



PHOENIX LAW ENFORCEMENT ASSOCIATION

The Professional Association of Phoenix Police Officers Since 1975

December 6, 2010

Mr. Lyle Mann
Executive Director, AZPOST
2643 E. University Dr.
Phoenix, AZ 85034

Dear Mr. Mann,

On July 31, 2009 PLEA sent a formal letter of complaint (see attached) to the Phoenix Police Department's Professional Standards Bureau alleging misconduct on the part of Sgt. Bob Baker, Lt. (now Commander) Dave Harvey, Lt. Greg Carnicle, and Commander Robert Handy.

The misconduct alleged by PLEA is that evidence brought forth through public records requests indicated that supervisors within the Police Departments SAU (SWAT) unit felt that Sgt. Bob Baker may have falsified quarterly physical fitness score records for the SAU squad that he supervised at the time. The documentation seems to show that when the alleged misconduct was brought to light that there was an orchestrated campaign by Commander Handy and Lt's. Harvey and Carnicle to minimize and cover up the misconduct.

The incident was never investigated by the Phoenix Police Department's Professional Standards Bureau. Commander Handy reached an agreement with now retired Commander Steve Campbell who was the commander over the Professional Standards Bureau at the time. Commander Handy was allowed to pull the investigation back from PSB and take care of the issue "in house" and it was subsequently made to "go away" with no formal investigation being done. Under PPD policy, a violation of this nature is a terminable offense not to mention the ramifications of potential criminal prosecution.

It was recently announced that Commander Dave Harvey would be taking over the commander's position at the Phoenix Police Department's Professional Standards Bureau. The concerns with this situation are as follows:

1. That the alleged misconduct on the part of Dave Harvey was never properly investigated.
2. That the misconduct, if sustained, is serious enough to warrant termination and or criminal prosecution.
3. That Commander Dave Harvey has now been tapped to head up the Police Departments Professional Standards Bureau which is charged with conducting misconduct investigations on City employees which can result in discipline up to and termination of

employment. This bureau is also charged with oversight for the ethics and integrity of the Police Department.

4. That this situation engenders a strong lack of trust and confidence in the system when concerns over violations of ethics and integrity are allowed to swirl around those in charge if maintaining these same standards.

On Wednesday December 1, 2010 PLEA President Mark Spencer and PLEA Grievance Chair Dave Kothe met with Phoenix City Manager David Cavazos and Assistant City Manager Ed Zuercher to express these same concerns in person. Mr. Cavazos and Mr. Zuercher made it clear that this transfer was management's prerogative.

Regardless of the Phoenix Police Departments failure to properly investigate this incident, PLEA feels that it is important for AZPOST to be made aware of the alleged misconduct and the evidence that supports it.

PLEA is also requesting that AZPOST review the attached materials and investigate the allegation of misconduct to determine whether or not the POST certifications of Commander's Handy and Harvey, Lt. Carnicle, and Sgt. Baker should be suspended or revoked.

Thank you for your consideration and review of this very important matter. PLEA would respectfully request a written response on whatever course of action AZPOST may decide to take.

Sincerely,



KEN CRANE
Secretary/Vice Grievance Chair
Phoenix Law Enforcement Association

Attachments:

1. Original complaint letter sent from PLEA to Asst. Chief Blake McClelland.
2. Response letter received from Commander George Richards of the PPD Professional Standards Bureau.
3. Memorandum from former SAU Sgt. Pete Wechsler to then Lt. Dave Harvey titled Physical Fitness Records expressing concerns that physical fitness records may have been falsified.
4. Marked up memo from then Lt. Dave Harvey to Commander Rob Handy titled Physical Fitness Records Response.

5. Copy of supervisory notes authored by Commander Handy on Lt. Silbert dated August 2006.

cc:

Mr. Scott Smith, Governor's Office
Mr. Michael Napier esq., PLEA Attorney
Mr. Brian Livingston, Executive Director APA
Commander Heston Silbert, Mesa PD
Mr. Paul Orfanedes esq., Judicial Watch