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October 5, 2012

Mr. Steve Stahl
City of Maricopa
Chief of Police
45145 West Madison Avenue
P.O. Box 610
Maricopa, AZ 85139

Ms. Brenda S. Fischer
City of Maricopa
City Manager
45145 West Madison Avenue
P.O. Box 610
Maricopa, AZ 85139

Re: Maricopa Police Department Professional Standards Case Review

Dear Chief Stahl and Manager Fischer:

Pursuant to Purchase Order 32264-00, the City of Maricopa hired the undersigned to review certain closed Maricopa Police Department internal affairs investigations reports. Subsequent to the revised report provided to you on September 24, 2012, Chief Stahl asked Jack Harris to supplement that report. That supplement to the report dated September 24, 2012, is attached to this letter.

We thank you for the opportunity to provide this service.

Should you have any questions, please do not hesitate to contact us.

Very truly yours,

GALLAGHER & KENNEDY, P.A.

A handwritten signature in blue ink, appearing to be "Paul K. Charlton", written over a blue ink scribble.

By:

Paul K. Charlton

PKC:gk
Enclosure

PROFESSIONAL STANDARDS CASE REVIEW

October 2, 2012 Supplement to the September 24, 2012 Report

Following submission of the original report I was contacted by Chief Stahl of the City of Maricopa and asked if I could supplement my report with the inclusion of my opinion on several issues noted in the original report. I was asked to elaborate on the number of lost or missing reports that was included in the twenty one (21) cases which comprised the 11% of cases that did not meet standards. I was also asked to give my opinion on the cases which were adjudicated by utilization of coaching, counseling or training.

I noted in my review of the twenty one (21) cases which comprised the 11% error rate that almost half of those cases were missing parts of the investigation or the entire investigation was missing. It is possible the missing documents are due to the antiquated system of assigning and tracking investigations. It appears that investigations were assigned multiple, conflicting, case numbers making tracking and locating files very difficult. Following my review, a number of cases were found that appeared to be missing, but in reality, were duplicate reports with different case numbers assigned to them. It is my opinion that the 11% rate could be reduced drastically with the implementation of a modern computer tracking system to assign and track internal investigations.

During my review I also noted that investigation recommendations many times were for the employee to be coached, counseled or trained. These interventions were recommended in place of, or as an alternative to, more severe discipline. Although these recommendations were approved by the employee chain of command, I did not find any record of the intervention actually being delivered to the employee. I did not find any indication of what behavior the employee was specifically being counseled for, or the specific policy violation that was to be addressed with the employee.

It is possible the recommended interventions were in fact imposed on the employees. However, in my opinion, if employee behaviors are to be addressed and changed, a record of the results of the interventions should be documented to ensure that appropriate follow-up processes and goal setting sessions occur to help prevent future misconduct.

On page one (1) of the report dated September 24, 2012, footnote #1 at the bottom of the page indicated that 188 cases were submitted by MPD for review. Following the completion of the report five additional cases were located by MPD and submitted for additional review. Four of the five cases were duplicate reports that had already been submitted for review under different case numbers. The fifth case was a case not previously submitted. That case changes the number of cases reviewed in the body of the report from 188 to 189. The error rate of 11% remains unchanged.