



Arizona Peace Officer Standards and Training Board

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January 5, 2011

Ken Crane, Secretary/Vice Grievance Chair
Phoenix Law Enforcement Association
1102 W. Adams St.
Phoenix, AZ 85007

Dear Mr. Crane:

In response to your letter of December 6, 2010, asking for an investigation into alleged misconduct by Phoenix Police Commanders Handy and Harvey, Lt. Carnicle, and Sgt. Baker, concerning administrative actions taken in 2006. I reviewed the documents which you attached, and consulted the Assistant Attorney General assigned to the Arizona Peace Officer Standards and Training Board (AzPOST). In addition, I spoke to PLEA President Mark Spencer to ascertain if there was more information or background to this matter.

It is the Board's policy that any allegation of misconduct be forwarded to the involved agency to provide them with the opportunity to conduct a review of the matter. In this case, you have already done that by letter to the department and by meeting with city officials, so I didn't feel it necessary to repeat that action.

The complaint alleges that supervisors made or allowed inaccurate records to be kept of administrative functions and that the allegation was not properly investigated. Arizona POST does not dictate investigative protocol to agencies. In addition, the Board has a history of according peace officers the benefit of the doubt when it comes to potentially misleading statements, records or reports.

It is also the Board's policy that injecting its authority into the administrative process within an agency be done only when it is clearly a matter for the Board. The actions outlined in the documents submitted do not rise to that level. There will be no additional review of this matter by the Board.

All submitted documents will be maintained in our files, as dictated by the State Retention Schedule. If you have any questions, please feel free to contact me at 602-223-2514 or at LyleM@azpost.gov.

On a related note, I look forward to being invited to any discussions which might be held concerning changes to, or expansion of, the Board's authority, which Mr. Spencer suggested might be in the offing.

Sincerely,

Lyle Mann
Executive Director

c:

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