

September 17, 2007

Frank Milstead, Commander  
Phoenix Police Department  
620 W. Washington St.  
Phoenix, AZ 85003

Dear Frank:

Joe and I wanted to thank you for the chance to personally and informally resolve some issues with you up at NRB. Your quick response and willingness to dialogue is greatly appreciated.

One of the issues we discussed was the reassignment of Officer [REDACTED] to the South zone in lieu of coming back to his original North squad (*after more than a year's absence*). It appeared that part of the transfer decision was based upon the conduct of Lt. Ron Hergert. For future parity issues involving unit 4 members, I thought it was important to formally document the Association's concerns and allegation of retaliation and insubordination on the part of Lt. Hergert to the Department. Many of these issues we spoke of on the phone.

On Friday August 31, 2007 Sgt. Sarah Corueil called me. I spoke to her on the phone about actions and statements made by Lt. Hergert reference [REDACTED]. Sarah told me that she told Hergert that she was "on [REDACTED] side" in reference to the allegation of misconduct against [REDACTED] and the subsequent Departmental action of changing the allegation. Sarah stated that Hergert "got red in the face" and that her position appeared to "infuriate him." Hergert challenged her by stating; "If Harris told you the sky is green, would you believe him? If he told you the chair was not there, would you believe him? Just because he [*Harris*] has rank doesn't mean you should believe him. Look at the facts." He clearly communicated that Chase was untruthful and that "he can't be trusted."

Sarah continued by telling me that Hergert took the position that "The day that man [REDACTED] returns to this bureau is the day I walk out that door." When [REDACTED] returned to work, Sarah reminded him of his statement. After failing to walk out that door, Sarah told me that later that evening Hergert stayed at work until 9:45. He usually left at 8:30. She was told that he was "crunching numbers" to see how much money he would lose if

he left. The DROP amount lost for an early departure that was relayed to her was around \$60,000. Hergert informed her that if he saw [REDACTED], he was going to “sit him down and tell him what I think about him.” He added, “It’s not going to be in his best interest.”

Sarah stated that Hergert attempted to show her his PowerPoint presentation (*submitted to PSB as the basis for Chase’s alleged misconduct*) at least three times during her initial conversation with him. Hergert described himself to Sarah as a “whistleblower” and indicated that he was going to go to the New Times with information concerning the Department’s decision and investigation.

Sarah concluded our conversation with three alarming statements. First, “I’m worried to work for him [Hergert].” Second, “That lieutenant scares the crap out of me.” And third, “I’m afraid of that man.”

On Tuesday September 11, 2007 I spoke with Public Safety Manager Jack Harris about our concerns with Hergert. He stated that he had talked to the lieutenant about the [REDACTED] investigation and the written reprimand was going to stand.

The Association has had a chain of problematic investigations and methods involving Hergert in which issues were addressed with his chain of command. This most current concern goes beyond a problematic investigation and lands squarely on conduct. It is routinely and clearly communicated that supervisors are held to a higher standard of conduct. If parity is to be achieved, it appears that the standard of accountability for disparaging remarks against other employees and insubordinate and disrespectful comments towards supervisors (*i.e. the Public Safety Manager*) has been lowered for PLEA members to a “talking to.” Even if the alleged misconduct rises to a level where another employee must be moved “for his own good,” or the alleged misconduct creates a fearful and disruptive work environment, an administrative investigation is to be replaced by a conversation with those three steps higher in the chain of command without discipline.

Once again, thanks for your time in this matter, not only with me but with Officer Chase. The direction the Department has taken in reference to Hergert’s conduct is interesting.

Sincerely,

MARK SPENCER  
PLEA President

c: Jack Harris, Public Safety Manager  
George Richards, PSB Commander