



PHOENIX LAW ENFORCEMENT ASSOCIATION

The Professional Association of Phoenix Police Officers Since 1975

September 19, 2014

Lyle Mann, Executive Director
Arizona Peace Officer Standards
and Training Board
2643 East University Drive
Phoenix, Arizona 85034

Dear Mr. Mann:

The purpose of this correspondence is to lodge a complaint against three members of the Phoenix Police Department, Commander Joe Knott, Lt. Greg Carnicle, and Sgt. J. Hanson. All of these officers are members of the Professional Standards Bureau for the Phoenix Police Department.

These officers were involved in the investigation of Officer Clark Impastato. The incident being investigated by these officers as members of the Professional Standards Bureau was a use of force incident in which Officer Clark Impastato was involved. The investigation was said to have been initiated by an email received from Sgt. Brian Bachorski, the supervisor on the scene of the alleged use of force.

Subsequent to the completion of the investigation in which allegations of inappropriate use of force were sustained, at an IRP meeting on May 30, 2014, Officer Impastato, by and through his representatives, requested a copy of the email regarding his alleged use of force complaint authored by Sgt. Bachorski. The three officers against whom this complaint is brought, indicated that they had read the email and that it was uninformative and deleted. As a result, it was not presented during the investigation.

As a result of the deletion of an email perceived to be the basis for initiating the investigation, Officer Impastato's representative filed a grievance for the failure to produce the email. In response to that grievance, the City indicated that the email was deleted because it was not believed to be relevant to the allegation brought against Officer Impastato.

Ultimately, the matter proceeded to a Loudermill hearing at which Officer Impastato was represented counsel. Counsel presented a signed affidavit from Sgt. Bachorski regarding the email that he had authored and transmitted which ultimately served as the ostensible basis for initiating an investigation by PSB, specifically the officers against whom this complaint is brought. The affidavit indicated that the email was not only relevant, but undermined the very foundation of the Notice of Investigation ("NOI") brought against Officer Impastato. This was

not only contrary to the response to the grievance, but, as well, contrary to the representations made by Commander Joe Knott that there was no relevance to the email which was why it had been deleted. Attached is the affidavit provided by Sgt. Bachorski which states that the email was in fact exculpatory, critically material and relevant to the allegations initiated by the Professional Standards Bureau. Obviously, the email, though exculpatory, and certainly not a basis for initiating any investigation, was intentionally deleted and subsequently misrepresentations were made to Officer Impastato and his representatives that the email had absolutely no probative value as an explanation for its destruction. The affidavit speaks for itself.

Ultimately, Officer Impastato was dismissed, despite the destruction of critical exculpatory evidence and the misrepresentation with reference to its relevancy to the allegations sustained by the Professional Standards Bureau investigation. Thus, this dismissal is predicated on an investigation that eliminated critical, probative evidence, instead insisting that the evidence had no relevance when clearly, by any measure, it did. Moreover, it was exonerating of the officer under investigation. We are requesting a thorough investigation of these officers' role in this matter and fully expect that sanctions will be imposed.

Very truly yours,

JOE CLURE
President
Phoenix Law Enforcement Association