



City of Phoenix

Professional Standards Bureau

Discovery Review: Y N

Dishonesty, integrity, bias, moral turpitude

Reviewed by: SAH 5/8/06

Date: 9/29/2006

To: Jack F. Harris
Police Chief

Date: July 21, 2006

From: M. L. (Andy) Anderson, Assistant Chief
Professional Standards Division

Subject: INTERNAL INVESTIGATION SI 04-0245

Internal Investigators:

Commander Steven Campbell (Investigative Review)
Lieutenant Linda Johnson (Investigative Review)
Sergeant Jodi L. Bell (Primary Investigator)
Sergeant Mike Polombo (Interview)

Employee Involved:

Officer Joe J. Bianchi #5819
Division: Technical Services
Bureau: Communications Bureau
Squad: Callback / CB1
Hours: 0600-1600
N-Days: F,S,S
Supervisor: Sergeant Kimberly Haller #5309

Location Occurred:

Northern Command Station

Date/Time Occurred:

Between November 29, 2000 and August 22, 2002.

Allegation #1:

Between November 29, 2000 and August 22, 2002, Officer Bianchi submitted sixteen overtime requests to the Fiscal Management Bureau for court appearance and court standby overtime in which he documented incorrect times and/or number of hours and as a result gained monetary compensation which he was not eligible to receive. On a number of these appearances, Officer Bianchi failed to follow proper procedure as to the completion of the Court Services Officer sign-in log.

Finding:

Sustained

Witnesses Interviewed:

1. Prosecutor Diana Herrera
Phoenix City Court Building
300 W. Washington Street 8th Floor
Phoenix, AZ 85003
Phone: (602) 262-6472
2. Mike Ziton, Attorney
Law Office of Michael Ziton
45 W. Jefferson Street #210
Phoenix, AZ 85003
(602) 234-9290
3. Laurie Herman, Attorney at Law
4295 N. 75th Street, Suite B
Scottsdale, AZ 85251
(480) 990-1440
4. Mary Teresa DeLaGarza
3431 W. Morrow #6
Phoenix, AZ 85027
(623) 582-3116
5. Prosecutor Gloria Richardson
Phoenix City Court Building
300 W. Washington Street 8th Floor
Phoenix, AZ 85003
Phone: (602) 261-8773
6. Prosecutor Bob Smith
Phoenix City Court Building
300 W. Washington Street 8th Floor
Phoenix, AZ 85003
Phone: (602) 534-1917
7. Prosecutor Bill Solomon
Phoenix City Court Building
300 W. Washington Street 8th Floor
Phoenix, AZ 85003
(Temporarily assigned to the U.S. Attorney's
Office)
Phone: (602) 514-7517
8. Prosecutor Sharon Stolpen
Phoenix City Court Building
300 W. Washington Street 8th Floor
Phoenix, AZ 85003
Phone: (602) 534-4440

9. Prosecutor Laurel Canham
Phoenix City Court Building
300 W. Washington Street 8th Floor
Phoenix, AZ 85003
Phone: (602) 262-6461
10. Prosecutor Andrea Gutierrez
Phoenix City Court Building
300 W. Washington Street 8th Floor
Phoenix, AZ 85003
Phone: (602) 261-8773

Departmental Report:

2004-40309730

Attachments:

See attachment section.

Summary of Investigation:

Officer Joe Bianchi #5819 was assigned to the DUI Van squad in Traffic Bureau North from October 25, 1999 to October 22, 2001, as a DUI van operator. His primary duties involved the processing of DUI drivers stopped and arrested by other officers. He then transferred to the North side DUI Motor squad from October 22, 2001 to May 17, 2004, where his primary function was DUI enforcement. As such, Officer Bianchi frequently had a full court calendar. Due to indications that some of the overtime requests Officer Bianchi submitted for his court appearances and court standby were erroneous, his supervisor was directed to conduct an audit of his court overtime.

Beginning October 2002, Sergeant William Niles began an audit of Officer Bianchi's court overtime for the period of time between January 2000 and October 2002. After a random search for obvious discrepancies, Sergeant Niles identified eleven incidents where Officer Bianchi submitted incorrect overtime requests which resulted in additional overtime pay he was not eligible to receive. He prepared a report of his findings and turned it over to his supervisor, Lieutenant Ronald Hergert. In February 2004, Lieutenant Hergert briefed the Special Investigations Detail on the report completed by Sergeant Niles.

On February 13, 2004, Detective Maria Acosta of the Special Investigations Detail initiated a criminal investigation into the submitting of overtime requests with erroneous information by

Officer Bianchi, enabling him to collect more than 12.25 hours of unearned overtime for which he received \$470.67 in compensation. Detective Acosta established that probable cause was present to believe Officer Bianchi committed Theft of more than two hundred fifty dollars, a felony. On May 20, 2004, a direct complaint was filed in Superior Court against Officer Bianchi for Theft, a class 6 felony, by the Maricopa County Attorney's Office.¹ The criminal case was conflicted out to the Pinal County Attorney's Office. On October 18, 2004, the case was dismissed without prejudice in the "interests of justice".

After review of the eleven incidents in Sergeant Niles' report, it was discovered that he had not listed the incident that prompted the audit. Once included, the total number of incidents reported was twelve. This investigation has concluded that there is sufficient evidence to sustain the allegation that Officer Bianchi submitted inaccurate overtime requests on seven separate dates. The seven incidents involve Officer Bianchi submitting at least sixteen court appearance and court standby overtime requests to the Fiscal Management Bureau for compensation, in which he documented incorrect times and/or number of hours and as a result gained monetary compensation he was not eligible to receive. The overtime requests totaled more than 7.5 hours of unearned overtime for which he received \$294.90 in compensation. The allegation is therefore sustained.

