

February 4, 2004

Sil Ontriveros, Assistant Police Chief
Phoenix Police Department
620 W. Washington St.
Phoenix, AZ 85003

Dear Sil:

I wanted to thank you for your time with Officers Prutch, McTernan, and Martinez on January 16, 2004. It was during our private discussion with Officer [REDACTED] that I, along with you, learned of communication that [REDACTED] had had with his current supervisor, Sgt. Jim Greenlee. In addition to this, I was able to review in a more thorough manner the on-going supervisory notes for [REDACTED] that appear to be the driving force of an allegation of conduct unbecoming. This letter is to document alleged misconduct on the part of Sgt. Greenlee. I am requesting that he be investigated for intimidating an employee and failing to supervise.

In your office Officer [REDACTED] relayed a conversation that he had with Sgt. Greenlee during Sgt. Greenlee's first week (early part of August) as the 81A squad supervisor. [REDACTED] said that he was in a marked patrol car parked at the Desert West Park and was battling a headache when Sgt. Greenlee pulled up next to him. Sgt. Greenlee started the conversation by saying, "It's not safe to sleep on duty." [REDACTED] explained that he was not sleeping but had a headache. Sgt. Greenlee then engaged in a conversation with [REDACTED] concerning issues addressed in briefing earlier that morning.

Subsequent to this, Sgt. Greenlee said, "There's nothing we can do about your tattoos but I want you to cut your sideburns." [REDACTED] explained that his previous supervisor was aware of this issue and that he ([REDACTED]) was in policy (see attached sideburn policy Ops Order 3.15.5.E). According to [REDACTED], Sgt. Greenlee's reply was, "I'm not talking about policy I'm talking about what looks professional." Sgt. Greenlee threatened [REDACTED] by saying, "If you don't cut an inch off your sideburns I'll issue you an NOI for sleeping on duty."

When I heard this report for the first time with you in your office I was alarmed. First, as you could plainly see, Officer [REDACTED]'s sideburns were well within policy. Second, I don't believe threatening officers with investigations is an enlightened, professional, or condoned management strategy of the Phoenix Police Department (see attached Discipline Procedures Matrix Ops Order 3.18 Addendum A – class C violation: A.3.D.(4).(b) "Intimidation of a department employee (non-criminal)) and A 3.D.(1).(b) "Actions amounted to harassment and/or intimidation of a citizen, department or city employee."

In reviewing [REDACTED]'s supervisory notes as compiled by Sgt. Greenlee, I found performance issues observed from August 2003 until November 2003. The bulk of the notes contain specific documentation and photographs from November 4 to November 28 – a four week period. [REDACTED] received a "Meets Standards" in August 2003 from his previous supervisors, Sgts. Motyka and Capp. Sgt. Capp commented that [REDACTED] was a fine officer.

As previously mentioned in our pending grievance, a minimum monthly recap is expected from Sgt. Greenlee in the area of tickets, SSR's, FI's, and DR's and/or accidents. No other squad in the City is held to these quota numbers established by Sgt. Greenlee nor does any officer in the Department suffer the consequences for not meeting these quotas. Longevity money is at stake for Officer [REDACTED] and [REDACTED] thus they will be writing tickets in order to obtain "bonus money." I don't feel the perception this would give to the public is reflective of our values. Also as discussed, in using averages to determine productivity, half of the employees involved will be above the average, half will be below – this is the nature of averages. What is interesting in these goals is that arrests are not considered important but yet traffic tickets and SSR's are.

On **December 21, 2001** Chief Hurtt wrote: "I am committing my self to the following resolutions: 1.) I shall endeavor to bring out the best in people." Sgt. Greenlee and Chief Hurtt seem to function on two opposite management philosophies. Sgt. Greenlee's memo and notes along with his inactivity speak volumes of his apparent intent to assist [REDACTED] in failing.

In looking at Sgt. Greenlee's notes, it's clear that he had numerous opportunities to "actively direct and supervise subordinates to ensure that they perform their assigned duties efficiently" (Ops Orders 2.3.1.B.(1)). Instead of intervening and assisting Officer [REDACTED] improve performance or avoid inappropriate or inefficient behavior, Sgt. Greenlee chose to take pictures. His notes include over 30 photographs of Officer [REDACTED]'s marked patrol car. Perhaps if Sgt. Greenlee had contacted Officer [REDACTED] on November 12, 2003 (the date of the first picture – the last picture is dated November 27, 2003) he could have saved an officer from an unscheduled performance rating. What Sgt. Greenlee did is just the opposite of "proactive management" but is what is commonly known as "making a book."

Below are portions of Sgt. Greenlee's comments in his NOI packet to Officer [REDACTED]

From the **January 2003** notes Sgt. Greenlee recorded in his NOI packet to [REDACTED], "You requested to have a C.O. ride-a-long from your sergeant. This request was turned down because your lieutenant (Lieutenant Anest) believed you were not a good example of a Phoenix Police Officer." An opinion of a Lt. that is unsubstantiated by documentation should not find its way into an investigation or PMG. This comment is derogatory in nature, subjective in aspect, and is clearly not a performance issue.

In the same month an entry was made about [REDACTED] smoking in public. Hopefully this type of minor infraction is commonly recorded in the notes Sgt. Greenlee and other supervisors in Maryvale Precinct keep on their subordinates. This certainly doesn't merit an unscheduled PMG.

From the **June 2003** it is recorded that [REDACTED] came off his lunch break to answer up for an emergency call. Instead of highlighting the positive [REDACTED] is scolded for not updating his status to show him enroute to the call.

On **October 21, 2003** we read, “Your boots (were) not polished after the weekend after I requested you (to) polish them.” Hopefully this type of minor infraction is commonly recorded in the notes Sgt. Greenlee and other supervisors in Maryvale Precinct keep on their subordinates. This certainly doesn’t merit an unscheduled PMG.

Sgt. Greenlee wrote the following statements in his packet to [REDACTED]. Allow me to comment on these comments.

“Officer [REDACTED] you have spent much of the month of November doing nothing. Having closely monitored your activities and made specific documentation, I have concluded that your work routine is as follows:”

- Why would a Phoenix Police supervisor allow a Phoenix Police officer to do nothing for an entire month? It appears that Sgt. Greenlee spent much of the month of November taking pictures of [REDACTED]’s patrol car. Sgt. Greenlee’s effort to document what [REDACTED] did accomplish during the month appear to be missing from the notes.
- To closely monitor but yet fail to “actively direct and supervise subordinates to ensure that they perform their assigned duties efficiently” appears pointless.

“You will take calls when dispatched to them, you have the ‘ISP’ function but rarely, if ever use it (you rarely, proactively, request calls from the calls holding list).

- Sgt. Greenlee first said that [REDACTED] spent most of his time “doing nothing.” In this section he states that [REDACTED] takes calls that are dispatched to him. It is clear that [REDACTED] is doing something (answering radio calls), and from this description, adhering to policy.
- [REDACTED]’s use of the ISP function is not a policy violation. If this was occurring, why didn’t Sgt. Greenlee document that he directed [REDACTED] to utilize this function in a manner that he believed was more efficient?

“You will make backups when there isn’t anyone else available (i.e. no one else answers) or it’s a specific officer.”

- No policy violation is referenced. If this conduct was considered to be a policy violation by Sgt. Greenlee, why didn’t he confront [REDACTED] immediately and provide a more productive and safer course of action? There is no documentation that Sgt. Greenlee provided this.

“When not doing one of the above two items you will return to one of four locations, park, sit, and do nothing.”

- Once again, why Sgt. Greenlee allowed this to occur for four (4) weeks and do nothing except take pictures is clearly indicative that he was “making a book”, in this case a book with pictures.

The following incidents were kept in the supervisory notes of Sgt. Greenlee and were part of an unsatisfactory performance packet given to [REDACTED] by Sgt. Greenlee. Throughout his notes Sgt. Greenlee focuses on small minutes of time and writes in a fashion that seems to stretch Officer [REDACTED]’s inactivity as long, unreasonable stretches. This could be done to anyone over four weeks.

On **November 11, 2003** Sgt. Greenlee states, “...he ([REDACTED]) normally takes the easiest call possible.” An “easy call” is not defined. Whether it is an important call is not addressed. Taking “easy calls” is not a policy violation. This is a biased, subjective statement.

On **November 12, 2003** [REDACTED] was advised about being late. It appears that whenever [REDACTED] is approached about inappropriate behavior, his performance improves and there is not reoccurrence. This certainly doesn’t merit an unscheduled PMG.

On **November 12, 2003** four (4) pictures were taken by Sgt. Greenlee but there were no contacts with [REDACTED] to address behavior or performance. Once again it is noted that “...he usually takes the easier calls.” Sgt. Greenlee noted, “It appears as though Officer [REDACTED] was attempting to avoid calls until the 81F squad came available...” but yet Sgt. Greenlee never took the time to confront [REDACTED] to go beyond “appearances” and get to actual facts. Sgt. Greenlee also documented that [REDACTED] failed to sign in to City Court but certainly more important than that is the fact that he was at court on time and attended the hearing. No harm resulted from [REDACTED] not signing in to court. This certainly doesn’t merit an unscheduled PMG.

On **November 14, 2003** [REDACTED] and another officer were returning to Phoenix after dropping a prisoner off at the Avondale jail facility. On the way back they stopped and had lunch outside of the Phoenix City limits. Sgt. Greenlee inappropriately uses policy in addressing this issue. At no time did they “leave their squad area for a code 7” and in fact they left the City on official business. The intent of this policy was not violated and Sgt. Bentavigna spoke to them about the incident and told them “it was no big deal.” Yet this incident occurs in [REDACTED]’s notes as poor performance and a policy violation.

On **November 18, 2003** four (4) more pictures were taken by Sgt. Greenlee with no contact with Officer [REDACTED]. [REDACTED] is found to be at fault for taking an accident that a motor was not available for. It is a common practice to allow motors “first shot” at accidents because that is their primary job. If [REDACTED] had initially answered for the accident and then a burglary came out is his beat, would Sgt. Greenlee have accused him of taking the “easier call” knowing that motors are available? [REDACTED] can’t win and [REDACTED] wasn’t confronted by Sgt. Greenlee.

On the same day, Sgt. Greenlee used an undercover supervisor to see if [REDACTED] was sleeping on-duty. This came about from a recreation worker notifying Sgt. Greenlee that [REDACTED] "appeared to either be sleeping or reading at this location." In the end, "neither I (Sgt. Greenlee) nor the recreation worker could determine what Officer [REDACTED] was doing...Sgt. Perry could not determine if Officer [REDACTED] was sleeping or reading...on his drive through." Wouldn't it had been easier for Sgt. Greenlee to "actively direct and supervise subordinates to ensure that they perform their assigned duties efficiently" by driving up and seeing and asking [REDACTED] what he was doing? Pictures can never replace confrontation. So many future perceived problems could have been avoided if Sgt. Greenlee had taken responsibility for the "proper performance of (his) employees." One of the problems would be [REDACTED]'s unscheduled rating. If indeed [REDACTED] was failing, we don't know because Sgt. Greenlee didn't find out. Now as a result of this negative and improper management style, [REDACTED] is the subject of an investigation and an unscheduled PMG. Why didn't Sgt. Greenlee help this employee succeed? Why are undercover resources used instead of face-to-face contact?

Once again it is noted that "Officer [REDACTED] rarely takes advantage of his ISP function." This is not a policy violation. This is a biased, subjective statement written to make [REDACTED] look bad. It certainly doesn't merit an unscheduled PMG.

On another incident, Sgt. Greenlee wrote, "I attempted to photograph the meeting from the northeast corner of the Lowes Hardware Store." Why didn't Sgt. Greenlee attempt to confront [REDACTED] with conduct that he thought was inappropriate?

Sgt. Greenlee wrote on the same date about Officer Nesselrode being dispatched on a 647 P-2. He continued by stating, "When no one answered for the backup Officer [REDACTED] answered for the backup." How many requests were made for a backup? Why aren't other officers held responsible for not answering for the backup. This could have been written in a positive light such as, "Officer [REDACTED] answered for a backup out of his beat when he didn't have to. Commendable." Sgt. Greenlee is on a course that carries a negative agenda. He is failing to help [REDACTED] overcome behavior that he either thinks is out of policy or is unsure of.

On **November 19, 2003** there was one (1) photograph taken by Sgt. Greenlee but no active direction or supervision noted. Sgt. Greenlee wrote, "Sitting in parking lot, doing nothing." How does Sgt. Greenlee know [REDACTED] is doing nothing? If he does know, why isn't he taking action to correct it?

Sgt. Greenlee wrote about [REDACTED] not answering up for 508 at an accident that was not in his beat or squad area. It is made clear that [REDACTED] was 10-8 but Sgt. Greenlee doesn't tell us who else on his squad was 10-8 when the call came out. Why didn't Sgt. Greenlee dispatch [REDACTED] himself if it was crucial? Why didn't Sgt. Greenlee approach [REDACTED] with this issue in the hopes of improving performance? Failing to supervise is just as out of policy as failing to answer a call.

On **November 20, 2003** Sgt. Greenlee took three (3) photographs. In his notes he writes, "Officer [REDACTED] finally got around to calling in this recovery to the voicewriter..." This is written in a biased fashion because Sgt. Greenlee thought it took [REDACTED] too long to

process a recovered vehicle. Sgt. Greenlee nowhere notes that he confronted [REDACTED] about this to find out the reason for the length of time. This is a biased, subjective statement.

On the same date Sgt. Greenlee documented what he perceived to be a failure to properly investigate a 312A (child abuse). Nowhere in his notes did he document the conversation that [REDACTED] had with him on the phone as to what direction was to be taken. [REDACTED] contacted Sgt. Greenlee and followed his instructions. This is a biased and misleading comment.

On **November 21, 2003** Sgt. Greenlee held [REDACTED] accountable for a 961 that he did not answer up for but that a motor did. Sgt. Greenlee did not document if the call was in or out of [REDACTED]'s beat. It's a motor's primary function to take accidents.

On this same date Sgt. Greenlee wrote that [REDACTED] answered as a backup for a 911H but that radio subsequently cancelled him. He wrote that a 415F came out in the 83 squad area but that [REDACTED] did not answer up for it. Sgt. Greenlee did not document who did answer up for the call. He did not document if any of his other units failed to answer up for a call outside of their squad area. In the end Sgt. Greenlee wrote, "Officer [REDACTED] goes 10-8 from the 911H-2 that he never responded to." This is a biased and misleading statement because the reason he never responded to the call was because that radio cancelled him out. Sgt. Greenlee never contacted [REDACTED] about this incident and his agenda to see [REDACTED] fail is becoming more and more obvious.

On the same date Sgt. Greenlee documented the first contact he had with [REDACTED]. He wrote, "Officer [REDACTED] entered my office at MVP and asked if he could go to fiscal and drop off a hold holidays slip since this was the last day to so. I said yes." No photograph taken of this incident.

On **November 21, 2003** Sgt. Greenlee took nine (9) pictures with no documentation of "actively directing and supervising subordinates."

On **November 25, 2003** Sgt. Greenlee took five (5) photographs of [REDACTED]'s marked patrol vehicle. No documentation of "active direction or supervision" on the part of Sgt. Greenlee is present. Sgt. Greenlee documents the following event:

0715 Hours – 211 A P-1 hot called. 814D and 814A answer for call (32216922).

0716 Hours – Officer [REDACTED] requests call as well.

0717 Hours – 814D advised 23 on the call.

0718 Hours – Officer [REDACTED] **finally** [*emphasis mine*] moves from 2000 N 77th Avenue, after 814 D went 23 and **2-minutes** [*emphasis mine*] after requesting the call.

0721 Hours – 814D gives code-4 and clears call off of channel 3.

0725 Hours – Officer [REDACTED] goes to 2000 N. 79th Avenue, and sits.

0727 Hours – Officer [REDACTED] goes 10-8 from the 211A P-1, **that he never arrived** at [*emphasis mine*].

In order to produce a negative picture of [REDACTED], Sgt. Greenlee used inflammatory language and takes time out of context. Words like "**finally**" carry a tone of exasperation and

make it seem as if [REDACTED] was unreasonable in his use of time. If the call came in at 0715.59 hours and [REDACTED] answered up at 0716.00 hours (less than a second) and [REDACTED] moved at 0718.00 hours, [REDACTED] would have moved to the call in 61 seconds, far less than two minutes. The longer Sgt. Greenlee can make the event seem, the more he promotes it in writing. Once again, instead of saying that [REDACTED] went 10-8 at 0727 hours, Sgt. Greenlee adds inflammatory editorial by adding "that he never arrived at." Perhaps the reason he never arrived at the call would have been discovered if Sgt. Greenlee would have intervened and confronted [REDACTED]. Perhaps the reason [REDACTED] "never arrived" is because two units were already assigned and a C-4 had been given. If [REDACTED] would have arrived at the call perhaps Sgt. Greenlee would have written, "In order to avoid further calls, [REDACTED] still continued in on a call that already had two units assigned to it and was a C-4." It appears that [REDACTED] is in a "no win" situation.

On **November 27, 2003** Sgt. Greenlee took five (5) photographs of [REDACTED]'s marked patrol car. There is no indication that Sgt. Greenlee confronted [REDACTED] about any issues of misconduct or inefficient performance. On the contrary, Sgt. Greenlee states, "This appears to be a false status" when documenting Officer [REDACTED]'s activity status at 1119 hours. Sgt. Greenlee could have known beyond a reasonable doubt and beyond appearances if he would have just contacted [REDACTED].

On the same date Sgt. Greenlee documented a route that [REDACTED] took to a hot call that he had answered up for. Sgt. Greenlee stated, "It seems as though Officer [REDACTED] took the long way around to avoid being first on the scene." He wrote, "He did not appear to be in any hurry to respond to the call." Did Sgt. Greenlee witness an act of cowardice? Did Sgt. Greenlee witness negligent behavior? If he would have contacted [REDACTED] and asked him for the reason of his route instead of "follow(ing) at a respectable distance" perhaps he would have gotten an answer instead of an impression and put a stop to improper behavior if indeed misconduct was occurring. Even with all of the observations that go unverified, what Sgt. Greenlee did include was that "Officer Martinez arrived first, and Officer [REDACTED] a few seconds later."

Sgt. Greenlee included in his notes that a report [REDACTED] took on November 18, 2003 had yet to be turned in by [REDACTED]. He offers no explanation why he didn't confront [REDACTED] about this policy violation for nine (9) days. It seems that Sgt. Greenlee could have assisted [REDACTED] to succeed with his job duties but instead chose to allow his subordinate to proceed in a manner that he considered inappropriate.

In less than three months after Sgt. Capp left and Sgt. Greenlee arrived, [REDACTED]'s performance was perceived as so unacceptable that he is now the subject of an unscheduled rating. In three (3) months [REDACTED], a nine (9) year veteran, went from "fine job" to a failure. Throughout this unscheduled performance/NOI (conduct unbecoming) there is a clear lack of effort by Sgt. Greenlee to assist [REDACTED] in meeting the standards and quotas that he (Sgt. Greenlee) imposed on the squad. This unscheduled rating is not fair or impartial (Ops Order 3.25.6).

I am confident that if [REDACTED] didn't have sideburns and tattoos, Commander Forrester, Lt. Anest, and Sgt. Greenlee would provide the same quality of supervisory support to [REDACTED] that Sgt. Cap did. In the past, officers have been denied overtime in Maryvale Precinct

by Commander Forrester because of tattoos (Officer [REDACTED]). Currently, it seems Officer [REDACTED] is losing longevity money for the same reason. A consistently unfair and subjective standard that is tolerated by you and carried as a burden by patrol officers is causing financial, professional, and personal hardship among employees. [REDACTED] is not without fault, but none of his actions merit an unscheduled PMG.

In conclusion, I am requesting that Sgt. Greenlee be investigated for supervisory misconduct. I am requesting that Officer [REDACTED] be transferred to the 800 squad of his choice. I am requesting the removal of Sgt. Greenlee's quotas as standards for the 81A squad and his notes be removed from [REDACTED]'s file. Lastly, I am requesting that this unscheduled PMG/Investigation be brought to an end with Officer [REDACTED]'s rating schedule as well as his longevity money being immediately reinstated.

In our meeting you assured me and the three officers that you would respond to their concerns (i.e. grievance) in writing by the end of the month. Since we have not heard from you on this issue, we will be moving the grievance up to level 3.5.

Sincerely,

MARK SPENCER
Secretary

C: Jake Jacobsen, President
Michelle Monaco, Vice President/Grievance Chair
Juan Martin, Deputy City Manager
Harold Hurtt, Police Chief