

February 2, 2004

Juan Martin, Deputy City Manager
City of Phoenix
200 W. Washington St.
Phoenix, AZ 85003

Dear Juan:

Thank you for your time with Officer Dan Boyd and myself several weeks ago. Your “open door” demeanor and attentive ear are greatly appreciated by the Phoenix Law Enforcement Association. Because we represent over 2200 Phoenix Police Officers, it is important for us to cultivate a healthy work environment with the goal of making the Phoenix Police Department one of the best, if not “the” best law enforcement agency in the country. Certainly, integrity and lawful conduct are crucial ingredients in obtaining this goal. It is in this spirit that I would like to provide you with the following concerns.

Since Chief Harold Hurtt took leadership of the police department, PLEA has filed numerous complaints alleging supervisory misconduct. Three of the most serious focused on integrity issues, false statements and misleading information. Specifically, the following supervisors’ veracity was of extreme concern to the Association and these concerns were brought to the attention of Chief Hurtt:

- Sgt. Ruth Anne Wisneski
- Sgt. Yolanda Mathews
- Lt. Jeff Halstead

Allegations of misconduct were made in reference to the aforementioned supervisors. Chief Hurtt refused to conduct any administrative investigation. Sgt. Wisneski was allowed to voluntarily demote with no administrative investigation. The investigation that brought her integrity issues to light was rewritten by her lieutenant. Sgt. Yolanda Mathews’ veracity issue was treated as a performance problem. Chief Hurtt provided no explanation as to why she was not investigated (*see attached response letter*). In 2000 veracity issues concerning Lt. Halstead were brought to the attention of Chief Hurtt. PLEA was told that being inaccurate is not the same as being untruthful and once again no administrative investigation was initiated. In January, 2004 a membership survey was conducted of officers, civilians, and supervisors assigned to the Downtown Operations Unit. Almost 70% of the responses indicated problems with Lt. Halstead and/or management integrity. Like the other issues, this too was brought before Chief Hurtt with no administrative investigation being conducted.

During Chief Hurtt's tenure, the Association has brought to his attention no less than three Title 13 felonies believed to be committed by supervisors.

- Lt. Larry Giebelhausen
- Lt. Jim Farris
- Assistant Police Chief Sil Ontriveros

Lt. Larry Giebelhausen tampered with a public record (13-2407). He scratched the names of witness officers from traffic citations, both civil and criminal, in an attempt to save the department overtime. Without conferring with the witness officers, he deceived both the court and the defendant as to the necessity of witnesses listed on the tickets. No administrative investigation was conducted by Chief Hurtt. Lt. Jim Farris kicked a detective (13-1204.A.5) and no aggravated assault criminal charges were filed. He was subsequently disciplined and transferred. Assistant Chief Sil Ontriveros applied a chemical agent to an unconscious person lying in a dumpster (13-1204.A.8). Executive Assistant Chief Mike McCort commented that this was a "dumb thing" to do and would have liked to have given Chief Ontriveros more than a supervisory counseling. No criminal investigation was conducted (*as would have been for rank and file officer*) for review for the County Attorney.

This pattern of not conducting administrative investigations is further highlighted by an incident that was brought to PLEA's attention in January 2003. An anonymous complaint letter (*see copy of attached letter and memo*) was received by the Association. It contained an allegation of a conversation that was overheard that involved seriously derogatory and racially biased comments. The anonymous citizen provided a copy of memo left behind by one of the police employees who had engaged in the conversation. The description and the memo caused the Association to believe the police employee involved was Assistant Chief John Buchanan. A copy of the letter and memo were provided to Chief Hurtt. No administrative investigation was conducted. No written response was provided as to the reason for this course of action (*or lack of*).

In understanding the review of the Rampart incident of the L.A.P.D., one of the findings for the cause of corruption encountered was a lack of supervisory accountability. PLEA does not want the Phoenix Police Department to reflect any of the qualities the Rampart incident focused on. But yet, in his pursuit to address conduct and disciplinary issues among rank and file (*our 2200 members*), it appears that Chief Hurtt struggles holding supervisors accountable for misconduct, both criminally and administratively.

Lastly, union representatives frequently encounter officers who violate Department policy not out of malice but out of ignorance. "I didn't know that was policy" is a response that is often met with, "You should have known" with discipline almost always following. The Association finds it striking that supervisors of the Phoenix Police Department are protected from these same types of errors of omission in the area of the Memorandum of Understanding (*MOU – our contract*). In order for a supervisor to receive discipline for violating a legal provision of our contract, it has to be shown that he or she did it "knowingly or intentionally" (Ops Order 3.18 Addendum A 3.B.(7).(d)). Police officers are held accountable for all four inches of department policy binder whether they know it or not. Why aren't managers held to the same

standard of accountability for a small ¼” booklet? The value of the contract, the benefits, and the rights found in the MOU are clearly communicated to PLEA as apparently unimportant by Chief Hurtt. The promotion process addresses MOU issues. Supervisors should know the MOU as well as subordinates ought to know department policy. The current policy is clearly disparate.

We are requesting that the listed supervisors be investigated for either their administrative misconduct and/or criminal actions. If it is decided that neither course of action is necessary, we would request in writing as to the reason for the decision. We will view the decisions in these cases as the new standard for our 2200 members. We are also requesting that the Ops Orders reflect that any violation of the MOU by a supervisor is a violation of department policy. “Knowingly and intentionally” doesn’t apply to department policy and shouldn’t apply to the MOU.

Your timely response is greatly appreciated. We value any direction or input you might have in rectifying this situation and in strengthening the distressed labor/management relationship.

Sincerely,

MARK SPENCER
Secretary

C: Jake Jacobsen, President
Michelle Monaco, Vice President/Grievance Chair
Phil Gordon, Mayor
Diane Stabler, AZPOST Legal Counsel
James O’Dell, CALEA Commission Chair
Donna Rossi, ABC News 15
Harold Hurtt, Police Chief

Attachments: PLEA allegation of misconduct letter involving Sgt. Yolanda Mathews (yellow)
Transcript of Sgt. Yolanda Mathews’ interview of Officer [REDACTED] (tan)
Department investigation produced by Sgt. Yolanda Mathews (lt. blue)
Changes made to Dept. investigation by Sgt. Yolanda Mathews (dark blue)
January 5, 2004 Department response letter (white)
PLEA allegation of misconduct letter involving MOU violation by Sgt. Yolanda Mathews (grey)
Citizen complaint letter concerning supervisory misconduct (white)