

PROPER PROCEDURE IN INTERNAL INVESTIGATIONS

The following is an excerpt from a legal opinion put forth by Dan Field when he was Quartzsite's town manager and functioning as the town's attorney. It's pertinent in this situation because Field essentially wrote the rules by which Quartzsite's citizens are living. These rules are still in effect today -- and will be unless and until they are properly changed. Here, then, is that excerpt:

The following officers are appointed solely by the town council and cannot be removed by the town manager: the town clerk (Section 3-2-2(A)), the town engineer (Section 3-2-4), the town attorney (Section 3-2-5), the town magistrate (Section 3-2-6), the town zoning administrator (Section 3-5-2(A)), and the Police Chief whose appointment is a hybrid situation with the town manager appointing and the town council concurring (Section 4-1-2). Only the town council can remove these officers.

This makes it clear that the responsibility for any action pertaining to the Chief of Police rests solely with the Quartzsite Town Council. They, in fact, are abdicating that responsibility to Alexandra Taft who figures quite prominently in the Quartzsite Police Officers' complaint for effectively attempting to block the investigation of Police Chief Jeff Gilbert and have it handled as a personnel issue rather than as a criminal complaint against the Chief of Police.

The following is excerpted from our Police Department's Internal Affairs Policy Manual:

P-448	Internal Investigations	Page 1 of 9
ISSUE DATE: August 18, 1995		APPROVED BY: GLENN H. NICHOLS
<u>PURPOSE</u>	To establish uniform guidelines for the implementation of this policy.	
<u>SCOPE</u>	This policy covers all personnel of the Quartzsite Police Department.	

11. Criminal Conduct

When an employee is being interviewed in a non criminal or administrative matter, and there is likelihood that the interview may reveal criminal conduct on the part of the

employee the interview shall cease and the Chief be informed of the criminal conduct. The non criminal or administrative interview will commence only upon the conclusion of the criminal investigation by the investigating authority.

First, it makes clear that the Chief of Police is, in effect, a department employee and is covered by this policy.

Secondly, it is abundantly clear that no interviews should take place until the criminal investigation is complete.

The third excerpt presented here is the part of the policy manual that stipulates that any officer being investigated for criminal conduct should be placed on administrative leave:

D. Administrative Leave

1. When an employee is being investigated for criminal conduct or administratively for criminal or serious misconduct where the employee from such an investigation would be unable to carry out his/her duties, the employee shall be placed on Administrative Leave with pay pending the outcome of the investigation.

This is what the AZCOPS Vice President was requesting of the council had they actually owned up to their responsibility as Councilmen and listened to the report at the council meeting at which the Quartzsite's officers and the AZCOPS representatives were all in attendance.

There is but one reason that the Chief of Police in Quartzsite is still on the job, directing what should have been a proper internal investigation into his mismanagement of the police department -- and that is because Quartzsite's councilmen walked on their responsibility.

It's not too late for Quartzsite to change course and what is so clearly stated and simple to understand: to follow proper procedure in these and other issues so that we can effectively turn the tide of inattention to ethics violations and incompetent management of the business of the town.

We can circumvent the disaster we face today, allow it to become a turning point for all of us -- and work together for the well-being of Quartzsite.

Ed Foster, Mayor