



Maricopa County Sheriff's Office

Joe Arpaio
Sheriff

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MEMORANDUM

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DATE: August 17, 2010

TO: Joseph M. Arpaio
Maricopa County Sheriff

FROM: Frank D. Munnell
Deputy Chief
Patrol Bureau Commander

SUBJECT: RECOMMEND THE ARIZONA DEPARTMENT OF PUBLIC
SAFETY CONDUCT A FORMAL INVESTIGATION REGARDING
ALLEGATIONS OF SERIOUS MISCONDUCT, MISMANAGEMENT,
UNLAWFUL ACTS, AND HOSTILE WORK ENVIRONMENT AGAINST
CHIEF DEPUTY DAVID A. HENDERSHOTT.

Dear Sheriff Arpaio,

Over the past year, Chief Deputy David Hendershott has knowingly taken several actions that create a very hostile and work environment for several Sheriff's employees as well as myself. This situation has become untenable and has had a severe negative impact on my morale, emotional wellbeing, and day-to-day working conditions. Compounding this situation is the ongoing efforts by Hendershott to convince you that after nearly ten years of loyal service as your Deputy Chief, that I have suddenly become disgruntled in my assignment as the Chief of Patrol. I assure you that I am very proud to serve you and the deputies under my command and I consider being the Chief of Patrol as the most proud moment in my nearly thirty-year career with this great organization.

Sadly, as a result of Hendershott's deception and dishonesty, it is very apparent that I have fallen out of favor with you and I am likely perceived as disloyal and a threat. To what do I owe this misfortune? My reported cooperation with state and federal investigators looking into a variety of allegations concerning this office and more specifically, David Hendershott, that I assure you are more than warranted.

Sheriff, I can assure you that any assertion that I am seeking to undermine this office or seek your removal as Maricopa County Sheriff is categorically untrue. As you well know, I have been a loyal supporter of yours from the earliest days of your tenure as Sheriff. Without question, I have always given you my very best efforts professionally, personally, and financially. Unlike your Chief Deputy, I have never misled you, lied to you, or put my personal interests above those of you, our employees, and the public.

However, I now find myself the subject of a very hostile work situation. I am well aware that by submitting this memorandum to you, it is very likely that Hendershott will again attempt to remove me as your Chief of Patrol or retaliate in some other manner. You should be aware that on February 26, 2010, Hendershott unsuccessfully attempted to remove me as your Chief of Patrol due to information he received that I was cooperating with the FBI.

Rest assured, I did not wait to apprise you of this information until now as a result of Hendershott's recent attempts to retaliate against me. Nor is this a response to the fact that Hendershott is aware that I recently met with Deputy County Attorney Clarisse McCormick regarding bringing these allegations to your attention. I learned the other day that Hendershott was demanding that McCormick give him any information that I provided her. This is obviously an attempt to view this sensitive information *before* I meet with you. Any reasonable person would agree that these efforts are entirely inappropriate and unethical. The fact is that I wrote the first draft of this memorandum last year in anticipation that Hendershott, Black, and Fox would be indicted as a result of the Arizona State Attorney General's investigation into the SCA matter.

In addition to the previous attempt by Hendershott to retaliate against me, it has been brought to my attention that Hendershott is currently discussing moving Deputy Chiefs to new assignments. This appears to be nothing more than a term Hendershott is proud of calling the "pebble on the beach" theory. As he would describe it, a wave crashes to shore and moves several grains of sand, including the sand pebble (person) targeted so they can't claim they were discriminated against. Hendershott recently discussed removing Deputy Chief Bill Knight as the Chief of Detectives and I would believe that I would likely be removed as the Chief of Patrol. It would be my opinion that Hendershott seeks the transfer of Chief Knight as a result of their friction regarding MACE investigations and Hendershott's unorthodox and unethical method of investigative management.

In addition to officially notifying you regarding the hostile work environment created by your Chief Deputy, I feel it is my obligation to bring to your attention several allegations of serious misconduct, mismanagement, and criminal conduct against David Hendershott, and his subordinates Captain Joel Fox and Director Lawrence Black. As you will read, these allegations are very serious and threaten the very stability and reputation of your great organization. Although these employees profess their loyalty to you, it is my belief that you will be outraged by their unethical and reckless behavior.

Although the Arizona State Attorney General and the Federal Bureau of Investigation are currently involved in criminal probes related to the SCA and allegations of abuse of power, it is my recommendation that you formally request the Arizona Department of Public Safety to conduct an administrative investigation into the mismanagement, hostile work environment, and multitude of Code of Conduct allegations against David Hendershott, Joel Fox, and Lawrence Black. Although the federal investigation focuses on abuse of power, any DPS investigation should focus on Chief Deputy Hendershott's well-known *abuse of employees*.

This investigation would be similar to the recent DPS administrative investigation completed at the request of the Town of Surprise. In this instance, the Surprise Town Manager requested DPS complete an administrative investigation regarding complaints filed against Chief Dan Hughes by the Surprise Police Officers Association. The officers complained of "no confidence in the chief", morale problems, and inconsistent punishment. At the conclusion of the investigation, Chief Hughes left his position as the Chief of Police.

Sheriff, I am not naïve and I know your first preference will not be to use an outside law enforcement agency investigate your Chief Deputy and closest command officers. But once you carefully review this memorandum, it should be absolutely clear to you that it would be in your best interests, and those of Maricopa County Sheriff's Office, it's employees, and the public, to see to it that all allegations be thoroughly investigated. However, the only appropriate method to conduct fair and impartial investigation is to utilize an independent agency such as the Arizona Department of Public Safety.

However, I now find myself at the mercy of a dishonest, but yet very powerful Chief Deputy, who has created a very hostile work environment for me over the past year. It is my belief that his efforts are a direct result of my refusal to participate in an effort to conceal or

provide misleading information to state investigators concerning the SCA matter and my reported cooperation with the FBI.

Contrary to what you have been led to believe, I was personally asked by David Hendershott to donate money for a political action committee in *your* name. In fact, out of my loyalty to you, I donated the largest amount of money to that fund (by a Sheriff's employee) second only to David Hendershott due my belief that it was a lawful contribution to help your campaign for the 2008 election. You should also know that I was not the only Sheriff's employee told by David Hendershott the true purpose of the political action committee was to aid your reelection effort.

Unfortunately for me and for my fellow Chiefs, the hostile work environment he has created on the nineteenth floor is oppressive and the impact has been seriously detrimental to our morale. Over the past year, and particularly over the past few months, some of your closest advisors and even command officers have approached you to voice their concerns over the mismanagement and hostile work environment created by David Hendershott. These include Executive Chief Loretta Barkell, Deputy Chief Jack Macintyre, and Communications Director Lisa Allen. In addition, you likely know that Executive Chief Scott Freeman, Deputy Chief Bill Knight, and myself have all had disagreements with Hendershott, but have not directly approached you to intervene.

In each and every case, you have disregarded their pleas for help and told them they must continue to report to the abusive Chief Deputy who had been harassing them and continues to behave in a reckless and hostile manner. I know you likely consider some of us disloyal, but I would *strongly* disagree that any of us should be considered disloyal to you or this organization. Is performing our duties in the best interests of the public, our employees, and your legacy disloyal? It is my strong belief that a better definition of disloyalty would be any person putting their personal, financial, and political interests above those of the public and our employees. something David Hendershott has made a career of.

You have seen Hendershott's unprofessional and abusive treatment of employees. You were present along with command staff and County Attorney Andrew Thomas when Hendershott lost his temper and unleashed a angry vicious verbal tirade against Lisa Allen for allowing local Channel Three television reporter Mike Watkiss access to the nineteenth floor for a press

conference against Hendershott's wishes stunning everyone. Allen fled your office crying and reported the incident to Chief Barkell.

Although you likely consider the Attorney Generals SCA investigation, The DOJ racial profiling investigation, and the FBI abuse of power investigation politically motivated, in my opinion, it remains our obligation and duty as law enforcement officials to fully cooperate at all times. On the contrary, David Hendershott, your Chief Deputy, repeatedly met with me in an attempt to prevent my cooperation with state investigators, stating that he was the target of the State probe and informing me that I would be the "star witness" against him.

A similar example involves Executive Chief Scott Freeman. In an open meeting with others present, Freeman disclosed the fact that he had willingly participated in an interview with state investigators. David Hendershott's response was to angrily belittle Freeman by calling him a "weak kneed pussy." This comment was hardly the appropriate behavior for a professional law enforcement executive. More importantly, the comment would lead any reasonable person to believe that Hendershott does not want employees to cooperate in the SCA probe in an attempt to protect him or others from prosecution.

However, there is clear evidence that David Hendershott, Larry Black, and Joel Fox were involved in the creation of the SCA for your benefit. In addition to the civil actions taken against Fox related to the campaign finance issues and the current Arizona State Attorney investigation into the SCA matter, Maricopa County Elections Director Karen Osborne has forwarded two criminal complaints to the Maricopa County Attorney's Office for investigation regarding Fox's involvement in the SCA.

There is more than enough reasonable suspicion that these three individuals have committed a variety of violations of state law and Sheriff's Office Policy. I believe that not only is it your obligation to ensure these allegations are thoroughly investigated, but you should *want* to know if there is misconduct, mismanagement, or unlawful acts being committed by your employees, especially on your behalf.

You, along with Maricopa County Attorney Andrew Thomas created the Maricopa Anti-Corruption Enforcement Unit (MACE) in 2007 with the goal of fighting political corruption and white-collar crime. As you stated in your letter to the Arizona Republic (published September 26, 2009), "It is the duty of both offices to follow up on any and all leads pointing to the

possibility of such crimes. Turning their backs on information out of political favor to a fellow elected official would be tantamount to dereliction of duty.”

Although some may claim that the State and Federal investigations currently underway are politically motivated, nothing changes the fact that every law enforcement officer has a duty to cooperate with such investigations unless they are asserting their fifth-amendment rights against self-incrimination. I find it very unsettling that this organization stonewalls all investigations targeting this office claiming they are political, whether state or federal in nature. However, when this office investigates public officials, we have the audacity to publicly criticize their failure to cooperate with our investigators. \

As law enforcement officers, Fox, Black, and Chief Deputy David Hendershott are sworn and obligated to behave in a manner that is legitimate, ethical, and at all times, in compliance with the laws of the State of Arizona, the United States and it’s constitution. They are required to follow court issued orders, and to fully cooperate with any civil or criminal investigation conducted by any agency regarding any issue occurring within their jurisdiction, including their activity or involvement in the SCA.

Unfortunately, these employees chose a different path and resorted to maneuvers, both legal and illegal, to conceal their personal complicity in the SCA matter. The unethical and self-serving conduct of Fox, Black, and Hendershott has brought great criticism and negative publicity that threatens the very image of the Maricopa County Sheriff’s Office. An image you have worked so very hard to cultivate during your many years as our Sheriff.

The misconduct allegations related to the SCA investigation are just one of several examples of serious misconduct perpetrated by Fox, Black and Hendershott. Each of these employees (over a period of many years) has demonstrated selective indifference to mismanagement and misconduct committed by and through other Sheriff’s employees under their supervision. By doing so, these employees have committed nonfeasance and misfeasance by taking steps to cover up MCSO Policy violations and even criminal violations. Their attempts to cover-up on-going misconduct amount to acts of malfeasance.

These employees have cultivated what appears to be a well-deserved reputation of being above MCSO Policy and Procedure, creating a system of management measured by subordinates’ demonstrations of personal loyalty, rather than by integrity or even legality. As this form of mismanagement has continued unabated, these employees have become even more

arrogant and reckless, supported by the strong belief that they are untouchable and unaccountable.

The one person whose conduct has been the most egregious is David Hendershott. In his capacity as the Chief Deputy, he has clearly demonstrated a lack of value driven leadership. Not only has he willfully ignored serious employee misconduct; he has consistently allowed favoritism to improperly influence his disciplinary decisions. In essence, he has created a separate "Double-Standard" system of discipline for the Office. The average Sheriff's Office employee is subject to discipline, up to and including termination, resulting from Sheriff's Office Policy and Procedure and/or criminal violations.

But, in the case of favored employees, or those demonstrating direct personal loyalty to Hendershott, Black, or Fox, they are shielded and protected by Hendershott from receiving any discipline. Repeatedly, Hendershott willfully failed to investigate several incidences of serious misconduct or take action for known policy violations committed by Joel Fox over a period of several years. In fact, there is evidence that Hendershott directly interfered in several Office investigations associated with Joel Fox and employees under Fox's command.

Larry Black and David Hendershott have protected Joel Fox for many years. This protection took the form of shielding him from unfavorable annual appraisals, transfers, failure to complete required AZPOST training, and most importantly, allegations of serious misconduct. In virtually every case, the allegations of misconduct would have certainly resulted in Fox being terminated for a variety of violations up to and including untruthfulness.

Willful actions by Hendershott and Black include the prohibition of investigating clear evidence of misconduct by Fox and the prevention of Internal Affairs investigators from being allowed to directly interview Fox, face to face. During one investigation, Hendershott afforded Fox the opportunity to respond in writing to written questions submitted by the IA investigators. This inappropriate interference, a dramatic deviation from normal IA practices and flagrant protection of Fox by Hendershott and Black and has been demoralizing to the investigators and commanders assigned to the Internal Affairs Division (IA) who believe their role is to fully, fairly, and impartially, investigate all allegations of misconduct.

The most recent cover-up was the outrageous misconduct that included unlawful acts by deputies assigned to Fox's hand picked Special Assignment Unit (SAU). This investigation was initiated by the Internal Affairs Division, at Hendershott's request, but was quickly removed

from Internal Affairs investigators once Fox's problems with the SCA scandal started. These actions by Hendershott were believed to be taken to protect Fox and prevent negative publicity.

The career of David Hendershott has been one of continuous controversy and a legacy for intimidating others. He has made a pattern and practice of placing himself and his personal and financial interests above those of this Office and our employees. He has earned a reputation as someone who lacks integrity, professionalism, and common decency.

Throughout his career, his self-serving and careless actions has led to organizational embarrassment, mismanagement, negative publicity, costly lawsuits, ineffectiveness, and devastating employee morale. He has routinely used this office to benefit himself, his family, and business associates. In addition, Hendershott has demonstrated tireless vindictiveness against any Sheriff's employee or other person that he perceives to be disloyal or an enemy. Further, he has gained a reputation for taking retribution against employees who question the propriety of his conduct or fail to blindly follow his directives.

In this letter, I will specify several allegations that I have personally witnessed, and can attest too, or situations that have been brought to my attention by other conscientious employees that clearly warrant further investigation and consist of conduct that includes malfeasance, nepotism, corruption, mismanagement, political impropriety, and violations of our Code of Conduct. I believe that the only appropriate course of action to ensure a fair and impartial investigation is to immediately place these employees on Administrative Leave and formally request the Arizona Department of Public Safety to conduct an administrative/criminal investigation of these allegations.

Sheriffs Command Association (SCA) Scandal

Since the inception of this politically motivated Fund, David Hendershott, Larry Black, and Joel Fox, have not only propagated misleading statements to the public related to the purpose of the SCA, but have also willfully and intentionally committed criminal acts by attempting to obstruct justice, tamper with witnesses, and destroy evidence.

I was approached in the fall of 2006 by David Hendershott to contribute money to a Fund to support the Sheriff that he described to me as like a "political action committee." He told me to contact Larry Black and he would physically make a PeopleSoft payroll entry for me that would allow a direct payroll deduction into this Fund each pay period. Because I have always

supported you as our Sheriff, I willingly contributed fifty-dollars per pay period to the Fund, and believed that my contributions would be used for usual campaign expenses, signage, mailers, or televised political ads.

At no time was I told that this fund was some type of campaign to improve the image of our line employees; and I would not have contributed to such a generic and non-descriptive political action committee, even if I had been asked. More importantly, once my donations were made, I was never consulted by anyone regarding how the money would be spent or what type of political activity would be funded.

Like most of the public, I learned from the media about the County Attorney's investigation of Joel Fox sometime during the time of your reelection in 2008. It was obvious by Fox's statements to the press and his testimony in court that he was attempting to mislead the public and investigators as to the true purpose of the SCA Fund. At that time, it was obvious that these monies were always intended to positively influence your campaign and ensure the defeat of your opponent. Over the subsequent months, Fox continued to publicly deny the true purpose of the Fund and was clearly attempting to protect the names of prominent businesspersons who made substantial donations to the Fund.

In my opinion, based on my law enforcement experience and the Policies of the Sheriff's Office, the withholding of these names and failure to cooperate with the County Attorney's Office should have been grounds for our Internal Affairs Division to investigate Fox's actions. However, I knew that would not be the case because of Dave Hendershott's culpability in the matter evidenced by the repeated questioning that took place in early April of 2009.

On April 1, 2009, I was requested by David Hendershott to meet him in his office. When I arrived at about 1650 hours, I walked into the north hallway adjacent to the receptionist office and saw Brian Sands and Dave Hendershott emerging from Chief Trombi's office, although Trombi was not with them. Sands left the floor and Hendershott directed me towards his office. Prior to walking into his office, Hendershott directed me into Lt. Irene Irby-Barron's office directly across from his, we both sat down and he shut the door.

Hendershott began his conversation with me by stating "this conversation never happened" and then began to tell me cryptically that "someone" would be coming to talk to me reference the SCA matter. Hendershott didn't specify who or when, but he told me not to "freak out," that I "didn't have to talk to them," and that I "should have them see my lawyer." I was

surprised to hear the reference to 'my lawyer,' as I was unaware that I had a lawyer, or even had a need for one. Hendershott went on to say that "they" were "after four billionaires" and that I "shouldn't tell them how much money I gave" or even "talk on the phone about the issue". He added that Fox was going to say that he was the only person involved in the SCA affair.

Hendershott told me that I should tell them what he is going to say, which was that this investigation is only being done because "we (meaning MCSO) were investigating their boss" (referring to the AG's Office). I told Hendershott that I had never spoken to him about the matter other than when he initially asked me to sign up. This conversation with Hendershott took just a few minutes and then we went into his office to talk about Office issues that were unrelated to the SCA. I presumed that the SCA matter was a civil matter for Fox and did not concern myself with this seemingly inappropriate conversation.

Later that same evening at roughly 2030 hours, I was on the way home from my birthday dinner when my son called me and told me that criminal investigators from the Attorney General's Office had visited my home and left a card. This now put the conversation earlier in the day with Hendershott into proper perspective, I was very upset that Hendershott told me not to cooperate with investigators when he clearly knew I would be interviewed for a criminal investigation, not some type of civil matter. I fully intended to cooperate with the investigators anyway, and I called Meg Hinchey, a criminal investigator with the Attorney General's Office the next morning, and gave her a phone interview in which I answered all of her questions truthfully.

On the afternoon of July 8, 2009, I went to Dave Hendershott's Office because Chief Scott Freeman told me Hendershott wanted to talk to me about a press statement authored by Attorney Grant Woods, which was being released in reference to Joel Fox. Hendershott showed me a paragraph written on a small notebook computer and he told me that Fox was out of "stays" and that the "names were going to be made public." As a result of this development, Woods gave brief generic statements in the press release that said all involved with the SCA were supporters of the Sheriff's Office and were not involved conducting the day to day activities of the Fund. Hendershott then changed the subject to the investigation by the Attorney General's Office.

Hendershott asked me if I minded talking about what I said to those "AG guys." I replied that I told them that I thought I had signed up for a political action committee and that Larry Black had signed me up. Hendershott then said that it was not a political action committee;

although they initially planned it as such. Then he told me that he had not talked to me (which wasn't true), and that I must have just heard about it (the SCA Fund) and decided to join. I told him that I signed up after he asked me to, to support the Sheriff. He then said that the Fund was supposed to support the deputies, not the Sheriff; and what I had just said was going to be "stuck up our butt." He again tried to coach me by saying that he did not tell me anything. I contradicted him and told him that he had, Hendershott stated that I would "probably be the star witness" against him. Hendershott became very exasperated with me and finally indicated that he was through talking, so I left the office.

A couple of minutes later, his assistant came to my office and said Hendershott wanted to see me again. I returned to his office and he again began to ask if I was told that the Fund was "like a political action committee." I replied that I did remember it that way. He again tried to improperly influence me stating that he might have said that it was like a political action committee for the deputies, and I should talk to Larry (Black). Then Hendershott asked me if that statement would fly. I told him that I remembered the conversation as a political action committee and that was all I remembered. Hendershott then said that in other words the money was collected for a "good cause," but then commented about how I already said it was for the Sheriff. I confirmed that I said it was for the Sheriff and he then let out a big sigh and said "O.K."

I asked Hendershott why they did not just reveal the names long ago to avoid this controversy? He replied that he did not know what Fox did, he added that Larry (Black) and Joel (Fox) had looked at the law, did what they did, and now "we're sitting on this." Hendershott continued to deny any knowledge of what was going on, and put the blame on Black and Fox. When I asked him how the issue turned into a criminal matter, he said that he believed that "they" were actually targeting him.

He brought up again the political action committee issue and whether I remember being told about the Fund being used for the good of the deputies and image of the office, or to go after the press. I replied to him that no one ever talked to me about any of that and I then asked Hendershott about the possibility of getting my donations back. I also asked if I could talk with Joel (Fox). He said that Joel would be happy to give it (my donations) back. In response to asking if I could talk to Joel, he said I could do whatever I wanted. Hendershott was clearly frustrated during our conversation, he said "alright," and I left his office.

About thirty minutes later while I was sitting in Chief Terry Young's office with several others, Hendershott walked in and chatted for a minute with everyone, and then singled me out. He said he had some information that I had requested. Hendershott walked me into Chief Bunn's empty office, put his arm around me in a conciliatory manner, and told me that he said that he had just talked with "someone" and asked them when we would get our money back. He claimed that he was told that "they" were waiting to hear from "their" lawyers. He apologized for the earlier conversations, and said something about the "fuckin'" atomic bombs" going off around him. This was the last discussion I had with Hendershott reference to the SCA Fund.

In my opinion, Hendershott's contact with me on April 1 2009, telling me not to cooperate with a law enforcement investigation, was not only improper and unethical for a law enforcement executive, but also criminal in nature and constitute witness tampering and/or obstruction of justice. I base this statement on my many years in law enforcement, my understanding of MCSO Policy and Procedures, as well as my knowledge of Arizona Revised Criminal Statutes. In addition, his repeated contacts with me regarding the SCA Fund were clearly intended to persuade me to withhold testimony and/or provide misleading statements that would support his false and ridiculous assertion that he was not involved in the creation and participation of the political action Fund.

More examples of improper campaign activity by Dave Hendershott

Sheriff, just as Richard Nixon did not need the help of the Watergate conspirators to win his election, you did not need the ill-advised SCA funded smear video to win yours. You are and always have been a very popular Sheriff and have proven to be a very formidable candidate for anyone who ever challenged you. However, that fact never seemed to occur to David Hendershott who has always risked your candidacy and bad publicity by attempting unethical and embarrassing campaign dirty tricks on your behalf.

One such example is the 2000 election against Sheriff's candidate Jerry Robertson. In an attempt to indentify Sheriff's employees who supported Robertson, Hendershott enlisted Deputy Chief Rollie Seebert and Sergeant Leo Drivinghawk to secretly take video footage of persons attending a campaign meeting that was held at the F.O.P. Lodge Five Hall in Phoenix.

Hendershott arranged for a recreational vehicle from a local businessman/posse member and Seebert and Drivinghawk parked the vehicle across the street from the F.O.P. hall at a

nearby bowling alley parking lot. The pair then proceeded to videotape everyone who attended the meeting. Later when Seebert played the footage for Hendershott and pointed out that Lt. Ray Jones was present, Hendershott laughed and said that he had arranged for Jones to attend as his inside guy.

A second example is the 2004 elections against Sheriff's candidate Dan Saban. In this case, Hendershott contact Deputy Chief Steve Werner and Deputy Chief Scott Freeman and again wanted them to attend a campaign event to likely identify Sheriff's employees who were present.

However, both Freeman and Werner appropriately refused to be involved. When Werner called Hendershott and told him that you were going to easily win the election and didn't need a "Back Bag Operation", Hendershott became angry and called him a "Fucking Cunt." I know from speaking with both of them at the time that Hendershott was very angry with them and both were on the outs with him for quite some time.

Black defends his decisions regarding the SCA and physically threatens Munnell

On July 23, 2009 at about 0950 hours, I was in your office with Lisa Allen and Larry Black, talking about the Phoenix New Times article which featured Joel Fox as a puppet on the cover of the paper. During the conversation, I informed Black that I was not very happy about the manner in which he and Fox handled the SCA matter. I told him that he should have released the names long ago, and now this had turned into a sleazy scandal. Black tried to tell me that they were only following the law.

I countered that every court, lawyer, and judge disagreed with them. He told me I should read the statute and then I could come back and apologize to him. When I said I would not apologize and said to him "Nice fuckin job" Black threatened me by stating that he "wouldn't put me through the fucking wall right now only because we were up in this office." Black then challenged me to go downstairs to fight him, adding, "that I was a piece of shit." I replied that he could threaten me, but that I had every reason to be upset that my name was being smeared by this sleazy scandal, that is when you came into your office.

When you asked what was going on, I tried to discuss my donations to the SCA Fund with you. You denied that the donations were made to benefit you, made a statement that you had never had a conversation about SCA with me, and promptly left your office.

Although I chose not to make a formal complaint against Black for the threat, this incident was brought to the attention of Hendershott (likely by Black). Even though Hendershott was made aware of the confrontation, he never approached me to get my statement regarding the matter, or took any action to investigate the circumstances surrounding the incident. I had heard numerous examples of Larry Black's propensity to lose his composure and behave unprofessionally, but this was the first time Black and I had ever had any type of disagreement or anything that would be considered an argument. That same morning after the threat was made, at the conclusion of your command staff meeting, Black approached me in my office while I was talking to Brian Sands.

In the presence of Sands, Black made a comment to me that he thought I wanted to fight. I replied that the notion was ridiculous. Black then stated that he knew I was upset about the SCA, because I didn't know anything about it. Black added that I wasn't supposed to know anything, because it wasn't supposed to be talked about up there (meaning the 19th floor). He added that he had a twenty-seven-page document that explained the SCA matter and the Goddard connection, which I could review away from the office. Black then left my office without incident. I never asked to review the document Black referred to, because I believe both Black and Fox to be dishonest and lack any type of credibility regarding any matter.

Not long after the confrontation with Black, I received a letter from Joel Fox containing a check dated July 27, 2009 for \$2,400.00. Handwritten on the check was a notation, "full refund of donations" and it was for the entire amount of money I donated to the SCA Fund. It is obvious to me that the refund check was sent to me as a result of my confrontation with Black and was intended to make me happy, and is very likely intended to be "hush money." I make this assertion because as of this date, I am still the only office employee to receive a refund of monies donated to the SCA Fund from Fox. After receiving the check, I waited several weeks to cash it waiting to see if any other employee would receive one as well. When it became apparent that I was the only one to receive a check, I consulted with the Arizona State Attorney General's Office Investigators for an opinion as to whether this check was evidence, or if it was appropriate for

me to cash it. I was eventually given permission to cash the check, and at their request, I provided the AG Investigator with a copy of the check.

Since the inception of this politically motivated political action fund, David Hendershott, Larry Black, and Joel Fox, have not only propagated misleading statements related to the purpose of the SCA, but have also willfully and intentionally committed criminal acts by attempting to obstruct justice, tamper with witnesses, and destroy evidence. As a result of the Attorney General's investigation, I have redacted specific information related to the criminal case from this memorandum. I can only reveal at this time that I have willingly and fully cooperated with the investigation and have provided information and statements that would not be considered favorable to any of the three defendants.

Beyond their obvious incompetence, their deliberate and dishonorable actions are clearly not those of law enforcement professionals. In reality, their reckless, dishonest, and willful actions are lacking in ethics, violate Office Policy, and the laws of the State of Arizona. Unfortunately, as you will read, their misdeeds and corruption are not confined to only the SCA scandal.

Internal Affairs and the Double Standard System of Discipline

The title "Double-Standard System of Discipline" means exactly what it implies. All Sheriff's employees are expected to follow and are subjected to compliance with Office Policy and Procedure without exception. Any employee who fails to act in accordance with established Office Policy and Procedure should lead to that employee being held accountable for such behavior and receive appropriate discipline. Any supervisor discovering employees' inappropriate, improper, or illegal actions has the absolute obligation to act and fully investigate the matter. This is the foundation of the system within the Maricopa County Sheriff's Office, and how it is supposed to operate. Chief Deputy Hendershott however, acting as a law unto himself, has willfully prevented Internal Affairs personnel from initiating investigations or the undertaking of disciplinary actions. His actions clearly made a mockery of County's Merit System, the very system designed to protect every employee from such abuses.

A frequent beneficiary of Hendershott's intervention is Captain Joel Fox and his staff. Investigations of Fox and several of Fox's employees, stand in stark comparison to the disciplinary actions taken by Hendershott against ordinary Office employees. This nonfeasance

in regards to the allegations of misconduct against Fox and his subordinates is the essence of a "double-standard" of discipline employed by Hendershott. In the following pages I have provided several examples of misconduct that reveal not only serious Sheriff's Policy violations, but, at times, criminal behavior that has been overlooked by this law enforcement agency.

The irony to all of this review is the fact that the Maricopa County Sheriff's Office, under the direction of Chief Deputy David Hendershott has enforced a very strict Office Policy on truthfulness, resulting in the termination of over two hundred Sheriff's employees. But the Policy enforcement that has been in place for over a decade, when reviewed under the context of the favoritism demonstrated by Hendershott, Black, and Fox shows that the "zero tolerance" for being untruthful is actually enforced selectively. In short, both Hendershott and Black have protected employees found to be untruthful due to their loyalty, friendship, or associations. An egregious example of such favoritism has been the protection Hendershott provided to Joel Fox regarding the SWAT investigation of 2005.

After Deputy Chief Larry Black removed the very experienced and capable SWAT commanders Captain Phil Babb and Lieutenant Mike Mitchell, he assigned his best friend Captain Joel Fox, as the new commander. Soon after Fox received this prime assignment, disagreements soon arose between Fox members of that SWAT unit regarding several important issues; especially the issue of training time. In addition to the tension that such issues caused with the SWAT unit, two deputies (Pearce and Artsigner) were wounded during a SWAT operation on December 16, 2005. It was reported that while present at the incident scene, Fox lost his composure and was yelling at members of the Team, blaming them for what had happened and displaying frustration because he could not obtain the information related to the shooting that he wanted so he could apparently brief you and the rest of the command staff.

The wounded deputies were then transported to a local hospital for further treatment, after receiving emergency medical treatment at the scene. Reportedly, you and Chief Hendershott arrived at the hospital and were not permitted visit them at the direction of family and/or members of the Team. It was learned, however, that Dan Saban arrived at the hospital and was allowed to visit them.

Not long after the shooting, Fox attended a SWAT Team meeting to discuss issues of contention (such as training time and patrol duty), where Fox behaved in abrasive and unprofessional manner. At one point in this meeting, Fox engaged in an intense argument with a

Team member and challenged that deputy to a fight. The two were separated and there was no further confrontation between them. However, sometime after that incident, SWAT Sergeant Todd Hoggatt called Hendershott with the intention of determining whether or not Hendershott knew about or approved the manner in which Fox was handling the SWAT Team. It was reported that Larry Black was with Hendershott when he received the call. After the call, Hendershott took the unprecedented "shotgun approach" of placing every single member of the SWAT Team on Administrative Leave and ordered that all of them arrive for an Internal Affairs interview at the same time. The basis for this investigation was a memorandum written by Joel Fox, which accused every single member of the Team of insubordination, harming morale, and damaging SWAT equipment.

Captain Ken Holmes (currently assigned as commander of Internal Affairs) and Captain Barry Roska were assigned as the investigators. Captain Jim Miller, the Internal Affairs commander at the time personally interviewed Fox. Although the investigation was primarily focused on allegations against the SWAT Team members regarding Fox's allegations of insubordination and equipment damage, the investigators soon discovered through interviewing the Team members, Fox's challenge to fight a deputy and Fox's general and his overall unprofessional conduct during the SWAT meeting. However, when Fox was questioned about his behavior during the SWAT meeting during the course of his interview with Captain Miller, Fox, incredibly and repeatedly, denied that the incident ever occurred or that he would have behaved in such a threatening manner. In contrast, the investigators noted that every SWAT member gave the same consistent statements about Fox's conduct. In addition, every SWAT member was ordered to submit to a polygraph examination regarding the confrontation, which every Team member passed.

Despite the overwhelming evidence that Fox was lying about his actions during the SWAT meeting, Hendershott never ordered Fox to submit to a polygraph examination and refused to allow the internal affairs investigators to re-interview Fox regarding his previous statements to them. In fact, Captain Miller, who actually interviewed Fox, submitted a six-page memorandum to Hendershott, recommending that Fox be investigated for his unprofessional behavior and more importantly, his obvious untruthfulness. Deputy Chief Pat Cooper was also aware of this memorandum.

However, when Miller met with Hendershott and reviewed the written allegations against Fox, including transcripts revealing specific discrepancies in Fox's statements, Hendershott attempted to minimize the untruthful perception of Fox's statements by stating to Miller, to the effect of, "if you remove this word..." then Fox was not untruthful. Hendershott ultimately chose not to further investigate Fox. Miller had to accept that decision from the Chief Deputy, although he strongly did not agree with it because it was contrary to the established norm of "zero tolerance" against untruthfulness. Miller actually lost sleep over the issue.

The failure to hold Fox accountable was not a popular decision among the members of the Internal Affairs Division and their Chief as they agreed that Fox was clearly untruthful during his IA interview. As of this date, it is reported that the SWAT investigation has still yet to be officially concluded and the SWAT members involved are still under the Garrity warning they received prohibiting them from discussing the matter and their unjust transfers. It is believed that the only Sheriff's employee disciplined was Sergeant Todd Hoggatt for "insubordination."

It was also reported that Hendershott, Miller, and Maricopa County Deputy County Attorney Clarisse McCormick later attended a strategy meeting related to the SWAT investigation that involved a pending OSHA complaint in Hendershott's office. According to Miller, the original reason given for the disbanding of the SWAT Team was that the deputies refused to follow orders. Then another reason was given that the deputies did not want to remain assigned to the SWAT Unit. The final reason or theory discussed was that the team has lost its "edge."

McCormick was very disturbed about a earlier statement made by Fox that he could over-throw a small South American country with his two new SWAT Teams (the replacement SWAT team and the Special Assignment Unit) that he now supervised. McCormick couldn't believe that Fox would make such a statement and sarcastically commented that should Fox be allowed to testify in a hearing regarding the matter, that the County had better go ahead and write a check; implying that his unprofessional testimony would no doubt result in the case being lost. It is unknown if this meeting had any bearing or relevance to the fact that the SWAT Internal Affairs investigation was apparently stalled and has yet to be officially concluded.

The sudden removal of the entire SWAT Team was of great concern to me and several other Deputy Chiefs who questioned the unprecedented disbanding of an entire specialized unit. Apparently, news of our concerns had come to the attention of Hendershott, because one day

after Sheriff's Staff he abruptly summoned all of the sworn Deputy Chiefs to a meeting in his office. Upon arrival, he was clearly irritated and told Larry Black to explain to us why the Unit had been disbanded. Black stated that the former SWAT members had formed a clique and resisted changes to their schedule. The main issue of contention was their resistance to working patrol duty (which would reduce their amount of training time). Due to Hendershott's demeanor, it was obvious that he wanted us to accept Black's version of the debacle and that we had better leave the matter alone. This "one-way" flow of information was given, we understood the message, and the meeting was ended.

Ironically, the new team that was personally recruited by Fox, Black, and Hendershott, was never assigned to work regular patrol and a tremendous amount of money was spent to train the new replacement SWAT unit. In my opinion, this wholesale transfer of an entire specialized unit is just another example of Black and Fox's "Shoot-the-Messenger" school of management. Over the many years, they earned a well-deserved reputation of transferring any deputy that questioned their unorthodox and unprofessional management decisions.

In short, it is my opinion that the entire unit was disbanded for their resistance to Fox's unprofessional and overbearing handling of the unit and the teams perceived political support and loyalty to Dan Saban. For obvious reasons, it is unreasonable for anyone to believe that every single one of the members of that specialized unit was disloyal to you or equally violated Office Policy. In fact, to this date, not a single allegation against the deputies investigated was ever proven true. Further evidence of that this investigation was a "witch hunt" was the ever-changing explanations given for the removal and transfer of the entire team.

Hendershott protects Fox and Deputy Tony Navarra during a criminal investigation.

The next serious incident where Hendershott protected Fox who, in turn, protected a subordinate during a criminal investigation related to Deputy Anthony Navarra. Navarra was personally selected by Fox to supervise the Special Assignment Unit (SAU) upon the death of its previous supervisor, Deputy Gary Labenz. Navarra was not a Sergeant nor did he possess sufficient training, skill, or experience to serve as the unit's new supervisor. In fact, Navarra was originally assigned as a member of the unit because Chief Brian Sands had sent Navarra, a rookie deputy, to SAU due to his poor performance and attitude while assigned to the Enforcement Support Division. Fox's selection of Navarra as the SAU supervisor was made over

the objections of senior and more highly experienced members of that unit and even surprised Sands.

Because of the controversy over that decision, Fox felt compelled to write an e-mail dated October 24, 2005 to one of the senior SAU members defending his decision. In his long and pontificating manner, Fox tried to defend Navarra, stating, "I need a certain personality that I think Tony exemplifies." He went on to claim that immediately before Labenz' premature death, Deputy Labenz actually told Fox in Louisiana to give Navarra a shot at the SAU supervisor position; a statement that the SAU deputies were not buying. To underline Fox's lack of management knowledge and professionalism, Fox wrote in that email that when he considered a replacement supervisor for the specialized unit after Labenz had passed away, that he considered every option and the "worst possible choice of bringing in a Sgt." Navarra served as the supervisor of the unit as a deputy until January of 2008.

Sometime around January of 2008, Deputy Roger Marshall filed a complaint against Navarra, alleging that Navarra might have been involved in some form of sexual misconduct with a juvenile male associated with a church, which both Navarra and Marshall attended. Navarra was placed on administrative leave but Fox surprisingly allowed Navarra the privilege of retaining his Sheriff's take home vehicle that was assigned to him. During this time, Navarra and Fox communicated regularly via e-mail sent on the vehicle's Mobile Data Computer ("MDC") These e-mail communications and particularly the content were ultimately discovered and reviewed by Internal Affairs Criminal Investigators to collect data related to their investigation.

Navarra, Fox's direct subordinate, was openly gay. The reviewed e-mail communications between Navarra and Fox revealed numerous phrases such as "kisses," "hugs," "love ya," and other similar comments suggesting the existence of a possible romantic relationship between Navarra and Fox. Such suspicions became compounded by the far more serious discovery of e-mail sent by Fox to Navarra where Fox assured Navarra that he was "protected" and that nothing was going to happen to him (Navarra) as a result of the criminal investigation.

Captain Miller of Internal Affairs brought the discovery of the e-mails to the attention of Hendershott. Hendershott not only failed to order a non-criminal internal investigation into these serious allegations relating to what had been discovered on the MDC, he also prohibited the Internal Affairs investigators from directly interviewing Fox regarding the criminal case.

Hendershott permitted Internal Affairs to do no more than submit three written questions to Fox, strictly limited to Navarra's illegal use of his MDC to run criminal history checks on his alleged victim. (The Maricopa County Attorney's Office subsequently filed two felony charges against Navarra relating to his illegal use of the computer).

In addition, Fox wrote a long, rambling, memorandum, which he submitted directly to Hendershott. The memorandum described Fox's nearly daily personal, emotional, and spiritual support of Navarra. The highly unusual memorandum provided further evidence that indicated the relationship that Fox had with Navarra appeared to be far more personal than a typical supervisor-subordinate relationship. In addition, Fox's memorandum falsely alleged that Navarra had been the victim of a "witch hunt" by Deputy Marshall and by Sergeant Hamill, one of the Internal Affairs investigators assigned to the criminal case.

The memorandum also revealed obvious violations of Garrity due to Navarra and Fox discussing the details of the criminal investigation and Navarra's polygraph examination. Fox's inappropriate interference in the investigation included his attempt to be the personal representative for Navarra during Navarra's Internal Affairs interviews, but was prohibited from doing so by Hendershott (one of the rare appropriate actions taken by Hendershott regarding the handling of this investigation)

Similar to what occurred during the SWAT investigation, Hendershott willfully chose not to investigate the clear and convincing evidence of Fox's serious misconduct. This nonfeasance was directed toward protecting Fox, while protecting Hendershott himself from embarrassment.

Hendershott overlooks Special Assignment Unit (SAU) administrative and criminal misconduct against Deputy Spiwak to apparently protect Fox.

In another more serious situation, which clearly underscores Hendershott's nonfeasance and his efforts to protect Fox, was the cover-up of several cases of misconduct and criminal conduct by deputies assigned to the Special Assignment Unit that was under Fox's command.

On September 28, 2008, Deputy Adam Spiwak, a deputy who was assigned to District Two Patrol submitted his letter of resignation, as he was being hired by the Glendale Police Department. His supervisor, Sgt. Dowell asked Spiwak why he was leaving the Sheriff's Office and Spiwak replied that the main reason was the "hazing" he received while assigned to the Special Assignment Unit during his field training.

Spiwak told Dowell that he did not report the misconduct by these senior deputies because he was afraid and did not want to create a problem with his field training status. Spiwak said that these incidents put fear and distrust in his profession and this Office. He added that it also affected his family life to the point where his wife feared for his safety every day he went to work. It was within weeks of these hazing incidents that Spiwak applied for a position with the Glendale Police Department. He was later transferred to District Two Patrol where he encountered no problems with misconduct and unprofessionalism.

When this information was brought to my attention, I immediately contacted the District Two Commander and ordered him to contact Spiwak, and persuade him to provide further information so we could thoroughly investigate the matter. Appropriately, the matter was eventually assigned to Internal Affairs, and Lt. Paul Ellis and Lt. Bruce Tucker met Spiwak at District Two where they conducted an interview.

During this interview, Spiwak described a wide array of misconduct, ranging from unprofessionalism and minor violations of Office Policy, all the way to violations of Arizona State Law. In one incident, he was not allowed to leave the District Three substation for over an hour while the other SAU members waited outside. Each time Spiwak would attempt to leave, members of the SAU squad would point their lasers from their Tasers at him and he would retreat inside.

Another incident involved Deputy AJ Macklin, who discharged his firearm next to Spiwak at a cemetery in the Town of Aguila in an attempt to scare him. Another egregious incident occurred at the Queen Creek Substation, where the squad demanded to use a Taser on Spiwak. Although Spiwak resisted, he was told he was not getting out of it, so he finally said, "Fuck it" and did not resist any further. A Taser was applied to his buttocks and was activated. Spiwak offered a list of other allegations that included urinating on door handles, target shooting of rabbits on duty, and similar inappropriate behavior.

While Internal Affairs were investigating these allegations, Chief Hendershott unexpectedly summoned Captain Miller of Internal Affairs to discuss the Spiwak case. He instructed Miller to give him the investigation for his review so he could determine if it was a "viable" case. Later, Miller was instructed by Hendershott to send the investigation to Captain Fox, who had made the claim he was already investigating the matter (which according to Captain Miller was false). As it turned out, there was a limited investigation conducted by Fox

regarding one of these serious allegations of misconduct against Deputy Al Macklin, but Fox never interviewed Deputy Spiwak, the victim in the matter.

The investigation completed by Sergeant Chris Scott (at the direction of Fox) was a single page long and simply sustained the incident in which Deputy Macklin discharged the firearm to scare Deputy Spiwak. Not surprisingly, there was no major discipline issued to Macklin. Fox issued a Written Reprimand to Macklin in which he attempted to mitigate Macklin's actions by listing other infractions by the squad to be funny; such as target shooting on duty, horseplay, urinating on a vehicle door, and threatening to Taser Spiwak.

The Written Reprimand (which would be filed in Macklin's personnel file) was clearly written in a manner to conceal Macklin's serious act of firing a weapon directly behind Spiwak. As for the rest of the allegations against the other members of SAU, there was no formal investigation initiated by Fox. It is believed that none of the other deputies involved in the serious misconduct surrounding the hazing of Spiwak received discipline of any kind.

Remarkably, on June 25, 2008, SAU Sergeant Chris Scott, simply warned his deputies during a briefing to discontinue a variety of specific inappropriate behaviors and further warned them that others were watching them from outside of the unit.

The allegations against the SAU deputies, which involved serious statutory violations, were obviously very serious and should have been criminally investigated by Internal Affairs personnel to determine violations not only of MCSO Policy but also of the Arizona Criminal Code. However, since this investigation occurred in the middle of the SCA scandal, I was told that it was taken away from Internal Affairs in an effort to protect Joel Fox who was caught up in the middle of the SCA controversy.

Detention Lieutenant Paul Noble is a victim of Hendershott's "Dual System of Discipline."

Although Hendershott ensured that the SAU deputies under Fox's command were protected and not held accountable, he certainly made sure that another member of this Office was severely punished.

On August 16, 2006, Noble was sitting in his office handling his Taser and while speaking to another supervisor. While talking to the Sergeant, Noble accidentally discharged the Taser and the probe struck a female civilian employee walking by just outside his office, causing

her to fall and injure herself. Although Noble claimed it was an unfortunate accident, he was placed on administrative leave during the internal investigation that lasted several months.

The results of the subsequent investigation were submitted to the Maricopa County Attorney, who declined a criminal prosecution. It was reported that Hendershott wanted to demote Lt. Noble, but Hendershott eventually decided to hand down one of the most severe punishments ever given, a two-hundred and forty hour suspension, the maximum suspension allowed. Compounding the unfortunate situation for Lt. Noble, he was not issued his suspension until May 14, 2007, nearly a year after the incident.

This blatant disparity in discipline is prima fascia evidence of a "Double-Standard" disciplinary system." The deputies who Tased Deputy Spiwak committed an intentional and possibly criminal act against Spiwak, yet they were not disciplined or considered for discipline by Hendershott or Fox. The investigation was inappropriately removed from the Internal Affairs investigators so the matter was never sent to the County Attorney's Office for review, although it was the intention of the Internal Affairs investigators to do so. Meanwhile, Lt. Paul Noble, an employee with a good work record who accidentally fired a Taser, received the maximum suspension allowable under policy, short of termination.

Larry Black's Disciplinary Nonfeasance; Deputy Al Macklin's theft of pornographic DVDs from evidence.

In addition to Chief Hendershott and Joel Fox failing to take appropriate action regarding their subordinates serious acts of misconduct, Larry Black has also taken direct action to protect deputies from receiving major discipline or being terminated due to a lack of truthfulness and criminal acts. One beneficiary of such protection was Deputy Al Macklin, the same deputy who earned a reputation for unprofessional behavior and serious misconduct among the members of SAU.

On August 13, 2004, Deputy Walters obtained several pornographic materials, including DVD's from a complainant who had found them in her residence and believed they belonged to her husband. She also believed they might contain child pornography. A report was taken (DR#04-143421) by Walters, who transported the evidence to District Two for safekeeping. The items were placed in an unlocked evidence locker as Walters intended to process and package the items later, although he should have processed the evidence properly upon arrival at the

substation. Approximately five (5) days later, Walters discovered that two of the pornographic DVDs were missing. Walters reported this to his supervisor and wrote a memorandum that included a statement that Deputy Macklin was present when he was initially handling the property.

The supervisor notified Deputy Macklin and the rest of the squad that pornographic DVDs were missing from the evidence locker and that they needed to be returned no matter who had them. Macklin replied that he would "ask around" and later said that "this person" would return them the next day. The supervisor, Sergeant Brian Stutsman felt confident that Macklin knew who possessed the DVDs and told him that Captain Penrose would allow the matter to be handled "in house" if the items were returned.

On the following day, September 3, 2004, Stutsman spoke to Macklin who told him that the "items" had been returned and that the name of the deputy was on the envelope. However, when Stutsman checked the envelope, no name was found. Stutsman then called Macklin back and asked him who had possessed the DVD's. Macklin replied, "I did. I thought you knew." After Macklin's admission, the investigation was completed and then sent to Deputy Chief Black, recommending that Macklin be issued a written reprimand for misappropriation of evidence.

Normally, upon receiving an administrative investigation that alleges that an employee committed theft or was untruthful, Black should have placed Macklin on administrative leave and sent the investigation to Internal Affairs recommending a criminal investigation. Black's only action was to hold Macklin's Annual Appraisal so that he was ineligible for a pay increase. Incredibly, Black told me himself that he felt that the lack of a raise was a worse punishment than Macklin would have otherwise received. I strongly disagree, as in any situation where a deputy steals evidence from a Sheriff's substation and later lies about it would clearly merit termination and criminal prosecution.

Macklin was recently involved in another similar situation involving missing property that was later found at his personal residence. On June 18, 2008. Reserve Deputy Meir #R1141 made an arrest for drug violations related to a traffic stop in Gila Bend. Deputy Macklin assisted Meir by searching the vehicle and seizing various items of narcotics and drug paraphernalia, a total of five (5) items. In addition, Macklin provided a detailed description of the seized items to Meir, which was also described in Meir's report narrative.

However, the suspect later filed a citizen complaint because she wanted her video camera and a still camera returned that she claimed were seized from her vehicle during her arrest. She filed the complaint because several deputies, including Captain Fox, had failed to return her phone calls. Although Macklin completed a detailed property inventory form describing a variety of drug paraphernalia and other evidence seized from the vehicle, he did *not* list the cameras or inform Deputy Meir that he had even taken the cameras for evidence.

Several months later, Sergeant Scott finally got around to investigating the matter and contacted Macklin. Macklin initially told Scott that he would check his notes and call him the next day. Scott sensed something was wrong when he spoke with Macklin so he decided not to wait for Macklin to call and phoned him the next day. During this second conversation, Macklin admitted that the cameras were in found in his garage, at his personal residence, and claimed that he had accidentally left them there while taking equipment out of a take home patrol vehicle.

The fact that these items were found in his personal residence and that he had failed to document their seizure or inform the arresting deputy that he had seized them clearly indicates that the matter should have been assigned to Internal Affairs for investigation. However, it was not, and was eventually handled at the Sergeant level.

Despite this most recent incident and his other inappropriate actions while assigned to the SAU Unit, Macklin was honored as the Court Security Division Deputy of the Quarter earlier this year. It should be noted that as of this date yet another internal investigation in which Macklin is a principle is currently underway to investigate allegations that he recently assaulted an inmate under his supervision.

Black and Fox malfeasance regarding Deputy Macklin forging supervisor signatures on his departmental reports

Approximately 2002, Deputy Al Macklin was assigned to the Motor's Unit under the command of Fox and Chief Black. Macklin's immediate supervisor was Sergeant William Hindman. William Hindman has since been promoted to Captain and is currently the commander of District Three Patrol.

While assigned as the direct supervisor of Deputy Macklin, Hindman received a subpoena for a criminal case that he wasn't familiar with. Hindman then reviewed a copy of the Departmental Report related to the subpoena, however, after this review; he still could not recall

the incident or determine why the court had requested his appearance. However, after a more careful examination of the report, Hindman noted that someone had forged his name in the supervisor approval signature block of the report. Office policy requires that all Departmental Reports be reviewed and signed by a supervisor to ensure quality control and that each report is received in a timely manner.

Noting the obvious forgery, Sergeant Hindman confronted Deputy Macklin about the matter who admitted that he had forged Hindman's signature on the Departmental Report that he had turned in. When asked why he had forged Hindman's name on the report, Macklin replied that the report wasn't completed on time, so he signed for Hindman so it could be turned in late without Hindman's knowledge. When Hindman asked how many previous reports Macklin had forged his name on, Macklin replied that he couldn't even count.

Discovering that Deputy Macklin had committed several acts of Forgery (ARS 13-2002.A, a Class Four Felony) and other serious Code of Conduct policy violations, he immediately reported the incident to Captain Joel Fox. Hindman informed Fox that he was going to initiate an investigation into Macklin's serious misconduct. However, Fox told Hindman to hold off and would not allow him to begin a formal investigation. Instead, Fox apprised Black of the situation and Hindman were later summoned to a meeting attended by Chief Black, Joel Fox, and Deputy Macklin.

It was during this meeting that Black simply scolded Macklin for his actions, telling Macklin that if he wrote up the incident, Macklin would lose his job and he had a wife and family to take care of. After nothing more than a lecture from Chief Black, Macklin was allowed to remain assigned to the Motors Unit without any disciplinary action being taken. More seriously, Sergeant Hindman strongly disagreed with Black and Fox's nonfeasance and their refusal to allow him to appropriately investigate and discipline Macklin.

The forging of supervisor signatures on an untold number of departmental reports completed by Deputy Macklin is a very serious matter, not to mention a criminal act. As a result of Macklin's willful actions, an untold number of Departmental Reports were turned in late without the knowledge of his supervisor or command staff. In addition, these reports were not properly reviewed for accuracy and completeness, which could be very detrimental to the further investigation and successful prosecution of criminal acts.

Chief Black and Joel Fox's willful nonfeasance in protecting Deputy Macklin were certainly intended to protect Macklin from certain termination and/or criminal prosecution.

Black covers up a Truthfulness investigation of a deputy sheriff under his command by destroying the document instead of sending the investigation to Internal Affairs.

Another serious allegation against Larry Black involved the protection of an employee related to a member of the command staff: While assigned as the Deputy Chief of Patrol, Black summoned Deputy Chief Rollie Seebert to see him in his office. Upon arrival, Black showed Seebert an administrative investigation involving District One Deputy Amy Golding, Seebert's niece. The investigation was based on an allegation of lack of truthfulness against Deputy Golding. Based on the Hendershott's stand on truthfulness, Golding would have been terminated had the case been forwarded to him and handled within policy guidelines.

When Seebert arrive at Black's office, Black asked Seebert what he wanted done with the file and the investigation. Seebert replied to Black that he should handle it the way it should be handled, indicating he was not asking for any favors. Black replied to Seebert that he "didn't get it," and Black pointed to the trashcan. The file was not forwarded to Internal Affairs for further investigation, or returned to the District, and no further action was taken against the Golding. The inappropriate handling of the administrative investigation by Black was later brought to the attention of the command staff of District One Patrol, who was aware of Black's decision to "shred" the file and protect the employee from termination.

Larry Black denies a qualified deputy a transfer to the Aviation Division due to his donation of money to Sheriff's candidate Dan Saban

After you defeated Dan Saban in the 2004 election, a Deputy Sheriff named Steve Hughes requested a transfer to the Sheriff's Aviation Unit. In preparation for this transfer request, Hughes had spent his own money to obtain his pilots license. However, when Deputy Hughes sought a transfer to Aviation Division that was under the command of Larry Black, he was denied that transfer.

As a result of this denial, Chief Don Schniedmiller approached Chief Larry Black to discuss the matter. However, Larry Black wouldn't initially state why Hughes was denied the transfer. Finally, Chief Schniedmiller pressed Black on the matter and Black finally stated that

Hughes had donated to the Saban campaign and emphatically said that Hughes would not be considered for the transfer.

Larry Black attempt to coerce Deputy Rich Burden not to prosecute Phoenix Coyotes player Brad May who assaulted Burden at a Scottsdale nightclub.

In April of 2002, Deputy Burden was working off duty at the Cat Eye nightclub in Scottsdale when Phoenix Coyotes team member Brad May became disorderly after him and his friends were not allowed to enter the club without paying a cover charge. May who had a reputation in the NHL and in public for starting fights became unruly and when Burden attempted to arrest him, punched Burden almost knocking him unconscious. Charges were filed and the case made local news, in fact, you were quoted as saying "the reason I'm giving special attention to this is this is an assault on one of my deputies."

However, due to Black's personal relationship with then Coyotes team owner Steve Ellman, Black met with subordinate Burden and aggressively pressured Burden not to prosecute. He pressed Burden by saying that it wasn't a big deal and even offered to get Burden season hockey tickets. However, Burden defied Chief Black and was adamant that he was going to prosecute. Ultimately May was convicted for the assault and has yet to pay any restitution to Burden as ordered by the court. Adding insult to injury, only months after May assaulted Burden, Steve Ellman gave you a hockey stick signed by May as a seventieth birthday present.

The direct actions taken by Black to coerce a subordinate to drop felony aggravated assault charges against a popular sports figure through intimidation and bribery are at the very least unethical and unconscionable, and more than likely a violation of state law.

MACE: Hendershott's mismanagement and politically motivated investigations

"There is no crueller tyranny than that which is exercised under cover of law, and with the colors of justice." U.S. V Jannotti 1982

Since the MACE investigative unit was established, it has been the pattern and practice of this unit to conduct politically motivated investigations at the implicit direction of Hendershott. In the very short time that the unit has been in existence, it has suffered from poor morale, high

turnover of personnel and command staff due to the intense pressure, micromanagement, and the unethical conduct of David Hendershott.

It is a frustration of the personnel associated with the MACE Unit that Hendershott's continual interference and constant pressure to rush investigations is the reason that recent high profile criminal cases were ultimately dismissed or pled down to lesser charges. Over the past years or so, nine (9) different command officers have been assigned and subsequently removed from supervising the Unit, with has resulted in absolutely no continuity to ensure consistency and quality investigations.

A non-inclusive list of the personnel previously assigned as commanders, removed from, or declined an offer to supervise this specialized unit include: Lieutenant Bruce Tucker, Lieutenant Travis Anglin, Lieutenant Rich Burden, Lieutenant Fred Aldorasi, Lieutenant Steve Bailey, Captain James Miller, Captain Ken Holmes, Deputy Chief Bill Knight, and Executive Chief Scott Freeman. The primary reason for such an extensive list of personnel movements in such a short time for a specialty Unit is Hendershott's impatience and irritation with commanders who do not agree with his motives or methods.

Another reason for this serious turnover problem is the intense pressure, continual interference, and absolute political nature of the investigations initiated by Hendershott. The most blatant abuse of power by Hendershott was the March 2009 removal from the MACE Unit of several detectives and commanders. Sergeant Jeff Gentry, Lieutenant Rich Burden, Deputy Chief Bill Knight, and Chief Scott Freeman were removed from their supervisory position over the MACE Unit for refusing to write an illegal search warrant ordered by Hendershott to be served on several members of the Maricopa County Board of Supervisors.

Hendershott orders search warrant to be written against County Board of Supervisors without probable cause.

On or about March 19, 2009, Hendershott approached Chief Bill Knight and instructed him to complete a search warrant affidavit right away to conduct a search of all members of the Maricopa County Board of Supervisors. Hendershott's justification was a media report that the Board of Supervisors (BOS) had paid ten thousand dollars (\$10,000) to a vendor to search their offices at 301 West Jefferson, for any listening devices the Sheriff's Office might have installed

after the execution of the initial search warrant for the Stapley investigation. The crime, according to Hendershott, was misappropriation of government Funds.

Chief Knight did not believe there was sufficient evidence to request a search warrant so he wanted to discuss the matter with his supervisor, Chief Scott Freeman and the new Commander of the MACE Unit, Lieutenant Rich Burden (Burden had just assigned to the Mace Unit as its new supervisor, two weeks earlier). Freeman and Burden concurred with Knight's opinion that sufficient evidence for a search warrant was lacking. During a subsequent meeting with Hendershott, Burden questioned Hendershott about the source of the information for the proposed search warrant, Hendershott told Burden to "read the goddamn paper!" Burden even countered to Hendershott that we (as in MCSO) swept our own offices at Wells Fargo (19th Floor) for listening devices, which is the same offense we were attempting to investigate the Board of Supervisors for doing.

Hendershott continued to pressure and convince Burden to cooperate by insisting an even more ridiculous theory to establish probable cause for the warrant. He told Burden that the BOS believed that we (MCSO) had left listening devices in their offices, so the crime was attempted theft of our listening devices. Hendershott then said they would have damaged the devices so it would also be attempted criminal damage. Burden replied that we did not install any listening devices, so it clearly could not be used as a potential crime for the purposes of obtaining a search warrant.

When Hendershott learned that Burden, Knight, and Freeman did not agree with his decision to proceed with an immediate search warrant, Hendershott then sought out the sergeant for the Mace Unit, Sergeant Jeff Gentry who reported directly to Lieutenant Burden. While Gentry was enroute to see Hendershott; Freeman, Knight, and Burden were all sitting in Chief Knight's office and Freeman decided that he did not want Gentry to be ambushed by Hendershott. Therefore, Freeman called Gentry to come to Knight's office, before reporting to Hendershott so the four of them could discuss their predicament. Hendershott became impatient waiting for Gentry to arrive and learned that he was in the building; Hendershott walked down the hall and entered Knight's office

Hendershott sat down and Chief Freeman began to discuss why there was not enough information and facts to complete a search warrant. Hendershott replied to Freeman that he did not want to hear from him. Lieutenant Burden then started to laugh, and went into great detail to

explain that there were not enough supporting facts to establish probable cause for a warrant. At one point, Hendershott replied that he would write it (the search warrant) himself. Hendershott was so upset that nobody present would agree with him about the search warrant that he ultimately stood up and left the office. After this refusal by his subordinates to write the warrant, Hendershott commented to Freeman "I'm fresh out of loyal guys, who am I going to get to do this?"

Hendershott threatens to "machine-gun" Burden, Knight, and Freeman

At about 2000 hours that evening, Burden received the first of several threatening phone calls from Hendershott. He threatened that Freeman, Knight, and Burden had "better get on board" and threatened to "machine gun" every "fucking" or "mother-fucking one of them" before hanging up on Burden. Hendershott called Burden back a second time and again threatening to "machine-gun" all of them and hung up. Burden then called Hendershott back and tried to be non-threatening to his Chief. Hendershott again replied that that they had better get on board or he would "machine gun" all of them. Burden then told Hendershott to go ahead and do it, and hung up on the Chief. Burden said he was very upset by what had happened and was unable to sleep that night.

Meeting with Deputy County Attorney Lisa Aubuchon

The following Monday, March 23, 2009, a meeting was arranged with Maricopa Deputy County Attorney Lisa Aubuchon at the Wells Fargo Building on the 18th Floor to discuss the BOS search warrant that Hendershott wanted. Present in this meeting: Lieutenant Rich Burden, Sergeant Jeff Gentry, Sergeant Rich Johnson, Sergeant Brandon Luth, and a Sheriff's financial analyst named Beverly Owens. This was a very contentious meeting in which Aubuchon told MCSO investigators to use "creative writing" to author the warrant. Burden was incredulous. He pointed to each of his subordinates one at a time, and told them if he found out that any one of them used creative writing or wrote a warrant without the facts, he would fire them. Burden then asked his subordinates if they understood him.

Burden reiterated that facts must be used to establish probable cause for all warrants. He also told each of them that if any of them wanted to come forward after the meeting he would meet individually to straighten the matter out and that he would protect them if they did

something wrong or was told to do something wrong. If there were anything immoral or unethical, he would take care of them and fix it right now.

During the meeting Aubuchon showed the previously written search warrant used for the Stapley case as an example for them to follow. Burden countered that the warrant looked like a "Press Release" and not a valid search warrant. When she insisted that MCSO had authored the warrant, Burden countered that we (MCSO) had written about six pages of that warrant, but the County Attorney's Office added the additional information and it was now about seventeen pages in length. Burden added that told her that he had the original warrant to prove it.

Burden said that he was glad that he did not have to go to suppression or quash hearing reference that first warrant. Aubuchon said it wasn't her job to author search warrants and said "why don't you just do good police work." Burden replied that good police work would begin that day.

The most shocking moment of the meeting took place when Aubuchon, who is supposed to be an impartial and ethical prosecutor, stated during the meeting, to the effect that if they couldn't get charges on Stapley, that he would be tried in the media. The result of this contentious meeting was that Burden and the Sheriff's personnel present in the meeting refused to author a warrant to search the offices of all the members of the Maricopa County Board of Supervisors and the meeting was concluded.

Hendershott removes Freeman, Knight, Burden, and Gentry from their duties as the MACE Unit chain of command.

The very next day following the Aubuchon meeting, Burden was working to establish probable cause for the search warrant Hendershott wanted written by following-up on the vendor who had been contracted to sweep the County BOS offices for listening devices. All of the sudden, Burden received a called from Chief Scott Freeman and was directed to stop. He then told Burden to meet with him and Chief Knight. At this meeting, Burden was told that they had all been fired from the MACE Unit and that Burden was being reassigned to the Enforcement Support Division.

Hendershott commented that only Captain Miller could effectively manage the remaining detectives assigned to the MACE Unit and the primary investigators were transferred

... MACE Unit being

removed from under the command and supervision of Freeman, Knight, and Burden, Sergeant Jeff Gentry and his detectives were also removed from the MACE Unit and returned to the Special Investigations Division. This left the remaining MACE detectives, Sergeant Rich Johnson, and Sergeant Brandon Luth under the command of Captain Miller. Captain Miller was not pleased with the decision to return MACE back under his command and he retired not long after the MACE group was placed back in his Division.

Chief Hendershott's removal of all of his command staff and their personnel because of their unwillingness to permit, conduct, or participate in an illegal search is a textbook example of management malfeasance. Only a few days after he had "cleared the decks" at MACE, Hendershott met with you and casually reported that he had made some changes in the MACE unit to move some of the "lazy" deputies out of it. This could not have been farther from the truth and serves as a further example of Hendershott failing to provide you with legitimate, factual information regarding the operation of your office.

The case against Supervisor Don Stapley; Hendershott orders his arrest

As the newly assigned commander of the MACE unit, Lieutenant Rich Burden took it upon himself to carefully review the original Stapley indictment. After this review, Burden came to the conclusion that the case was weak and that multiple charges had been "stacked" against Stapley. Burden expressed his concerns to Chief Hendershott during the calls in which Hendershott threatened to "machine gun" him and the other command staff associated with the MACE unit. His assessment was so alarming that Hendershott ordered Burden and his detectives to review the Stapley case the entire previous weekend, burning nearly one-hundred (100) hours of overtime.

On September 21, 2009, only days after all criminal charges were dismissed against Stapley, Hendershott ordered the probable cause arrest of Stapley on new fraud charges related to his position as President of National Association of Counties (NACo). MCSO had never made a probable cause arrest in any "white collar" case prior to that time and our standard pattern and practice was to work closely with the prosecutor (this time the Yavapai County Attorney's Office). This last minute decision to arrest Stapley on new charges was inappropriate for several reasons. **First**, the case had already been submitted to the Yavapai County Attorney for review. **Second**, the Sergeant Rich Johnson, the supervisor of the MACE unit did not believe the case

was completed and ready for prosecution. **Third**, the outside appearance was that the timing of the arrest was connected to the previous dismissal. The sole reason given for the urgency of conducting a probable cause arrest was claimed existence of victims who deserved justice, which is debatable at best.

This arrest took place after Chief Hendershott contacted Sergeant Johnson on the Saturday morning prior to the Monday arrest, ordering him to make the probable cause arrest. Hendershott also informed Johnson that he was not to call Deputy Chief Terry Young (Johnson's Bureau Chief) to discuss the matter. Johnson, believing the case was not ready because there was still additional investigative follow-up to be completed and the arrest was not coordinated with the Yavapai County Attorney, called Chief Young in a panic to discuss the situation. Ultimately, a decision was made to comply with Chief Hendershott's decision because probable cause did exist and the arrest was made the following Monday.

This unorthodox arrest created a great deal of negative publicity. In the court of public opinion, that arrest appeared to be an abuse of power, exercised for political purposes only. As a result of the willful mishandling of the case, the improper probable cause arrest, and the subsequent attempt to hire of out-of-state attorneys as special prosecutors, it well may be that a successful prosecution of Supervisor Don Stapley will be very difficult, if not impossible.

In addition to these examples of Hendershott's misconduct, there are other acts of misconduct that I will not disclose related to the FBI investigation because they are currently under criminal investigation with that agency and therefore I will not include examples or provide the names of the employees involved at this time.

Hendershott furthers his personal interest in Facial Recognition at the County's expense

For more than a decade, Chief Deputy Hendershott has devoted a considerable amount of time and money into the Facial Recognition project. A compilation of man-hours expended by detention officers, deputy sheriff's, finance personnel, civilian personnel, supervisory staff, and command personnel in support of the project would be certainly be in the millions of dollars. In addition, a considerable amount of RICO money has been spent on the hardware, software, travel, and other related expenses; possibly hundreds of thousands of dollars.

This project has never been in the best interests of MCSO. Nor would it be objectively viewed as being a worthwhile return on investment for RICO, Detention, and General Fund

monies. Nevertheless, there has been good reason to believe that the Facial Recognition project was in the best personal interests of Hendershott and his business associates, much, if not most of which is at county expense. In fact, Chief Hendershott was quoted by a MCSO employee associated with the project as stating that, upon their retirement from the Sheriff's Office, they were going to make lots of money.

The original concept of Facial Recognition involved the use of cameras to photograph actual people and comparing them with databases of wanted individuals. Although this technology was purchased and installed by Con-Tents to identify work furlough and work release inmates on a daily basis, it was never reliable. There were often frequent delays as officers repeated the time-consuming process of re-enrolling inmates into the system because the system had failed to recognize them.

In addition, when the equipment malfunctioned, it was soon discovered that the vendor did not respond in a timely manner and overall provided poor service. Because I was the Deputy Chief responsible for that facility and was informed of these recurring problems, I instructed the facility commander to maintain daily log books to document the repeated problems and experienced with that equipment. In addition, inmate-grooming policies had to be changed because the equipment was incapable of identifying the same inmate from day to day due to facial hair growth.

The most egregious waste of public and RJCO monies associated with Facial Recognition was the Honduras project. As I saw it, what occurred was nothing more than a "Red Cross" show designed to detract from the real purpose of making trips to Honduras, which I believe was to promote the Facial Recognition system with the Honduran government as part of a "test marketing" effort to prove that this system was viable. With a Honduran government endorsement as a marketing tool, they could recruit other governments and other customers to purchase the technology and equipment from Hummingbird and its vendor Steven Greshner.

Not only was the Honduras experience expensive and unwarranted it brought great criticism (once discovered) from the media. Public records revealed also revealed this office spent an additional \$122,144.89 towards the construction of a "Honduran Government fusion center." Michael Ciaverella, CEO of DarComm Network Solutions stated that the entire \$120,000.00 payment from MCSO was passed on directly to Hummingbird Defense Systems, which was not an approved vendor of the County. Hummingbird's CEO is Steve Greschner.

In addition to the Honduras travel, Hendershott also traveled to China for brief trips, and was accompanied by Steven Greshner. The purpose of the trip was unknown, but its extremely short duration suggested that it was made for business purposes, not for pleasure. It has been reported that Hendershott also wanted to travel to Guadalajara, Mexico regarding Facial Recognition matters, but you refused to authorize this travel at county expense due to negative media reports regarding Hendershott's activities in Honduras. Hendershott may have made the trip to Mexico anyway at his own expense. As of this date, Hendershott has repeatedly refused to discuss his relationship with Greshner and obvious conflict of interest.

Hendershott has created a full time Facial Recognition Unit, staffed with full-time MCSO personnel. It is true that Facial Recognition, by now using photo comparisons, is far more reliable than live camera technology. Nevertheless, when viewing the project in its totality, for all of the effort and money spent, only about fifteen (15) or twenty (20) cases or identifications have been made. Considering these facts, it would be difficult to argue that the Facial Recognition system has brought a positive return on investment.

Nearly a year ago, Hendershott approved the expenditure of twenty-five-thousand (\$25,000.00) dollars worth of Facial Recognition equipment from the bankrupt DarComm Company to be installed in the Wells Fargo 19th Floor lobby for security reasons. As of this date, it should be noted that the system has yet to be activated and is still not in use. Suffice it to say, this wasteful expenditure of RICO Funds was most impractical since history has shown that this type of Facial Recognition system is unreliable and ineffective. This purchase appears to be nothing more than another method to provide financial aid to a business associate of David Hendershott.

Hendershott promotes Facial Recognition over Mobile Data Computers for Patrol Deputies

It is very clear that Facial Recognition has been an important priority to Hendershott and his business associates. Over the past decade, he has spent a great deal of time and money supporting it. Unfortunately, he failed to exert even a fraction of that effort to provide our deputies with Mobile Data Computers ("MDC") for our patrol vehicles. In fact, MCSO was the very last agency in Maricopa County to provide these essential tools of law enforcement to our sworn deputies. Last year, when the Office of Management and Budget ("OMB") rejected our

budget request to purchase the MDC units for the remaining patrol districts, I contacted Chief Hendershott who told me they "were off the table."

--- At one point I spoke with you about the MDC project along with Lisa Allen. When I mentioned that we were spending a great deal of money on Facial Recognition and we were not getting the MDC units for the deputies, your very first comment was "I hate Facial Recognition."

Because the MDC was my highest priority program and because Hendershott demonstrated such an absolute lack of interest in pursuing this (MDC) matter, I took the initiative and sent a very direct e-mail to OMB, detailing the reason why MDC equipment was needed for the safety of our deputies and the citizens of Maricopa County. OMB subsequently approved the necessary Funding for the project, a fact you acknowledged during your phone call with James Canfield, Don Stapley's assistant.

It should also be noted that the Maricopa County Sheriff's Office does not have a full-time Crime Analysis Unit. At the present time, only one dedicated Information Technology employee provides crime statistics to our patrol districts and to our contract cities. However, an agency our size should have a fully staffed unit with state-of-the-art crime analysis technology and software that is critically needed for crime analysis. This is yet another one of many important functions of the organization that has been neglected in favor of Facial Recognition, clearly putting the financial interests of his business associates ahead of the safety and welfare of our deputies who put their lives on the line each and every day protecting the public.

Hendershott's failure to adequately support the men and women of patrol

The most egregious example of David Hendershott's neglect of the of the dedicated men and women assigned to patrol is the prohibition on overtime. Although the public would expect that a responsible overtime budget would be primarily directed towards first line deputies and detention officers, it is not. In fact, overtime has been prohibited in both the Custody Bureaus and the Patrol Bureau. At Hendershott's direction, any overtime that occurs in patrol must be justified as an emergency situation and the shift supervisor must write a memorandum documenting the overtime.

On the contrary, although most professional law enforcement agencies would not authorize overtime for white-collar criminal investigations such as the MACE unless there were exigent circumstances, Hendershott has clearly provided detectives related to these cases an

unlimited overtime budget. For example, during the pay period ending January 24, 2010. Sergeant Barry Hamill was paid \$3,721.55 in overtime alone. The reason for his overtime, he was tasked with reviewing e-mails pertinent to the Chicanos Por La Causa investigation involving Maricopa County Board Member Mary Rose Wilcox.

Although Sheriff's records often would indicate that a large amount of overtime was charged to my Patrol Bureau during each pay period, I found the records to be incorrect. I finally began keeping a separate record of actual overtime accrued by patrol. On many occasions, Hendershott would question me as to why patrol overtime was so high, and I would then provide my own records for Hendershott that would correctly indicate the non-patrol assignment where the employee truly worked. These were always specialty units, such investigations, human smuggling or animal cruelty.

I recently conducted a staffing study for sworn deputies within the Sheriff's Office. As I suspected, the Patrol Bureau has the lowest staffing ratio for sworn deputies in the entire office. Since my assignment as the Patrol Bureau Commander in July of 2007, there has been a routine transfer of personnel from patrol into specialty assignments without regard to patrol district staffing ratios or even discussing potential transfers with me.

Under Chief Deputy Hendershott, the mandated responsibilities of the Patrol Bureau are not a priority and the bureau is simply used as a labor pool to provide deputies for his special interests and other special assignments. At a time when I have squads that utilize Deputy Sheriff's as acting supervisors on patrol squads, Chief Hendershott has assigned a Sergeant with the primary responsibility of driving him around. For obvious reasons, this lack of personnel and proper supervision has negatively impacted the safety of our deputies and the public.

Another example of the absolute disregard for the proper use of office resources occurred in 2008. Due to budget issues, although overtime was restricted, purchases were limited, and there were shortages of ammunition for office employees. David Hendershott arranged for Attorney Mark Goldman to be picked up by the Sheriff's Helicopter and flown to the Sheriff's Range to fire machine guns all at County expense. (It should be noted that Andrew Thomas named Goldman a Special Deputy County Attorney in 2005 after serving as his campaign manager in 2004.

Hendershott: Nepotism keeps friends and members of his family employed.

Nepotism is defined as the practice, on the part of a person possessing hiring authority, of displaying preferential treatment to family members when making job appointments without regard to questions of merit or qualification. That same principle and practice also occurs when it relates to the hiring of friends, political allies, and the like.

Over the years, Chief Hendershott has systematically used his position as the Chief Deputy to benefit family members, friends, and political allies alike by filling or creating jobs for them in positions that (more properly) should have been held by other existing Sheriff's employees more justifiably qualified for such appointments. He has repeatedly manipulated this agency's hiring and promotional process to advance applicants that are family members, friends, or are politically connected by providing subordinates with the names of preferred candidates for a variety of positions. There have been too many people appointed because of their association with Hendershott to mention in this memorandum, but here are some notable examples:

Michael Rayball: Chief Hendershott created the Computer Crimes Unit but did not follow the standard practice of assigning a sworn Captain or Lieutenant, as it's first commander. Instead, Chief Hendershott assigned Michael Rayball, his brother-in-law as the first commander. Mr. Rayball had no previous law enforcement experience and was reportedly a part-time teacher at Scottsdale Community College. When other MCSO employees in the unit would ask Rayball about his relationship to Hendershott, he initially denied any. Subsequently Rayball explained his misleading denials by saying that his wife was only the half-sister of Lorraine Hendershott, Chief Hendershott's wife. Later, Mr. Rayball left the Sheriff's Office following a divorce from Hendershott's sister-in-law.

David Hendershott Jr.: Once the Computer Crimes Unit was established, Hendershott created a series of well-paid positions in this unit, including a position for his son David Hendershott Jr. who apparently chose not to apply for a deputy sheriff position. This is a civilian criminal investigator position with the responsibility of conducting forensic computer examinations. In this position, Hendershott Jr. was under the command of his uncle, Michael Rayball. It has also been reported that MCSO is the only local law enforcement agency that hires non-sworn employees in this type of investigative position.

A third civilian investigator named Joann Kennedy was hired who was not associated with the Hendershott family. Kennedy had extensive previous experience while assigned to the prestigious Rocky Mountain Information Network and had impeccable credentials. She was considered the most experienced and most talented forensic investigator within the Unit. However, Hendershott Jr. who let everyone know who his father was by his "Brat" like behavior and who didn't like being told what to do, often clashed with the more experienced Kennedy who did not hesitate to stand up for herself. It was after some kind of disagreement between the two that Kennedy was abruptly transferred to the Special Investigations Division.

This unwarranted transfer personally devastated Kennedy, who was very passionate about her responsibilities in the Computer Crimes Unit. Chief Hendershott then fabricated a cover story that Special Investigations had requested her to be transferred to that division. In fact, her transfer was a complete surprise to all in the Special Investigations Division. However, they were very happy to receive such a talented asset to their operation.

The result of the sudden transfer of Joanne Kennedy effectively reduced the manpower assigned to computer forensics by one third. However, the workload remained significant and as a result, David Hendershott Jr. often worked a large amount of overtime. The type of cases the MACE unit investigates requires a great deal of computer forensic work. In fact, the Sheriff's Office Detail of Overtime Worked for the Pay Period Ending February 8, 2009 revealed that Hendershott Jr. was the top overtime earner for the entire Sheriff's Office. His overtime paid for that pay period totaled forty-six hours, which came to a grand total of two thousand, one hundred and twenty-one dollars and six cents. (\$2,121.06)

Adam Vecchi: Once David Hendershott Jr. was hired as a civilian investigator, Hendershott then hired another family friend named Forrest Mark Anderson for another criminal investigator position, but he did not make probation and was terminated. Hendershott then hired Adam Vecchi, who was a high school friend of David Hendershott Jr. and is currently assigned to work alongside Hendershott Jr. in the Computer Crimes Division.

Patricia Cordova: Cordova was hired and placed in the Personnel Division where she received several promotions within a relatively short period. She was eventually assigned as the commander of the Division, responsible for all of the hiring and management of Sheriff's Office personnel. In this capacity, she was reportedly overbearing, a poor manager, and had a negative impact on morale. Due to the fact she was ill suited as the Commander of Personnel, she was

eventually reassigned by Chief Sheppard to a newly created Employee Relations Section (a lesser position) and then assigned to yet another position before she eventually resigned from the Sheriff's Office.

While assigned as the commander of Personnel, the Sheriff's Office had begun a major recruiting effort to staff the new jail facilities that were under construction. Jail tax monies were budgeted to purchase recruiting materials. Cordova reportedly arranged for her boyfriend to receive a contract to create and apply recruiting advertisement graphics to Sheriff's Office vehicles as well as other promotional materials. It is believed that this contract was in excess of ten thousand dollars (\$10,000). It is not known whether Cordova's arrangement for such a contract to be provided to her boyfriend was violated the Arizona State Procurement Code.

Lyzandra Ovist: Ms. Ovist, before coming to the Sheriff's Office, had worked at the office of a public school district as the administrative assistant to Lorraine Hendershott. She was hired as, and currently serves as Chief Hendershott's administrative assistant and supervisor of two other administrative assistants. It was clear that she was hired pursuant to a special arrangement since a standard recruitment notice for the position was never opened up or posted for existing employees. Other MCSO more qualified and worthy potential applicants, such as your assistant Helen Gonzales, who had over twenty-five years experience working for this office, were excluded from consideration. Ms. Ovist was eventually hired at a rate of over thirty-dollars (\$30.00) per hours, a rate well beyond the pay range of the existing administrative assistants for command staff.

Gary Cress: Gary Cress is a civilian employee responsible for the management of the Sheriff's vehicle fleet. At the time Cress was employed by the Sheriff's Office, Mr. Cress' daughter was reportedly engaged to be married to David Hendershott Jr. The pair has since ended their relationship.

Karl Gosch: Karl Gosch is currently assigned as the DOD Procurement Manager. It is reported that Gosch is related to Yvonne Fedderson who, together with Sara Omeara, founded Child Help. The Federson's Paradise Valley residence was the location of two of your major Fundraisers, one in 1996 and another in 2004. Gosch was initially hired on September 23, 2003 as an administrative assistant. It was reported, however, that Gosch made it known that he wanted more money but did not want to apply for a detention officer or deputy position.

Chief Hendershott then directed Personnel to hire Gosch for a position in the warehouse that was to pay him over twenty-two dollars (\$22.00) per hour. Problems arose along the way, which prevented his promotion to such a high paying job. The first problem was that Gosch lacked the qualifications and/or certification necessary for him to qualify for the position. The second problem was that personnel failed to realize that Gosch was still on his initial probation in his lesser paying administrative position, and was therefore, ineligible for the promotion.

During this same recruitment period, George Graves, an exceptional employee with a long and impressive work history as the manager of the Sheriff's Distribution Section, also applied for the position and actually received a letter informing him that he was the sole candidate on the Maricopa County Personnel certification list. However, the position opening was suddenly closed for the second time without anyone being hired. Graves was very unhappy that he was not promoted after being the only person on the list. He suspected that someone in a high command position was holding the job for someone special, and had unfairly deprived him of this promotion. This would have been a significant pay increase for Graves, who was making between fifteen and eighteen dollars an hour at the time and was selected that year as the Sheriff's Civilian Employee of the Year.

Ultimately, Hendershott ensured that recruitment for the position be opened up for a third time and Gosch was finally promoted into that position on July 20, 2004.

Attempt to create a position within the Sheriff's Office for Lisa Aubuchon

In April of this year, Hendershott attempted to create a position within the Sheriff's Office for Deputy County Attorney Lisa Aubuchon. When news of the attempt to hire Aubuchon became public, Hendershott was furious and confronted Karen Andrews, the administrative assistant for Executive Chief Loretta Barkell and pointedly accused her of having a leak in her boat, in essence accusing her of being responsible for the release of information. Andrews was so upset about the hostile encounter with Hendershott that he went home and cried about the incident to her husband.

Chief Barkell was not happy with the rude and accusatory tone Hendershott took with her assistant and advised Hendershott, that in fact she (Barkell) had provided the information to County officials regarding the creation of a position for Aubuchon and that Karen Andrews had nothing to do with the release of information.

Chief Deputy David Hendershott: A career of Misconduct, Malfeasance, Politics, and Unethical behavior.

I feel it is my obligation for the good of this office and it's dedicated employees, the citizens of Maricopa County, and to you, to bring to your attention several allegations of misconduct, malfeasance, unprofessional, and overall unethical behavior on the part of Chief Deputy David Hendershott during the course of his career.

I was transferred into the Community Services Division, later renamed the Enforcement Support Division, in the summer of 1994. This division was under the command of Deputy Chief Hendershott. My transfer was at the request of the new commander, Lieutenant Rollie Seebert. He was transferred there to replace the ousted Lt. Roy Reyer, who had written a memorandum accusing Hendershott of various acts of misconduct, such as allowing citizens with criminal backgrounds to be accepted into the posse program.

According to Jadel Roe, the Chief Deputy of the Office at that time, a decision had been made to transfer and discipline Hendershott over the matter, but soon after you met with Hendershott, much to her surprise, Lieutenant Reyer and Sergeant Gary Godbehere were quickly transferred out of the division and Lieutenant Seebert and I were sent as their replacements.

In fact, I was present at the very next monthly posse commanders meeting, in front of everyone, you disgustedly threw Lieutenant Reyer's memorandum on the floor in front of the commanders and announced to all of them that you didn't care what some Lieutenant thought.

However, I did not have to wait long to witness Chief Hendershott engage in the same type of unethical behavior that Lieutenant Roy Reyer complained about. In one case, I met with him to discuss a former attorney who was disbarred for committing fraud. When I asked Hendershott why it was so important that person be allowed to join the posse he replied, "you don't want to know" and he was allowed to join the posse. I soon learned why when I attended a 1996 reelection campaign meeting at the residence of one of Hendershott's in-laws and noticed the disbarred attorney was in attendance.

Hendershott rallies Posse and sworn Deputies for Symington Re-election announcement under the ruse of saying that Symington was going to sign a crime bill.

... In the fall of 1994, Hendershott summoned our division personnel and stated that we needed to set up a display of our Sheriff's Office vehicles and uniformed personnel at the State Capitol because Governor Fife Symington was going to sign a crime bill. We rushed to get our vehicles, displays, and our personnel to the plaza adjacent the Capitol building. When we arrived, we soon found out that the event was actually a political campaign rally where Symington was announcing he was running for re-election. It was obvious that Hendershott used the crime bill signing as a ruse used to get our Office resources to this event. I was not alone about being intentionally misled.

After the event, Hendershott had the audacity to call Robert Bailey, the Commander of the Sun City West Posse and chastise him for not showing up at the event and not supporting the Sheriff. In his letter of response written to Hendershott dated October 6, 1994, Bailey not only mentioned the enormous support his posse had provided to the Sheriff's Office during that year, but said it would have been very difficult to put together a "signing" mission due to their current commitments. In addition, he wrote to Hendershott the following: "I have trouble understanding that you do not think that the event was political. What I read in the Republic, the following day, certainly sounded political too me. I believe I made it clear that this posse does not tie itself to any political event."

Hendershott uses Office resources for his own financial benefit

In addition to political activity, Hendershott has used his position as a Sheriff's employee to benefit himself financially by inappropriately using Office resources and the services of our volunteers. It is my opinion that Hendershott coordinated the following off-duty jobs, earlier in his career; due to the financial pressure he was experiencing. It was in this period that you created a Director position for Hendershott, which resulted in a considerable pay increase. Despite his promotion to Director, the additional income from coordinating posse related security jobs, and obtaining a second mortgage of approximately one hundred and twenty-five thousand dollars (\$125,000.000); he eventually filed for personal bankruptcy. Far from being embarrassed by his second bankruptcy, he later told me himself that his bankruptcy attorney fees were the "best five-thousand dollars I ever spent."

Hendershott uses the Posse at Pine Ridge Apartments for security

In 1997, Hendershott requested that Brian Sands and I meet him at the Pine Ridge Apartments, located at 43rd Avenue and Thomas Road in Phoenix. Upon arrival, Hendershott, Sands, and I went on a walking tour with the manager of the property. It was clear that Hendershott was considering some type of off-duty job providing security at the property. However, while I spoke speaking privately with the manager, she informed me that the complex was considered so dangerous by the Phoenix Police Department that they had enacted a policy requiring that two patrol units respond there for calls for service.

After the tour was completed, we discussed that our posse members would patrol the complex with a single deputy as a supervisor. I told Hendershott that I was very concerned about a single deputy being in charge, and that my main concern was that this type of assignment for the posse, who are untrained and ill suited for what even Phoenix PD considered a hostile environment, we were placing them harms way. He replied that we could ask for another deputy at a later date, indicating that he wanted this detail to proceed without further delay. As Sands and I returned to our vehicle, I told Sands that I believed that Hendershott was going to be paid somehow for this detail. As I learned later, Hendershott was paid seven hundred and fifty-dollars (\$750) a month to coordinate this job. The posses were paid for their time as well. Additionally, Hendershott had the Enforcement Support Staff also provided community service events such as clean-up events that were not reimbursed by the management of the complex.

For example, each year the Sheriff's Office conducts a weeklong summer program in Gila County called "Camp Future Force" and approximately one hundred children are selected from various county schools as part of our D.A.R.E. program. However, due to Hendershott's business relationship with the Pine Ridge Apartments, approximately thirty children who resided at the Pine Ridge Property were selected to attend summer camp displacing children who were entitled to attend from valley schools.

Hendershott hired by the Phoenix Roadrunners as security director uses Office equipment during the hockey season.

The Phoenix Roadrunners hired Hendershott as the security director; during the same time, he was coordinating the security for Pine Ridge, to provide security services for the

Veteran's Memorial Coliseum. Robert Sigholz, (whose wife is Sara Omeara of Child Help, and is tied to Karl Gosch mentioned earlier) was employed by the Coliseum and apparently hired Hendershott. During the same time, Hendershott hired Sigholz's granddaughter named Whitney Sigholz as an employee of the Enforcement Support Division. The inexperienced young employee was paid at a higher rate than the other civilian employees causing serious morale issues within the division.

The Coliseum security job also used posse personnel whose services were paid to their posse organization. The facility did not provide radios for our personnel; therefore, Hendershott made portable radios from the Sheriff's Office available and they were assigned to the facility during the hockey season. Hendershott was paid approximately fifteen hundred (\$1,500) dollars a month for this off-duty job. Although the season began with several deputies, four Arizona State Liquor Control officers, and Six Phoenix Police Officers for traffic control, due to budget problems, it wasn't long before the only security personnel assigned to the venue were posse members, supervised by myself, Sands, and Hendershott.

Posse Baseball Team; Hendershott's family, his friends, and their trip to Alaska

Another serious abuse of the posse program to personally benefit Hendershott was the Posse Baseball team. This team consisted of both of Hendershott's sons and their friends. This team was posse by name only, and a great deal of Office and volunteer resources were expended to benefit this group. In addition to using Sheriff's distribution trucks and supplies to support a tournament in California, the entire Enforcement Support Division was ordered by Hendershott to raise money for the team's travel to a tournament in Alaska.

Hendershott informed my staff and me that the Posse Baseball Team would be attending a tournament in Alaska and we were to coordinate a golf tournament to raise approximately fifteen thousand dollars (\$15,000) to pay for their trip. Hendershott's ridiculous plan was a "Gorilla Golf" tournament to be held in the middle of summer. We were told to find a golf club to donate the use of their course and recruit sponsors to for the tournament. After Hendershott left, we were all shaking our heads, and as we expected, we could not find a course for free or any sponsors for the golf tournament resulting.

As a solution, and an act of last resort, I approached the Sheriff's Posse Foundation and asked if they would allow the posse to sell pink underwear and donate sixty-percent of the

proceeds to the baseball club. The board agreed, even though they would not make any profit on the underwear sold, and overtime, I ensured that nearly eighteen thousand dollars (\$18,000) were raised for the baseball club. Of course, the players who benefited from this donation did virtually none of the sales. The members of the club did travel to Alaska for an entire week, along with Hendershott, his wife, two sons, and possibly their daughter.

The Posse Baseball club also received several thousands of dollars from the Jeep Posse for their operations and later borrowed approximately seven-thousand (\$7,000.00) from the Sheriff's Posse Foundation that was never repaid. This lack of repayment became an issue in your 2000 re-election campaign and Hendershott later instructed me to contact the State Mine Inspector Doug Martin, who was a member of the Sheriff's Posse Foundation Board, and obtain a letter from him stating that the loan was forgiven and did not need to be repaid.

Hendershott family benefits from the Pink Underwear sales

Members of the Hendershott family also apparently directly benefited from the sale of the pink underwear by the posse. Hendershott told Rollie Seebert and me that his son had helped design the logo that was silk-screened on each pair of pink boxers and that he was receiving a royalty from each sale. I do not know the amount of that royalty and to my knowledge; it was never paid out of posse sales proceeds. It may have been paid to Hendershott directly from the Leslee Scott Company and their representative Evan Trommer. It should be noted that Hendershott directed a Reserve Deputy named Ed Arnold to make a major purchase of pink underwear totaling approximately seventy-five thousand dollars (\$75,000) from the Leslee Scott Company. This purchase was not necessary and the Sheriff's Posse Foundation Board Members were very upset that the order was made without their knowledge. During the controversy over the purchase, Hendershott tried to assign responsibility to Arnold for placing such a large order.

Hendershott lies about his involvement in the sales of Pink Underwear

Although Chief Hendershott coordinated the initial purchase and sale of the pink underwear back in 1995, my involvement began when I walked into Chief Hendershott's office and a female posse member asked him what to do with a bag of cash proceeds from the sale of the pink underwear. Hendershott told her to give the bag to me. I then told Hendershott that the distribution and sales should be handled entirely by posse members and I didn't want that

responsibility because I knew that one day we might be accused of mishandling or stealing the money. Hendershott did not agree with me and I was ordered to coordinate the purchasing, sales, and collection of revenue from the underwear sales.

I met with Hendershott on a later date and again told him that I did not want to be responsible for the sales. Further, I considered myself the "de facto treasurer" of the Posse Foundation because I was making all of the cash deposits and was tracking the Posse Foundation finances on my county computer. Hendershott countered that since I did not *actually* sign the checks written on the Posse Foundation account, that I wasn't the treasurer, and again refused my request to turn over the responsibility of the pink underwear sales effort to total volunteer control.

During this time, Hendershott was very closely involved in the coordination of the pink underwear sales effort and often made phone calls to me and other employees regarding such mundane issues as posse members running low on a certain size of pink underwear. An example of this obsession was an occasion when a volunteer at the Paradise Valley Mall was running short of a certain size. Sgt. Markley Johnson was only blocks away with additional underwear but he was tied up temporarily to assist a citizen in a traffic accident. Hendershott, in a panic because you were there signing the underwear, did not want to wait and immediately ordered that another employee respond, immediately, all the way from the Enforcement Support Division (on Durango Street) and bring more underwear to the Paradise Valley Mall.

We routinely provided sales information to the media related to the sales of pink underwear and the finances of the Sheriff's Posse Foundation, one day, out of now where, Hendershott told me we no longer would provide such information. The Phoenix New Times then filed a lawsuit to obtain the information and as a result, the attorneys for the New Times eventually summoned me to a deposition. During the course of my deposition, I stated that we no longer sold underwear from the Enforcement Support Division, at the direction of David Hendershott, due to his concerns about "media scrutiny."

The Phoenix New Times then published an article on April 2, 1998 that described my statement regarding Hendershott's order to discontinue underwear sales at Enforcement Support. That same day, I received a phone call by Hendershott and was ordered to report to his office. Upon arrival, I sat down and a furious David Hendershott slammed a copy of the New Times on his desk and stated "thanks for sticking it up my ass!!" I briefly tried to explain myself and

quickly left his office. I was very upset by Hendershott's anger that was directed at me, and was furious that he actually expected me, a sworn law enforcement officer, to withhold information or lie during a sworn deposition to protect him.

On March 17, 1998, Superior Court Judge Albrecht in a summary judgment ruled in favor of the Sheriff's Posse Foundation and the Sheriff's Office. This ruling was probably in large measure to the sworn affidavit filed by our attorneys that included a sworn statement by Hendershott stating that he did not directly participate in the sales of the underwear. *However*, when Hendershott was later deposed under oath, he finally admitted that he was involved in both the transportation and sales of the pink underwear.

Hendershott directs a Sheriff's employee to write a bogus letter of explanation regarding late charges to save him \$400 a month on his mortgage payment.

Sometime around 1999, Hendershott hired Derrick Deegan as a civilian employee and assigned him to the Enforcement Support Division to assist in community service activities. His prior employment was with a major cellular phone company. While Deegan was still employed at Verizon, Hendershott had made contracts with Deegan for a couple of cellular phones for his children. According to Deegan, Hendershott was consistently late paying the phone bills and he often had to track down Hendershott to collect money to pay the bills.

During the same time, Hendershott was in the process of purchasing his current residence in Peoria. However, Hendershott discovered that the late payments for the phone bills were reported to the credit bureaus. Hendershott contacted Deegan in a panic, telling him that his house payment would be four-hundred dollars (\$400) a month more unless a letter was written to the credit bureaus stating that the late payments were not the fault of Hendershott, but some type of error on the part of the cell phone company. Deegan, now a new first line employee of the Office, had little choice but to comply with the direction given to him by the Chief Deputy, and he wrote the letter to the credit bureaus. This attempt to mislead the lender appears to be a violation of ARS 13-2320.A1, Residential Mortgage Fraud, a Class Six Felony.

Smile You're Under Arrest television program

Producers from a company affiliated with the FOX Network approached you and Hendershott about producing a segment for a police series where the TV crew

would film the actions being taken by our law enforcement officers during a special warrant operation. Chief Barkell was not invited initially to the meeting but was brought in at the last minute as money issues were being discussed. She had always advised Hendershott that any time money was to be paid to staff, the operation should be on after duty hours and the company pays the officers participating in the program.

In fact, the production company involved offered to pay the officers involved in the operation, but Hendershott irresponsibly stated that this was an operation that would normally be done and the salaries of the deputies and the office would cover their expense. When Overtime was discussed, Hendershott further stated that there would be no overtime and officers would flex any overtime worked.

However, at a time when jail facilities and patrol deputies were restricted to using overtime for emergencies only, there was no such restriction on the deputies assigned to the production crew for the show. In fact, the commanders overseeing the operation were so concerned about the potential negative media due to the huge overtimes costs associated with the filming, a decision was made to begin routine warrant attempts that were not associated with the program.

Sources close to the operation and Chief Barkell estimate that over \$300,000 was paid in overtime from the Sheriff's Office general fund account during filming. When Chief Barkell brought the situation to the attention of Hendershott, Barkell was told not to worry about it as the show had completed their work and there was no the Sheriff's Office would get reimbursed from the show's producers.

When news of this program came to the attention of the various media outlets, this office stonewalled releasing any specific expense information regarding the exorbitant cost of the operation and ultimately claimed such records did not exist, when clearly they could have been provided.

County Records Request

The County Manager and Deputy County Manager requested documents relating to the assignment of personnel within the Sheriff's Office as well as financial records on all accounts as far back as 2005. This request was made in November 2009 via memo. Chief Barkell was instructed by the Hendershott to ignore the requests and not respond to the memo. The County

continued making the request without receiving any response until March 2010. In March 2010, the County Board of Supervisors served a subpoena on the Sheriff to produce the documents.

Upon receipt of the subpoena, Barkell immediately had finance staff begin the pulling and copying of all procurement, accounts payable and receivable accounts. This required the leasing of two additional copy machines and overtime by staff. The response to the subpoena was due within 7 days. All copies were made, redacted and ready to be delivered the Thursday afternoon before the Friday due date. During production of documents, you and Hendershott met with attorneys who advised turning over the documents.

Barkell advised you to turn over the documents as they were all public record and had been provided in small amounts to media requests. Ignoring everyone's advise, Hendershott decided late Thursday afternoon not to release the documents and instructed Barkell and other staff not to release or discuss the issue with anyone. The attorneys for you wrote a letter stating that the request was onerous and could not be completed in the time provided by county.

The County responded by subpoenaing the you and his Chief Financial Officer, Loretta Barkell as being in contempt of the original subpoena and ordered both of you to appear at a hearing on May 10. If you did not appear, you would be arrested for contempt. Upon receipt of the second subpoena, Loretta Barkell was provided a letter from Ogletree regarding joint representation of you, Chief Deputy and Barkell. Barkell could be represented by this law firm so long as her views on the entire matter were in full agreement with you and Hendershott otherwise she would need to seek counsel elsewhere.

Ms. Barkell decided to obtain independent counsel and the County agreed to provide counsel requested. Ogletree prepared Court actions and hearings were heard by a judge in Pima County. The judge first determined that the contempt hearing could not proceed as the County did not have procedures in place to conduct such a hearing. The release of records was delayed while the judge reviewed legal submissions from both sides.

However, the County still proceeded with a hearing to discuss not only the Sheriff's Office non-compliance with the subpoenas but to review the Sheriff's budget and impose sanctions against the Sheriff's Office budget accounts. The judge finally ruled in July 2010 that the Sheriff's Office argument against the Board was not substantiated and ordered the release of the records

Sheriff, again, this is a case where sound legal advice was not followed and as a result, the Sheriff's Office wasted additional unnecessary legal fees and gave the public the impression that we had something to hide. I was recently informed that you were very surprised to learn that David Hendershott had actually made the decision not to release these records, not legal counsel. In fact, Attorney Eric Dowell told Lisa Allen that he advised this office to release the records, as there was no legal basis not too. However, according to Allen, Hendershott pointedly told Dowell that he is his (Hendershott's) attorney and will do what Hendershott tells him.

What is the true reason your Chief Deputy resists releasing our financial records? Is it to conceal potentially embarrassing expenditures similar to the credit card charges of over five thousand dollars (\$5,000.00) to provide a paid vacation for officials of the Honduran government? It is reckless decisions like these that have cost this office and the public hundreds of thousands of dollars in unnecessary legal expenses and continually give the media and public the idea that we have something to hide.

David Hendershott's propensity to disregard sound legal advice provided by attorneys representing this office has been to the detriment of this organization. Hendershott recently sent a letter to the law firm of Jones-Skelton dismissing them from representing this office any further. Although it has been reported that Hendershott told you that the firm would still be representing this office, it appears that he lied to you because Jones personally stated to Jack MacIntyre that the letter sent to him by Hendershott stated that MCSO would never use them again for any matter. This reckless decision is considered very detrimental to this organization because the firm had been very successful in representing our interests in a variety of cases. It is unknown as to why Hendershott unilaterally ended the contract. But I do know that Deputy Chief Jack MacIntyre spoke to you about the matter and that Hendershott chewed him out for bringing the matter to your attention.

As you will read, David Hendershott has in fact engaged in a history of misconduct that is clearly unacceptable in a professional law enforcement organization.

Hendershott's lack of Professionalism and Ethics

During my many years assigned to the Enforcement Support Division, Hendershott very often displayed a serious lack of professionalism and ethics in the presence of our employees.

In the winter of 1996, MCSO conducted Operation Butt-Out involving the use of juveniles to purchase cigarettes. Hendershott put tremendous and unreasonable pressure on me, and my staff, to continue to increase the number of citations issued and he became very upset with our lack of juvenile volunteers.

On February 22, 1997, the final operation for Operation Butt-Out was planned and a press conference and kick-off was held at the Enforcement Support Division building. Because of Hendershott's pressure to have high numbers of volunteers for the media, we had far too many posse members than we could possibly use and had to keep them in two separate areas of the building.

In preparation for the press event that Attorney General Grant Woods attended, a large signboard was made to show the media all of the operation's statistics for the operation. In front of two office employees, Hendershott changed the number of posse members participating in the event from one hundred and sixty-seven (167) to Six-hundred and sixty-seven (667) by changing a number with a marker. Sgt. Lee Luginbuhl witnessed this falsification of a public record and brought it to my attention, stating that Hendershott wanted the Sheriff to believe the number of posse members participating in the operation was larger. These statistics were intended to inform the media and the public of the committed resources to our law enforcement operations. I believe the falsification of those statistics constitutes a violation of ARS 13-2407, Tampering with a Public Record, a Class Six Felony.

Hendershott lies to the media regarding live ordinance and places public in jeopardy during the Saville arrest.

There is no question that the arrest of James Saville (for attempting to assassinate you by using a bomb) was "high profile." The Saville arrest occurred at a local hotel and the media was present interviewing Chief Hendershott. During the course of the interview, Hendershott was asked about whether bringing live explosives into the hotel created a risk to the public and hotel guests. Chief Hendershott implied that no risk or danger existed because that portion of the hotel had been evacuated. According Executive Chief Brian Sands who was at the scene, this

statement by Hendershott was false and he couldn't believe that he made it. There had been no evacuation regarding any area of the hotel. It should be noted that Hendershott directly supervised the Saville investigation and was therefore responsible for live explosives being brought into a public area.

It should be noted that this conviction was overturned and the Saville investigation that Hendershott personally supervised resulted in the County paying a settlement of 1.1 million dollars.

Hendershott lies to you about the arrests of Phoenix New Times executives Michael Lacey and Jim Larkin on October 17, 2007.

On October 17, 2007, Phoenix New Times executives Michael Lacey and Jim Larkin violated a court order not to make public a subpoena related to our request of the Phoenix New Times to provide subscriber information. After the pair were arrested and booked into jail, this Office received a firestorm of criticism and negative publicity. As a result, County Attorney Andrew Thomas made a public statement that he did not agree with or authorize the direction the case had taken against the New Times and quickly dismissed the charges.

However, after the arrests had taken place, David Hendershott met with you in your office and you asked Hendershott who had ordered the arrests. Hendershott lied to you by stating that Dennis Wilenchik gave that order. However, about thirty minutes later, after Hendershott had left your office, Wilenchik himself met with you in your office and directly asked *you* who had ordered the arrests.

As we now know, Hendershott actually made the decision to make the arrests and finally admitted so in a signed affidavit under oath. By stating that he "made the decision" and "In reaching this decision and giving these directions (Hendershott) did not consult with Maricopa County Attorney Andrew Thomas," "nor did he consult with any member of the office of Maricopa County Attorney Andrew Thomas including Attorney Dennis Wilenchik."

Hendershott fails to complete required Arizona Police Officer Standards and Training (AZPOST) for a ten-year period.

Although David Hendershott is a civilian Chief Deputy, he has maintained retained his Reserve Deputy status with the Maricopa County Sheriff's Office in violation of AZPOST

regulations due to his failure to complete annual mandatory AZPOST required training. These regulations also call for a person to be decertified if the required training has not been completed for a period of three years. As of March 15, 2010, Hendershott has failed to complete his required training for a period of approximately ten years.

As a result, the Sheriff's training staff has been tasked to develop curriculum for a catch-up training module to be held at the Sheriff's Range in which Hendershott will be the only student. It should be noted that the Sheriff's Training Division staff in 2009 had to coordinate a similar curriculum for Joel Fox who had not completed his required AZPOST training for a period of about three years, which should have resulted in his AZPOST certification being suspended.

David Hendershott attempts to retaliate against Munnell for cooperating with FBI

On February 25, 2010 at about 1045 hours, I met with Lisa Allen and Loretta Barkell in Barkell's office. At this time Allen advised me that on February 16, 2010, David Hendershott had come into her office, closed the door, sat close to her, and said that he had received a call stating that I was a FBI source and that I was trying to get the Sheriff. He warned her that I might be wired and to watch what she said around me. He warned her not to discuss the matter with anyone and concluded the conversation with his typical "this conversation never happened."

Allen added that Hendershott had the same conversation with Chief of Custody Jerry Sheridan who Hendershott knows is a very close friend of mine. Allen asked me at the time not to discuss the matter with anyone to avoid any trouble with Hendershott. Although Allen was told by Hendershott not to discuss this matter with anyone, she was extremely nervous and upset and contacted Chief Barkell for guidance. Barkell did advise me during this meeting that no one could retaliate against me due to merit system and whistleblower rules.

On the morning of March 8, 2010, I met with Loretta Barkell in her office. She advised me that on Friday, February 26th, 2010, she was summoned to meet with Chief Hendershott and Deputy Chief Ray Churay. Hendershott advised Barkell and Churay that he had received a phone call stating that I was cooperating with the FBI. He said that he needed everyone to be careful while he figured out to do with Frank.

When Hendershott proposed removing me as Chief of Patrol under Chief Brian Sands and transferring me to report to Churay, Churay spoke first stating that it was not a good idea and

that by taking action against me, it could be considered retaliation under the whistle blower laws and that I had certain protections. Barkell then stated that she understood the law the same and advised Hendershott not to transfer me. As a result of this meeting and the refusal of Churay and Barkell to cooperate the proposed retaliatory transfer did not take place. Hendershott took their advice and said he would consult with counsel.

On the morning of March 16th, 2010, I stopped by Loretta Barkell's office and her assistant Karen Andrews accompanied her. Barkell was visibly upset and on the verge of tears asking me whom I had spoke with regarding the meeting she had with Churay and Hendershott. I was at a loss as to how Hendershott knew that Barkell had advised me of Hendershott's ill-advised attempt to retaliate against me.

Barkell stated that on Monday, March 15th, 2010, Hendershott angrily came to her office and summoned her to meet with you in your office and brought along Chief Jack Macintyre as a witness. As you know, Hendershott angrily admonished her in front of you for talking to me about that meeting, because I could have interpreted that meeting as a "retaliation" attempt, which it clearly was. Barkell tried to explain that her responsibilities as the Executive Chief over Personnel obligated her to advise me of Hendershott's actions. However, Hendershott would have none of it and when Jack Macintyre attempted to speak he was silenced by Hendershott who told him he didn't want any legal advice.

Hendershott was livid, frothing at the mouth, and spitting as he dressed Barkell down. Barkell stated that in her professional capacity she advised an employee (Munnell) of his rights in a grievance situation and he did not need to worry about retaliation. Hendershott stormed on and on about how his counsel told him he needed to be on record talking with her. Barkell said that he didn't see why Hendershott was so upset as any employee is entitled to know their rights and she believed she was doing her job as the Human Resources Executive Chief. However, Hendershott then ordered her to write a memorandum to you explaining what had occurred during her conversation with me. She then provided a memorandum to you and you told her not to worry about the matter.

What should be very troubling to you is the fact that Hendershott met with Chief Barkell and Chief Ray Churay on February 26th, 2010 and attempted to retaliate against me for cooperating with the FBI, but was rebuffed. However, that very same day, Attorney Tom Crow who was retained to represent MCSO in matters related to the on-going Federal Grand Juries,

made a call to the U.S. Attorney's Office proclaiming that no MCSO employee, and specifically mentioned Frank Munnell, would be retaliated against for cooperating with the FBI. It appears that Hendershott made a panicked call to Mr. Crow after his aborted attempt at retaliation and directed him to call the U.S. Attorney to cover his tracks.

As any reasonable person can imagine, the unethical actions of David Hendershott have created a very hostile work environment for me. I have previously advised my immediate supervisor Chief Brian Sands and Chief Loretta Barkell of the hostile work environment created by Hendershott, his improper actions directed at me, and that I try to avoid any situations where I may come in contact with him.

Hostile Treatment of Executive Staff and Executive Chief Loretta Barkell

After the 2008 election, the Sheriff delegated all operational responsibility and power to the Chief Deputy. Even though there were deputy chiefs and executive chiefs tasked with the Day-to-day operations of the office, the Chief Deputy imposed that all communication, decisions, actions, etc required his approval and signature. The only exception was the administrative functions of budget, finance and human resources. Those areas continued their day-to-day operations without interference by the Chief Deputy.

This was allowed as you had insisted those areas report separately to you and keep you fully informed of financial and personnel matters. This did not keep the Hendershott from interfering with all budgeting and finance decisions as well as hiring decisions. In spite of this constant badgering and interference, the staff continued to perform their functions. It was common for the Hendershott to communicate his suspicions that someone was a leak to the County budget office and how he wanted Barkell to find out where the leak was. Barkell told the Hendershott that she was the leak as the information requested by the County was not unreasonable and within their purview to request.

A tenuous relationship between Chief Deputy Hendershott and Executive Chief of Business Operations Loretta Barkell existed. Barkell was approached and questioned by the FBI and the U.S. Attorney beginning September 2009. She also received a subpoena to appear before the federal grand jury and appeared before the federal grand jury for three hours in January 2010. Hendershott was aware that this individual had been questioned about him and the office situation in general.

The tenuous relationship quickly deteriorated further when Barkell requested her own counsel when the County subpoenas were issued. Barkell, as well as other chiefs, were subjected to a "no talking rule" during your Sheriff's staff meetings. If we wanted to discuss any office issue at Sheriff's staff meetings, all were required to prepare a memo to Hendershott outlining exactly what required discussion and only after his approval were the chiefs allowed to bring up the item to you. Only the Hendershott was allowed to bring issues to the you in this office.

All chiefs were told not to go directly to the you. Restrictions were imposed on any type of communications with County, media and between staff. If staff ignored any of the special rules, Hendershott would place the chief under internal investigation or directly reprimand the chief for whatever small infraction took place. Every individual having direct contact with the Hendershott feared the worst and knew he would find a way to punish you professionally, publicly or politically.

Hendershott constantly badgered the Executive Chief of Business Operations on every memo, policy and financial action that was taken. Hendershott dictated what County meetings the Barkell could or could not attend, dictated who or who not to talk to at the County and also within the Office. She was instructed not to communicate to County or staff via email. She was requested to find a spy at the County for the Sheriff's Office. Barkell witnessed the temper of the Hendershott when he spoke to attorneys, other chiefs and PIO staff. Basically if you advised Hendershott in any way other than what he wanted, he was furious. If you did not tell him exactly what he wanted to hear, you were subjected to a triad of damning words and threats.

After months of abuse, Barkell started experiencing physical problems. The Executive Chief went to the Mayo Clinic. Tests were run and the only thing wrong with her was her blood pressure and getting it under control. There was no physical reason why she was experiencing all the various symptoms and ailments. All the problems, including the blood pressure issue, resulted from severe stress and constant fear of reprisal experienced on the job. On June 24, a doctor placed Barkell on FMLA and eventually returned to work last week.

Sheriff, in addition to my personal situation, I know that Deputy Chief Macintyre, Executive Chief Loretta Barkell, and Communications Director Lisa Allen have all recently approached you because David Hendershott's abusive and improper conduct towards them and

asked for you to personally intervene, but to no avail. It is very obvious that Hendershott has severely damaged my relationship with you as well as other command staff on the nineteenth floor. It is an absolute shame that the loyal command-staff that work hard to do the right thing, to try and protect you and our valued employees, are now the ones wearing the black hats in this organization. Lisa Allen recently approached a Deputy Chief and challenged the all the Deputy Chiefs to put together a petition of "no confidence" to present to you to remove Hendershott as your Chief Deputy due to the ruinous direction he is taking your organization. Allen has also recently told you that you are sacrificing the entire organization for the sake of one person...Hendershott.

You and I both know that some of your closest advisors have been very critical of Hendershott and the ruinous direction he is taking this organization. You need to know that good command officers have left this organization due to the actions of David Hendershott, and others are actively looking for career opportunities elsewhere. Your Chief Deputy does not have the support of the majority of your command staff and are looking to you to hold him accountable for his misconduct and abusive management style.

Sheriff, as you well know, every law enforcement organization must be vigilant regarding the conduct of its employees in order to merit public trust. This public trust includes high standards regarding ethical behavior, law-abiding activities, truthfulness, and openness regarding employee misconduct.

For more than a decade, David Hendershott has conducted his professional and personal activities in a manner bringing controversy, discredit, and extreme embarrassment to this Office. Throughout his infamous career with the Maricopa County Sheriff's Office he has earned a reputation in this Office for willful misconduct, coercion, mismanagement, and inappropriate behavior. His performance has led to poor employee morale, negative publicity, and costly litigation that is now being charged our own budget and may result in our employee's being forced to take additional furlough days. I strongly disagree that our employees should be responsible for financing frivolous, counterproductive, and unnecessary lawsuits against the Maricopa County Board of Supervisors. More importantly, David Hendershott's reckless actions, lack of fairness, and serious lack of ethics has had a serious negative impact on many Sheriff's employees, both emotionally and financially.

Chief Hendershott's style of management depends on large measure upon intimidation and the pervasive fear of retaliation. The oppressive environment that Hendershott has cultivated has caused most Sheriff's employees to refrain from bringing complaints to you about his misconduct and mismanagement.

For far too long, Hendershott has maintained cozy and questionable relationships with vendors with County contracts and your political supporters. He reportedly hides his day-to-day activities by requiring his personal assistant Lyzandra Ovist to keep some events on his daily calendar on Post-It Notes, so they can be discarded at the end of the day leaving no official record of his activities or the identities of the persons he has met with. He has told the Public Information Officers that his calendar as the Chief Deputy is private and not a public record. In addition, he uses a personally owned notebook computer and a personal e-mail account to conduct office business. This is hardly appropriate for any public servant, especially the Chief Deputy of a law enforcement agency.

I believe that your loyalty and commitment must be to your dedicated and long suffering employees and the citizens of Maricopa County, not to a person who has clearly demonstrated his lack of ethics and honesty. For far too long, David Hendershott has run this organization utilizing sheer intimidation and promulgating fear of retribution for not being blindly loyal to him and his decisions. This overwhelming fear has kept many command staff members and their subordinates from bringing complaints about Hendershott's misconduct and mismanagement to your attention.

Therefore, I am requesting that you immediately place these employees, including Chief Deputy David Hendershott on administrative leave and request the Arizona Department of Public Safety initiate the appropriate investigation of the allegations of misconduct outlined in this memorandum to determine any violations of Maricopa County Sheriff's Office Policy and Procedures and/or Arizona Revised Criminal Statutes. Should you initiate such an investigation, I will provide the investigators with the additional information and investigative leads necessary to conduct a thorough investigation of all allegations made against these employees.

In addition, as result of the continuing investigations related to the SCA Fund, it has been brought to my attention that very prominent attorneys Dennis Wilenchik and Grant Woods have been providing legal counsel to Hendershott, Black, Fox, and several other employee and Advisory Posse donors. It is my belief that any Sheriff's employee utilizing legal services from

these two very capable and prominent attorneys should be personally responsible for the payment of any and all legal fees related to the SCA matter.

Further, due to obvious conflict of interest concerns, there should be an investigation into Hendershott, Black, and Fox's ties with any law firm that has a contract to represent the interests of Maricopa County or is retained by any of your political supporters. Unfortunately, I have had to retain my own personal legal representation (at my own expense) due to Hendershott's vindictive attempt at retribution and anticipation of a future attempt as well.

Sheriff, I have been a loyal and dedicated employee of this great organization for nearly thirty years. I have always been very proud to be a member of this Office and your command staff, and have always given my best efforts to serve you well. I consider this great organization, its many employees as family; in fact, both of my children proudly wear the Sheriff's Office uniform.

However, my dedication and loyalty to you and this organization is no longer afforded to a Chief Deputy who consistently places his own interests above those of our employees and the public. His reckless, morally bankrupt, and incompetent decision-making has greatly damaged this great organization and your dedicated employees. Now is the time to return to value driven leadership, rather than leadership by fear, intimidation, and politics.

We need a Chief Deputy who performs his duties in an impartial manner, free from bias caused by his own financial interests or the financial interests of persons or businesses who support you. We need a Chief Deputy who will not make a habit of coercing his subordinates to take the blame for actions that he clearly devised or caused others to perform, always attempting to extricate himself from blame, or accountability of any kind because of his poor decision-making.

In my opinion, David Hendershott has systematically corrupted this Office for his own good, not for the best interests of you, our employees, or the public. He has also betrayed your trust by willfully filtering, controlling, or provided false information to you regarding his activities as the Chief Deputy.

Despite my full knowledge of Hendershott's vindictive reputation, I disregarded his verbal directive that I not cooperate with the Arizona State Attorney General's Criminal Investigation. I believe that I was my obligation as a law enforcement officer to fully cooperate with the Arizona State Attorney General's criminal investigation into the SCA Fund. As a result,

I do know that it will be only a matter of time before Hendershott will learn via discovery all statements and evidence I have provided that may be used should the Attorney General's ongoing criminal investigation result in indictments.

As a result of my cooperation with the Arizona State Attorney General's Office and my decision to submit this memorandum containing numerous allegations of serious official misconduct, I cannot protect myself from being subjected to Hendershott's retribution should he retain his position as a your Chief Deputy with the authority to wield management power against me. Nevertheless, if I continued to remain silent, I would deprive you of the opportunity to correct the serious matters that exist within the Sheriff's Office. I believe that would constitute a worse act than disloyalty, as I would be indifferent to all of these matters. I will not allow that to happen; because if I do, it will enable the likes of Dave Hendershott to continue his self-serving destruction of your organization.

As I have previously stated, I have an absolute obligation to bring these allegations of criminal activity, misconduct, and mismanagement to your attention. On behalf of the many dedicated employees of this Office and the citizens of Maricopa County, I believe that you have an obligation to take the only right and appropriate course of action. That action is to immediately remove these employees from duty and place them on administrative leave, pending the outcome of the Arizona State Attorney General's and Federal Bureau of Investigations and allow an outside agency to initiate the long overdue administrative investigation into these allegations of willful misconduct of Chief Deputy Dave Hendershott, Director Larry Black, and Captain Joel Fox.

Sincerely,



Frank D. Munnell
Deputy Chief
Patrol Bureau Commander