



# PHOENIX LAW ENFORCEMENT ASSOCIATION

*The Professional Association of Phoenix Police Officers Since 1975*

July 31, 2009

Blake McClelland Assistant Police Chief  
Professional Standards Bureau  
Phoenix Police Department  
111 W. Monroe St.  
Phoenix AZ, 85003

Blake,

On March 27, 2009 PLEA received public records obtained by Judicial Watch in Washington DC. These records are relevant to incidents alleging what appears to be the intentional falsification of physical fitness test scores that occurred within the Phoenix Police Departments Special Assignments Unit during the 2004-2006 time frame.

On August 21, 2006 Sgt. Pete Wechsler of SAU authored a memorandum to then SAU Lieutenant Dave Harvey enumerating and outlining concerns that had been brought to his attention by Officer Brian Howe regarding SAU physical fitness records (see attached memo authored by Wechsler). Officer Howe, when entering the records into a new record keeping data base, became concerned with what he was seeing in particular with regard to the records being submitted by Sgt. Bob Baker who at that point in time supervised the S53 SAU squad. Specific issues in the memo were that scores had been recorded on Saturdays and Sundays and that ages recorded were inaccurate. Howe also noted that in 2004 that the records indicated that the S53 squad had conducted testing in March, June September, and December. It appeared as if the scores had merely been replicated from month to month. During this time frame, the ages of involved officers never changed. The weights, number of sit-ups, and push-ups as well as bench press and leg press totals were the same for each officer in each month.

On August 18, 2006, Sgt. John Stevens of SAU contacted Sgt. Wechsler to express his concerns that the physical fitness records were "falsified". On August 21, 2006 after all of the data had been entered into the database, Officer Howe indicated that the information was "not correct". Sgt. Wechsler then called PSB and was told by Sgt. Giamarino that he had requested physical fitness records from Sgt. Baker on several occasions for audits that were being done but had never received them.

In light of everything that was going on in SAU at this particular point in time with regard to training records and an ongoing personnel investigation within the unit, Sgt. Wechsler forwarded his memorandum up to Lt. Dave Harvey.

Lt. Harvey authored a memo to the head of the Tactical Support Bureau, Commander Rob Handy, on August 23, 2006. The purpose of this memo was to report on the results of a "fact finding" task that was given to Lt. Harvey and Lt. Carnicle with regard to potentially falsified test scores.

Lt. Harvey's memo (see attached) reports the following with regard to actual record/scorekeeping within SAU:

- "Several of the testing dates reported in the new physical fitness database did in fact record as occurring on a Saturday or a Sunday."
- "After speaking with officers who transferred the data we found that some of the dates were reported as month and year only on the original testing sheets."
- "To complete information into the data base, a day was required, so a '1' was added as the day of the month and did not truly reflect the testing date."
- "All inconsistent Saturday/Sunday test dates reflected as the first of the month."

Lt. Harvey's memo further reported the following with regard to age inconsistencies:

- "We found that some of the ages reported for officers were inaccurate."
- "Some were simply changed and some were transferred improperly from the score sheets to the new records system."
- "While this information is not accurate, it is inconsequential to the single standard norms within SAU. Additionally, these inconsistencies in age occurred on several squads."

Lt. Harvey's memo goes on to address the issue of falsification of physical fitness scores.

- "The SAU supervisors have different reporting standards. Some squads strive to achieve the same number of push-ups and sit-ups as their squad designator. For example the S-51 Squad members strive to achieve 51 push-ups and sit-ups. Therefore some squad records have the same numbers for all squad members."
- "Another squad (Sgt. Baker S-53) has figured the minimum requirements for all squad members to pass and created a template. Once each member has achieved the minimum they are recorded as passed."
- "Sgt. Baker transfers the template information and adds the run times and date to the SAU physical fitness form."

Lt. Harvey reported that the fact finding done by him and Lt. Carnicle indicated that there was no impropriety on the part of Sgt. Baker and that the new record keeping systems put in place should prevent problems in the future.

PLEA has obvious concerns with the information presented. At least one SAU officer and two SAU Sergeants had serious concerns and even referred to records as being falsified. Lt. Harvey in his memo also used the word "falsification" when referring to the activity being described.

Unfortunately, Lt. Harvey's memo doesn't provide answers to the hard questions. Some of the questions not answered in Lt. Harvey's memo are:

1. Were SAU officers on the S-53 squad even spoken to regarding these incidents?
2. Did they indicate whether or not they had participated in physical fitness testing on Saturdays or Sundays
3. Did they indicate whether or not Sgt. Baker had coordinated and set up quarterly testing as prescribed by unit policy?
4. Were they shown the recorded scores to see if they had recollection of them as recorded?
5. Were they able to explain why the same number of repetitions and weight amounts would be listed for events such as push-ups, sit-ups, bench press, and leg press?

Additional insight into why a formal investigation was not done can be gleaned from the Monthly Supervisor notes written on Lt. Heston Silbert by Commander Rob Handy for August, 2006. Information contained in these notes indicate that Commander Handy was upset with the fact that Lt. Silbert directed Sgt. Wechsler to author a memo with a tone and allegation that would raise it to a PSB inquiry without giving TSB the chance to look into it. Commander Handy also raised concerns that the memo as written involved an allegation of an E violation on a supervisor. The notes further allude to an adversarial relationship between Lt. Silbert and Sgt. Baker as opposed to a friendly relationship between Commander Handy, Sgt. Baker and Lt. Harvey. Commander Handy further states that the calls made to PSB by Sgt. Wechsler generated a call from then Commander Steve Campbell regarding the need to start a PSB investigation.

Apparently an arrangement between Commander Handy and Commander Campbell was worked out allowing Commander Handy to deal with the issue in house. According to the last line of Silbert's August 2006 notes, Handy states: "It was determined there was no falsification of records, however a system wide problem with dates, missing records and repeated scores." This raises further questions:

Could "system wide problem with dates" mean falsified dates?

Could "system wide problem with missing records" mean that tests were never taken and scores were never recorded?

Could "system wide problem with repeated scores" mean that scores were falsified?

The comment by Commander Handy that there was a "system wide problem with missing records" coupled with scores suddenly materializing, would lead the average person to believe that records may have been fabricated.

The answer to these questions will not be known unless a formal investigation is done to determine the answers to the questions.

An allegation of falsified test scores in a unit such as SAU, where officers and supervisors are required to maintain standards well in excess of any required by rank and

file patrol officers, is an issue of obvious concern. Maintaining fitness standards can mean the difference between an officer staying in the unit or being forced to leave.

The primary issue of concern in this instance is whether or not Sgt. Baker conducted quarterly physical fitness tests with his squad as required by unit policy and, if he did not, did he then intentionally falsify unit physical fitness records for his squad in order to be able to show completed records for an audit or inspection? PSB investigators indicated that Sgt. Baker would not comply with their repeated requests to turn over fitness records to them. Sgt. Wechsler's memo indicated that Sgt. Giammarino of PSB indicated that Sgt. Baker kept his own records.

The monthly notes authored by Commander Handy would seem to indicate that the bias that existed amongst supervisory personnel within the unit alone would be grounds enough for PSB to handle the investigation. Apparently a close enough friendship existed between Commander Handy, Sgt. Baker, and Lt. Harvey and they were known to go on hunting trips together.

Without a thorough investigation that would either sustain, exonerate, or unfound allegations of misconduct, appearances of impropriety are allowed to linger and swirl around a unit that typically enjoys a stellar reputation.

To not do an investigation is a disservice not only to Sgt. Baker but to all of the officers that serve with distinction on a daily basis within SAU.

The manner in which this incident was handled gives the impression that a veracity issue was covered up in order to prevent the appearance of a scandal and to protect the reputations of not only the involved supervisor but the chain of command within the Tactical Support Bureau.

Based on information provided it would appear that there is a violation of Operations order 3.13.5.B.1., which states:

***"Department employees will not make false reports or knowingly enter or cause to be entered into any Department book, record or report any inaccurate or false information."***

PSB should have conducted an investigation into this matter for the following reasons:

- A serious allegation involving a supervisor that could result in demotion or termination.
- Allegations surrounding issues of truthfulness and integrity.
- Allegations that, if sustained, could lead to inclusion in the Law Enforcement Integrity Database (LEID, aka Brady List).
- Conflicts of interest within SAU that would clearly lead the average person to believe that a situation of this magnitude could not be investigated fairly and impartially from within the unit and therefore should be looked at by an objective investigative body outside of the bureau.

PLEA is requesting that PSB conduct a formal investigation into this matter. As a reminder Operations Order 3.19.1.A states: *"To ensure the integrity of the Police Department, all alleged or suspected personnel misconduct observed or suspected by supervisors, department employees, or citizens will be thoroughly investigated."*

Persons that could assist in providing clarification in this matter are: retired officers [REDACTED] and [REDACTED] active officers [REDACTED] and [REDACTED] [REDACTED] former SAU Sgt. and now reserve officer Pete Wechsler, current SAU Sgt. John Stevens, Lt's. Heston Silbert and Greg Carnicle, and Commander Dave Harvey.

Attached you will find a copy of the memos authored by former SAU Sgt. Pete Wechsler, Former SAU Lt. Dave Harvey as well as a copy of the August 2006 monthly notes written by Commander Rob Handy on Lt. Heston Silbert.

Your attention with regard to this very important matter is greatly appreciated. PLEA requests a written response indicating what course of action PSB will take regarding this matter.

Sincerely,



KEN CRANE

PLEA Secretary/Vice Grievance Chair



**City of Phoenix**  
POLICE DEPARTMENT

September 14, 2009

Ken Crane  
Phoenix Law Enforcement Association  
1102 West Adams Street  
Phoenix, Arizona 85007

Dear Officer Crane:

This letter is to notify you that the Professional Standards Bureau is in receipt of your letter, dated July 31, 2009. The Professional Standards Bureau's mission is to investigate complaints made against police employees that amount to a policy violation or criminal act.

In the material you provided, you requested that a formal investigation be conducted into allegations of falsifying Special Assignment Unit's (SAU) physical fitness test records during 2004 through 2006.

Investigators learned that similar allegations had already been brought forth and investigated. On August 16, 2006, (deceased) Officer Brian Howe became concerned the physical fitness records completed by (former) SAU Sergeant Bob Baker were inaccurate. Officer Howe's concerns were forwarded through the SAU chain of command and reviewed by both (former) Commander Rob Handy of the Tactical Support Bureau, and (retired) Commander Steve Campbell of the Professional Standards Bureau. Ultimately, the commanders agreed that the allegation would best be handled within the Tactical Support Bureau. Therefore, the Tactical Support Bureau conducted an investigation into the possibility of falsified records.

On August 23, 2006, the investigating supervisor, (then) Lieutenant Dave Harvey completed a memorandum with his findings. According to the memorandum, Lieutenant Harvey discovered "ineffective record keeping," but he did not discover any misconduct on the part of Sergeant Baker. As a direct result and in order to better track physical fitness test records, SAU personnel adopted a new physical fitness testing form, along with a new database. Lieutenant Harvey's findings and recommendations were reviewed and approved by Commander Handy.

A record of your letter will be kept in an Administrative Inquiry, INQ09-0490. If you have any questions regarding this inquiry, please feel free to contact Sergeant Gabe Lopez at 602 262-4580.

Jack F. Harris  
Public Safety Manager

A handwritten signature in black ink, appearing to read "George Richards". The signature is stylized and spans across the width of the text area below it.

George Richards, Commander  
Professional Standards Bureau