed by the Chief of Police to investigate a complaint from Lt. Inorio from South Tucson Police Department reference harassing behavior from Officer Gonzalo Mata towards his estranged wife, Ms. LW, an officer with South Tucson Police Department. Officer Mata and Ms. LW were separated and in divorce proceedings. Lt. Inorio reported Officer Mata was sending disturbing texts to Ms. LW, showing up unannounced at her residence and had showed up on a call while Ms. LW was on-duty. When Sgt. Holloway met with Officer Mata to discuss South Tucson PD's concerns over his behavior, Officer Mata became angry and stated whatever he did off-duty was his business.

Ms. LW contacted Sgt. Holloway by telephone on June 28, 2015 to advise Officer Mata's texts and phone calls had increased and had become excessive and a nuisance. Ms. LW requested the situation be addressed for possible harassment. Officer Mata was served with a Memorandum of Understanding, dated July 2, 2015, from the Kearny Chief of Police and Kearny Town Manager, stating he was to cease and desist any contact with Ms. LW unless it involved child custody issues, visitation or support.

On July 18, 2015, Officer sent a series of text messages to Ms. LW, to include a message stating, "I'm going to kill you." Ms. LW reported the incident to her agency (South Tucson PD) and an incident report was taken. The case was turned over to the Pima County Sheriff's Department for investigation. On July 19th, Officer Mata followed Ms. LW to a Wal-Mart store and confronted her when she exited the store in an attempt to speak with her. On July 20, 2015, Ms. LW was granted an Order of Protection and Pima County Sheriff's Department served Officer

Mata with the Order. On July 27, 2015, Officer Mata was placed on Administrative leave by his agency. On July 28, 2015, Officer Mata violated the Order of Protection by calling Ms. LW from a blocked number, followed her to her gym, and drove by her residence.

The following day, Officer Mata was arrested by the Pima County Sheriff's Department and charged with A.R.S. 13-3601/13-2923A2, Domestic Violence/Stalking. Officer Mata was terminated from his agency on September 21, 2015. The charges were eventually dismissed by the Pima County Attorney's Office on November 8, 2016.

CASE NOTES:

1. On October 13, 2015, a termination report was received from the Kearny Police Department with an effective date of September 21, 2015, regarding Officer Gonzalo P. Mata Jr., which indicated that the agency was aware of conduct that may violate AZ POST rules.
2. On May 14, 2015, Lt. Inorio from South Tucson Police Department (STPD) relayed information to Chief Corso of the Kearny Police Department (KPD) that an officer with KPD, Officer Mata, was sending disturbing texts to his estranged wife, Ms. LW, an officer with STPD. Mata would also show up at Ms. LW's residence unannounced and had stopped at one of her calls while she was on-duty. This behavior was a concern for personnel at STPD and Lt. Inorio wanted to disclose the information to KPD.
3. KPD staff was aware Mata and Ms. LW were separated and in the process of a divorce. Chief Corso instructed Sgt. Holloway to investigate the complaint from Lt. Inorio. Sgt. Holloway contacted Lt. Inorio and Ms. LW by telephone to confirm the information. Ms. LW wanted Mata to be spoken to and no other action to be taken.
4. On May 15, 2015, Sgt. Holloway spoke with Mata reference STPD's concerns reference his behavior towards Ms. LW. Mata initially denied sending any texts to Ms. LW; however, he immediately stated he did not recall sending any texts to her. Mata then advised he may have sent some texts but they were "talking shit back and forth". When Sgt. Holloway addressed the concerns of Mata showing up unannounced at Ms. LW's residence and on a call while she was working, Mata became angry and stated that whatever he did on his time off was his business.
5. Sgt. Holloway strongly cautioned Mata that his behaviors and continued conduct would jeopardize his career at KPD as his off duty conduct was not a positive reflection on the agency. Mata stated he was done and was going to "fuck Linda over with child support", as he walked out of the office.
6. On June 28, 2015, Ms. LW contacted Sgt. Holloway after getting off the phone with Mata. Ms. LW advised Sgt. Holloway Mata's calls and texts had increased and had become "excessive" and a "nuisance". Ms. LW said Mata attempted to contact her 9

different times in a 7 hour period from 2400 to 0700 hours. Ms. LW advised she would not answer the calls or respond to the texts, however, Mata would continue to text and call until she finally responded. Some of these calls took place while Ms. LW was on-duty.

7. A Memorandum of Understanding, dated July 2, 2015, was served to Mata by Kearny Police Chief Richard Corso and Kearny Town Manager Anna Flores. The memo addressed the issues surrounding Mata's continued behavior, which bordered on harassment of Ms. LW, and advised him of possible criminal charges for harassment should his behavior continue. The memo also ordered Mata to cease and desist all contact with Ms. LW unless it involved child custody issues, visitation or child support. Finally the memo outlined that failure to comply with this directive would result in further discipline to include suspension or termination.
8. On July 6, 2015, an e-mail from Lt. Inorio was sent to Kearny Police Chief, Richard Corso. Lt. Inorio advised Mata's behavior had gotten worse, as Mata would call and text Ms. LW, sometimes 50 times a night. Mata had appeared on crime scenes while Ms. LW was on-duty and had been located sitting in his vehicle outside Ms. LW's residence. Lt. Inorio explained the residence Ms. LW was currently living in was actually owned by the City of South Tucson. Mata had been given a lawful order by one officer to stay away from the residence. Ms. LW had missed several days of work due to stress.
9. On July 18, 2015, Ms. LW notified STPD that Mata threatened her over a cell phone text. Ms. LW reported she arrived home from work around midnight and when she left the residence approximately 30 minutes later Mata started sending her text messages from his cell phone. Mata sent her 10 texts between 0029 and 0317 hours. The text messages were as follows:
 - "You left me to go meet this guy" (0029 hours)
 - "I can't believe Your with a guy" (0040 hours)
 - "Im going to kill you" (0043 hours)
 - "Are you with a guy please tell me Linda please call me to tell me your not or you are" (0045 hours)
 - "Im done Linda I cant do this anymore" (0109 hours)
 - "You cant admit it to me" (0216 hours)
 - "So how was it" (0256 hours)
 - "Why ate you a fucken liar". "You pick him up from airport". "Why do you fucken lie". "You fucked a guy now your laying Down with my kid". (0300 hours)
 - "Cant even tell me the true" (0316 hours)
 - "You're a fucken lyer Linda". "Picking up airport. Fucken liar" (0317 hours)

10. Ms. LW showed these text messages to responding officers. Screenshots of the text messages were printed and placed into evidence at STPD. The investigating officer attempted to make contact with Mata by calling Mata's cell phone. The officer left a voicemail for Mata to call him.
11. Ms. LW told the investigating officer Mata called her and admitted to sending the text messages, stating it was a mistake. Mata then called the investigating officer (this conversation was recorded by the investigating officer). During the course of the conversation, Mata advised he was in San Diego and had sent the text messages to Ms. LW. Reference the text stating, "Im going to kill you", Mata said he meant to type "Im going to call you". The officer noted that none of the text messages were related to child issues. Mata was advised not to go to Ms. LW's house as she was frightened and did not want him there.
12. On July 19th, Ms. LW went to a local Wal-Mart around midnight. Ms. LW reported as she was leaving the store and walking in the parking lot, Mata got out of his vehicle, approached her, and tried to speak with her. MS. LW stated she had several missed calls from Mata prior to arriving at Wal-Mart and while she was in the store. Ms. LW did not answer any of Mata's calls. When Mata approached her, he said he just wanted to talk with her. Ms. LW got in her car and left. Ms. LW noticed a vehicle following her and thought it may be Mata. Ms. LW then received a phone call from Mata and she asked him why he was following her. Mata denied following her and the vehicle following her turned in a different direction.
13. The case was turned over to the Pima County Sheriff's Department (PCSD) for follow-up. On July 20th, Mata was placed under arrest by the Sheriff's Department for a variety of charges, to include Threatening and Intimidating, Harassment, and Use of Electronic Communication to Threaten, stemming from the threatening text message to MS. LW two days prior. Mata was interviewed by the case officer and Mata gave the same account, stating he meant to text "I will call you" instead of I will kill you.
14. Mata was released as detectives were attempting to get a search warrant to download Mata's cell phone as well as Ms. LW's cell phone. Mata was also served with an Order of Protection that Ms. LW obtained through the Justice Court earlier in the day. The order stated Mata was not to have contact with Ms. LW and not go near her residence.
15. Several days later Ms. LW was interviewed by deputies. Ms. LW advised that within a minute of Mata sending her the threatening text message that he was going to kill her, she received a phone call from Mata. Ms. LW asked him why he threatened her. Mata asked her what she was talking about. Ms. LW told Mata she didn't want to talk about it and reported the incident to her agency, STPD.
16. On July 27, 2015, Mata was placed on Administrative Leave at his agency.

17. On July 28, 2015, Ms. LW reported to PCSD that Mata violated the Order of Protection by calling her from a blocked number, followed her around town, and drove by her residence. Ms. LW advised she saw Mata drive by her residence around 1 a.m. as she was coming home from work. At approximately 2 p.m., Ms. LW received a call from a friend, Officer Claire Diaz from STPD. Diaz told Ms. LW she saw Mata driving by Ms. LW's residence. Ms. LW also advised she went to LA Fitness that day and as she was leaving the gym, she saw Mata parked in the Best Buy parking lot adjacent to her gym. Ms. LW reported she knew Mata saw her because she looked at him twice and the second time she looked at him he drove away. Mata did not make contact with her, but Ms. LW felt Mata was following her. Ms. LW advised when she arrived home and called PCSD to report the incidents, Mata drove by her residence again.
18. Officer Diaz was interviewed. Diaz stated she was aware of the relationship between Mata and Ms. LW and contacted MS. LW when she saw Mata driving on the street where Ms. LW lives.
19. Mata was arrested in the early morning hours of July 29th. Ms. LW was advised of Mata's arrest. When asked how she was feeling about the situation, Ms. LW advised she was concerned as she felt Mata was too emotional. Ms. LW did not know what was going on with Mata or what he was capable of or what he might do. Ms. LW advised she was concerned Mata would hurt her as he had been following her.
20. Mata was interviewed by PCSD and a search warrant was obtained for Mata's and Ms. LW's cell phones as well as Mata's vehicle, which had been impounded. A receipt was located in Mata's vehicle for a Circle K located very close to Ms. LW's residence. The date and time on the receipt was July 28th at 1300 hours, just shortly before Officer Diaz saw Mata driving on the street where Ms. LW's residence was located.
21. Mata explained to detectives he would randomly call and text Ms. LW to see why she was leaving the house and where she was going in an attempt to get a reaction out of her, but Mata denied sitting outside Ms. LW's residence. He also denied calling Ms. LW after he was served the Order of Protection.
22. When asked about confronting Ms. LW in the Wal-Mart parking lot on July 19th, Mata stated he was not following Ms. LW, that it was a coincidence that he showed up at Wal-Mart the same time she did. When asked about driving on the street where Ms. LW's residence is located on July 28th, Mata denied doing this, even though a witness placed him on the street and a Circle K receipt was found in his vehicle date and time stamped for July 28th near the time the witness saw Mata on the street.
23. When asked about being parked in the Best Buy parking lot near Ms. LW's gym on July 28th, Mata explained he was just aimlessly driving around because he had nothing else to do. Mata decided he was going to see a movie at the Harkins Theater but changed his mind. Mata stopped his vehicle in the Best Buy parking lot because it was raining. He

wanted to enjoy the rain and lit a cigarette. Mata denied following Ms. LW. Mata admitted to investigators being at the places where Ms. LW had seen him, however, he denied following her, stating it was just coincidence.

24. It should be noted that Mata was living in Green Valley at the time of these incidents and 23 miles separate Green Valley from South Tucson where Ms. LW was living.
25. Mata admitted to investigators that he was “probably obsessed” with Ms. LW and that he needed counseling.
26. Text messages retrieved from Mata’s cell phone were verified per Ms. LW’s reports and indicated Mata was watching Ms. LW, by way of asking her where she was going and why she was leaving her house. Mata was charged with A.R.S. 13-2601/13-2932A2, Stalking, a class 3 felony.
27. Mata was terminated from Kearny Police Department, effective September 21, 2015. Mata appealed his termination before the Town Council and they allowed him to resign in lieu of termination.
28. On November 8, 2016, the charges against Mata were dismissed at the request of the Pima County Attorney’s Office. When asked, Caroline Allen, the Deputy County Attorney, advised the victim, Ms. LW, became uncooperative and the County Attorney was not going to be able to prove the case.

BOARD ACTION TAKEN:

None – New agenda item.