



# NOTICE OF DISMISSAL

**DISMISSALS REQUIRE A TERMINATION RECORD FORM TO BE SUBMITTED.**  
(Refer to Management Policy 339 Implementing Corrective Action and Discipline)

Employee's Name Mitchell Bratford Employee's ID# 19861  
Employee's Position Title Police Officer  
RC Name Superstition Patrol District RC # \_\_\_\_\_  
Supervisor's Name Sgt. C. Langley or A/Sgt. T. Zogelman(17973) Supervisor's Emp ID# 10509

In accordance with the City of Mesa Personnel Rules, this is to notify you that you have been dismissed from your employment with the City of Mesa, effective at the end of your work schedule on (M/D/Y) 3/21/16.

### Dismissal While on Regular Status: (Mark as many as apply)

The reason for this dismissal is indicated below and was stated to you in the pre-deprivation hearing held on (M/D/Y) 3/17/16.

**Regular Status Positions:** Should the employee desire to appeal this dismissal, refer to the City of Mesa Personnel Rules.

- |   |   |
|---|---|
| <input type="checkbox"/> Incompetence, inefficiency in performance                            | <input type="checkbox"/> Absent without authority   |
| <input type="checkbox"/> Abusiveness in attitude, language, or conduct                        | <input type="checkbox"/> Personal business on City time   |
| <input type="checkbox"/> Violation of policy, lawful order, direction, regulation             | <input type="checkbox"/> Unlawful harassment/discrimination/retaliation                                   |
| <input type="checkbox"/> Accepting a bribe  | <input type="checkbox"/> Failure to maintain minimum standards, licenses                                  |
| <input type="checkbox"/> Using or attempting undue influence to obtain benefits or advantages | <input type="checkbox"/> Failure to operate City vehicle in a safe, lawful manner                         |
| <input type="checkbox"/> Discredit, embarrassment to City                                     | <input type="checkbox"/> Knowingly destroying, deleting or altering documents related to an investigation |
| <input type="checkbox"/> Criminal conviction  | <input checked="" type="checkbox"/> I.A. # (PD only)  |
| <input type="checkbox"/> False statements, falsifying documents                               | <input type="checkbox"/> Other (explain below)  |
| <input type="checkbox"/> Injuring others, wasting public supplies                             |   |

If necessary, explain further or attach additional pages:

Employee is being terminated due to receiving Sustained complaints for DPM 1.4.5 (Code of Conduct) #43. Discourtesy: using disrespectful, vulgar, obscene, profane or insolent language or gestures to any Department member, or any citizen, directly or indirectly, face to face, or by telephone, electronic communication (e-mail), CAD, or to purposefully use disrespectful, vulgar, obscene, profane or insolent language on the police radio, DPM 1.4.5 (Code of Conduct) #50. Willful disobedience of Department rules or orders, DPM 1.4.5 (Code of Conduct) #73 (2) counts, Conduct Unbecoming an Officer/Member, DPM 1.4.5 (Code of Conduct) #74. Unsatisfactory Performance and/or unwilling to perform assigned job responsibilities, DPM 1.4.5 (Code of Conduct) #53 (2) counts, Failure to obey City of Mesa Management Policies and/or Personnel Rules or official City communications, DPM 1.4.5 (Code of Conduct) #76. Arrested or indicted or commission of any criminal offense (i.e.: Driving/Actual Physical Control Of A Motor Vehicle While Under the Influence, Domestic Violence, Disorderly Conduct, etc.), Discipline may result in termination, as set forth in IA Cases 2016-017 and 2016-046.

### Dismissal While on Initial Regular Employment Probation:

- Failure to satisfactorily complete Initial Regular Employment Probation

In accordance with the City of Mesa Personnel Rules, the employee does not have the right to a pre-deprivation hearing or appeal if dismissed while on Initial Regular Employment Probation. Does not require Deputy City Manager or City Manager/Assistant to the City Manager signatures below.

Supervisor \_\_\_\_\_ Date \_\_\_\_\_

RC Manager/Division Director (If applicable) \_\_\_\_\_ Date \_\_\_\_\_

[Signature] 2997 03/21/16  
Department Director/City Manager Designee \_\_\_\_\_ Date \_\_\_\_\_

Human Resources Director \_\_\_\_\_ Date \_\_\_\_\_

Deputy City Manager \_\_\_\_\_ Date \_\_\_\_\_

[Signature] 3/21/16  
City Manager/Assistant to the City Manager \_\_\_\_\_ Date \_\_\_\_\_

(Signature not required if signed by a City Manager designee on line 3).

(Required for regular status and At-Will employees other than part-time, seasonal, grant-funded, temporary, and employees on Initial City Probation)

[Signature] 03/21/16  
Employee's Signature \_\_\_\_\_ Date \_\_\_\_\_

MICHAEL NAPIER  
ANTHONY J. COURY  
KATHRYN R.E. BAILLIE\*  
\*Also Admitted in Kentucky  
ERIC R. WILSON  
CASSIDY L. CROSSEN

**NCB**  
**NAPIER COURY BAILLIE PC**  
ATTORNEYS AT LAW

RECEIVED  
MAR 22 2016  
CITY OF MESA  
CITY ATTORNEY'S OFFICE

March 22, 2016

City of Mesa Personnel Personnel Appeals Board  
Attn.: Secretary for Personnel Appeals Board  
20 E. Main St. 1<sup>st</sup> Floor  
Mesa, Arizona 85211-1466

RE: *Ofc. Philip "Mitch" Brailsford*  
*Mesa Police Department*  
*Classification: Officer*  
*Disciplinary Action: Dismissal*

To Whom This May Concern,

We represent Ofc Brailsford in regard to his Dismissal from the City of Mesa Police Department. The Police Department has provided Ofc Brailsford the Disciplinary Notice of Dismissal, effective Monday, March 21, 2016.

This appeal notice is being filed pursuant to *Deuel V. Arizona State School for Deaf and Blind*, 165 Ariz. 524, 799 P.2d 865 (1990), Ariz. Rev. Stat. Sec. 38-1104, and the City of Mesa Personnel Rules Section 930. Pursuant to *Deuel*, Ariz. Rev. Stat. Sec. 38-1104, and Mesa Personnel Rules, such economic deprivation affords any and all Mesa employees the right to a hearing before the Merit System Board.

Ofc. Brailsford, is erroneously being accused of excessive use of force/murder.

**Reason for the Appeal:**

Ofc. Brailsford's shooting is governed under the United States Superior Court ruling *Graham v. Connor* and the mere fact that the suspect did not possess on his person, at the time of shooting, a weapon yet reaches to his waist band where weapons are known to be hiding, does not make the shooting unjustified. Ofc. Brailsford's shooting is justified under *Graham v. Connor* and Arizona State law. The Department has failed to meet the standards of Ariz. Rev. Stat. Sec. 38-1104 and therefore the dismissal of Ofc. Brailsford is excessive and unjustified.

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Please forward copies of the following:

1. Complete investigation which was sustained against Ofc. Brailsford rendering the dismissal,
2. Complete criminal investigation including audio and video recordings of every person interviewed.
3. Any and all transcripts
4. Any and all audio recordings,
5. Any and all video recordings including all videos recorded during the shooting,
6. Any and all statements, including but not limited to any and all witness statements,
7. Audio of Ofc Brailsford internal affairs interview, pre-depravation hearing with Chief Mesa,
8. Names and addresses of any and all witnesses interviewed in internal affairs,
9. Names and addresses of all witnesses who provided written statements or complaints to internal affairs,
10. Complete Personnel File, including but not limited to commendations
11. Complete Workstation file
12. Any and all photographs,
13. Any and all Performance Evaluations for Brailsford's years of service with Mesa PD.
14. All transcripts of every person interviewed,
15. Names and home or work mailing addresses, of all persons interviewed during the course of the investigation. (See, A.R.S. §38-1106)
16. Most Recent copy of the City of Mesa Personnel Rules and Procedure Manual,
17. Most Recent copy of all City of Mesa Police Department General Orders
18. City of Mesa Police Department's most recent Disciplinary Process, including but not limited to Special Orders,
19. Copies of all Notice of Investigations provided to every person involved in this matter.
20. Pursuant to ARS 38-1104, any and all disciplinary actions (written reprimand and higher) for police employee's unauthorized use of weapons, unauthorized paraphernalia on equipment, or unauthorized verbiage on equipment.
21. List of every City of Mesa employee who has viewed any and all Axon footage for the officer involved shooting of January 18, 2016.
22. Pursuant to ARS 38-1104, any and all disciplinary actions (written reprimand and higher) for police employee's inappropriate use of profanity.
23. Any and all documents related to this matter.

Pursuant to A.R.S. 38-1104, the above listed items need to be mailed within three (3) business days from the date of this letter, to the Law Office of Napier, Abdo, Coury & Baillie, 2525 E. Arizona Biltmore Circle, Ste. 135, Phoenix, Arizona 85016.

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If you have any questions or concerns please feel free to contact me.

Sincerely,

NAPIER, COURY & BAILLIE, P.C.



Kathryn R. E. Baillie

Cc: Nancy Sorenson, Mesa Police Department