

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

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Disposition of Complaint 21-398

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Judge:

Complainant

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**ORDER**

May 25, 2022

The Complainant alleged a superior court judge engaged in judicial misconduct by issuing a pick-up of a minor order that allowed the police to use reasonable and necessary force to take physical custody of a child and deliver the child to the custody of representatives of the Department of Child Services.

The role of the Commission on Judicial Conduct is to impartially determine whether a judicial officer has engaged in conduct that violates the Arizona Code of Judicial Conduct or Article 6.1 of the Arizona Constitution. There must be clear and convincing evidence of such a violation in order for the Commission to take disciplinary action against a judicial officer.

The Commission does not have jurisdiction to overturn, amend, or remand a judicial officer's legal rulings. The Commission reviewed all relevant available information and concluded there was not clear and convincing evidence of ethical misconduct in this matter. The complaint is therefore dismissed pursuant to Commission Rules 16(a) and 23(a).

Commission members Christopher W. Ames and Joseph C. Kreamer did not participate in the consideration of this matter.

Copies of this order were distributed to all appropriate persons on May 25, 2022.

**CONFIDENTIAL**

Arizona Commission on Judicial Conduct  
1501 W. Washington Street, Suite 229  
Phoenix, Arizona 85007

**FOR OFFICE USE ONLY**

21-398

**COMPLAINT AGAINST A JUDGE**

Name: \_\_\_\_\_ Judge's Name: \_\_\_\_\_

**Instructions:** Use this form or plain paper of the same size to file a complaint. Describe in your own words what you believe the judge did that constitutes judicial misconduct. Be specific and list all of the names, dates, times, and places that will help the commission understand your concerns. Additional pages may be attached along with copies (not originals) of relevant court documents. Please complete one side of the paper only, and keep a copy of the complaint for your records.

This complaint is written against \_\_\_\_\_ Court, \_\_\_\_\_ Judge  
for dangerous and offensive language used in signed court documents titled: ORDER FOR PICK UP OF MINOR CHILD. Specifically, I reference the attached ORDER FOR PICK UP OF MINOR CHILD,  
dated \_\_\_\_\_ There have been at least \_\_\_\_\_ other Pick Up Orders for this  
minor child, signed by Judge \_\_\_\_\_ dating back to \_\_\_\_\_

The language in the ORDER FOR PICK UP reads: "...

The use of this language is absurd, in this day and age, where there is known police brutality and abuse of power by our nations law enforcement personnel. This is especially egregious language when giving permission for law enforcement to use force against a MINOR CHILD. (Not to mention a child with known mental health and \_\_\_\_\_ abuse issues.) I fear next time the child is picked up using AUTHORIZED FORCE, it could turn deadly. This language must be discontinued immediately.

The minor child, in this case, is not a criminal minor child or a fugitive. Runaway, by definition of the Arizona Revised Statutes (ARS) is not criminal. I have found nothing in the ARS that states a runaway CHILD should be picked up by law enforcement with AUTHORIZED use of FORCE.

It is my belief that Judge \_\_\_\_\_ is responsible for the most recent abuse of force used upon the minor child, \_\_\_\_\_ by \_\_\_\_\_ Police officers on or around \_\_\_\_\_, which resulted in "Several cuts on her legs, right hip, knees, and left foot." According tot he DCS report, the Officer admitted, "She had obtained those cuts when she ran from police officers." DCS personnel apparently thought the cuts they observed, caused by the use of force on the MINOR CHILD, were significant enough to get the child admitted tc \_\_\_\_\_ Children's Hospital \_\_\_\_\_ to get medically cleared.

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In reviewing the report, it is obvious the officer blatantly admitted to using force on the MINOR CHILD because he/she knows they are shielded not only under "qualified immunity," but also by the authorized language in Judge \_\_\_\_\_ ORDER FOR PICK UP OF MINOR CHILD. Judge \_\_\_\_\_ explicitly gives any peace officer permission and authorization to use such force and brutality on a minor child.

In recent years abuse of power by police officers across the nation, including such agencies as PD, \_\_\_\_\_ PD, \_\_\_\_\_ PD, and DPS, all agencies named in Judge \_\_\_\_\_ multiple ORDERS FOR PICK UP OF MINOR CHILD, have been well documented in the

I am requesting a thorough and independent review of such archaic and abusive verbiage condoning officers use of force on children. I am requesting a thorough investigation into all pick up orders for MINOR CHILDREN signed by Judge \_\_\_\_\_. The abuse of power Judge \_\_\_\_\_ is allowing any peace officer to use on a minor child is wrong not only on a humanitarian level, but a legal and criminal level as well.

Thank you.

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IN THE COURT OF THE STATE OF ARIZONA  
IN AND FOR THE COUNTY OF

In the Matter of:

No.

**ORDER FOR PICKUP  
OF MINOR CHILD**

(Honorable

Upon motion of the  
pursuant to A.R.S. §§ 8-456(C)(2), 8-810(A), 8-817(D), 8-821(B), (D), and (I),  
and good cause appearing,

IT IS ORDERED that any other person having physical custody of the  
child, date of birth:  
immediately deliver her to a or to

County and/or any other law enforcement agency  
officer and that such officer, take the child into custody and is authorized to use

1 reasonable and necessary force to take physical custody, and deliver the child into  
2 the custody \_\_\_\_\_ or designee.

3  
4 IT IS FURTHER ORDERED that that a peace officer may use reasonable  
5 force to enter any building which the child, \_\_\_\_\_, date  
6 of birth: \_\_\_\_\_ is or is reasonably believed to be, as provided for in  
7 A.R.S. § 8-821(I).

8  
9 IT IS FURTHER ORDERED that any other person having knowledge of  
10 the whereabouts of the child, \_\_\_\_\_ cooperate with  
11 \_\_\_\_\_ and any and all of the law enforcement agencies named above, and provide  
12 all information within their knowledge regarding the whereabouts of the child,  
13 including but not limited to, the last known location of the child and the names,  
14 addresses and telephone numbers of any and all persons who might be keeping the  
15 child, or who might know where she is being kept.

16  
17 IT IS FURTHER ORDERED that an officer of the  
18 \_\_\_\_\_  
19 \_\_\_\_\_  
20 County \_\_\_\_\_ and/or any other law enforcement agency officer, take  
21 \_\_\_\_\_ into custody  
22 and deliver the child to a representative of \_\_\_\_\_ at:  
23 \_\_\_\_\_  
24 \_\_\_\_\_ if between the hours of \_\_\_\_\_ At  
25 other times, contact should be made with a representative of \_\_\_\_\_ at  
26 or \_\_\_\_\_ for instructions.

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1 IT IS FURTHER ORDERED that this order shall expire upon dismissal of  
2 the dependency for this child or on the child's birthday,  
3 unless otherwise quashed by order of this Court.  
4

5 IT IS FURTHER ORDERED that the County Clerk's Office fax  
6 a copy of the signed Order for Pick Up to the following law enforcement agency  
7 or agencies: , at fax number  
8

9 **A PERSON WHO KNOWINGLY INTERFERES WITH THE**  
10 **TAKING OF A CHILD INTO TEMPORARY CUSTODY IS GUILTY OF A**  
11 **CRIMINAL OFFENSE.**

12 **DESCRIPTION OF CHILD:**  
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18 The reasons for this Motion are set out in the attached report to the Court  
19 dated A report was filed with the Police Department under  
20 report number  
21

22  
23 DATED: \_\_\_\_\_  
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**THE COMMISSION'S POLICY IS  
TO POST ONLY THE FIRST FIVE  
PAGES OF ANY DISMISSED  
COMPLAINT ON ITS WEBSITE.**

**FOR ACCESS TO THE  
REMAINDER OF THE  
COMPLAINT IN THIS MATTER,  
PLEASE MAKE YOUR REQUEST  
IN WRITING TO THE  
COMMISSION ON JUDICIAL  
CONDUCT AND REFERENCE  
THE COMMISSION CASE  
NUMBER IN YOUR REQUEST.**