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AUGUST 2010

PHOENIX LAW ENFORCEMENT ASSOCIATION

# RECAP

The Official News Magazine of the Phoenix Law Enforcement Association

## A BANNER DAY

By Mark Spencer  
PLEA President

*The following was presented to a group of nearly 500 SB1070 supporters by PLEA President Mark Spencer on Saturday July 31, 2010.*



The large banner that two bused-in protestors unfurled on Thursday was big and bold. It read, "STOP THE HATE – NO 287G & NO 1070." It seems that these two men forgot that laws do two things: provide and protect. Laws provide safety and a fair "playing field" and laws protect the lives of men and women who are created in the image of God.

In my brief 23 years as a Phoenix Police Officer, I've seen my fair share of hate and I've come to believe that the purest form of hatred is indifference. Pure hatred is not me punching you in the nose – it's me walking away and not helping while you're getting beat up. Pure hatred is absence in the face of calamity. Pure hatred is disengagement during danger. Pure hatred is a blind-eye towards injustice.

The absence of bused-in protestors at the funerals of six Phoenix Police Officers murdered by illegal aliens communicates indifference - hatred. The absence of bused-in protestors at the hospital of six seriously injured Phoenix Police Officers at the hands of illegal aliens shouts indifference - hatred. The absence of bused-in protestors on behalf of five Chandler girls who were sexually assaulted by illegal aliens or at the funeral of a murdered southern Arizona rancher reeks of indifference - hatred.

Where were the "STOP THE HATRED" banners in 2006 and 2007 when Hispanics were 3 times more likely to be victims of homicide in the City of Phoenix compared to any other race? Where were the open-border advocates and their banners when half of Latino homicide victims in the City of Phoenix were at the hands of illegal aliens? Perhaps they were sitting in the lap of luxury. Perhaps they were sitting in the lap of indifference. Turning a

blind-eye while a people group is taken advantage of for cheap votes and cheap labor is hatred on steroids. Perhaps one ought not to point a finger and preach of hatred while being indifferent and disengaged while Arizona's body count piles up.

Those who unfurl banners and bus in protestors appear to believe that the ends justify the means. "Illegals are here to care for their families." This thought process leads to "The reason I stole your identity was to pursue hope for my family." The next step: "The reason I don't pay taxes and charge my medical and educational expenses to you is so that I can pursue a better life." What's next in this line of thinking – "The reason I sold your kids illegal drugs is so that I can pay for my child to go to pharmacy school." People with common sense and a moral compass should know that it's never right to do wrong. A noble goal achieved by injustice is immoral. In a nation of law and a state under attack, embracing racial rhetoric to justify lawlessness is to embrace indifference. To those who obey the law, pay taxes, and work hard to care for their families, bused-in political agendas are worthless when compared to the provision and protection needed in our state and on our southern border.

It can certainly be frustrating and disheartening when our federal government refuses to do their job BUT instead fights a state that's willing to give them a hand. In the context of the war on terror and raging drug cartel battles south of the border, police officers don't believe it's unreasonable for a nation, a state, a county, a city, a town, or a family in their living room to ask two questions DC desperately avoids: "Who are you?" and "Where are you from?"

I would challenge you to take the time to look at the judge's ruling from a "half-full" perspective. It's good news that police chiefs like Jack Harris can no longer mandate blind-eye sanctuary policies when it comes the crime of illegal immigration. It's good news knowing that police managers like Tucson's Villasenor will be penalized for facilitating lawlessness and for hand-cuffing police officers. It's good news that your police officers and deputies still have the discretionary ability to partner with and contact ICE to proactively address the crime of illegal immigration. It's good news to know that servant leaders in our state like Jan Brewer, Russell Pearce, Joe Arpaio, Andy Thomas, JD Hayworth and Bill Montgomery are supportive of our cops and are willing to "step into the gap" for our communities.

*Continued on page 2.*



*Open-border protesters unveil another banner at the Saturday evening SB1070 rally at the State Capitol.*

## A BANNER DAY

*Continued from page 1.*

The banner read: "STOP THE HATE – NO 287G & NO 1070." One of the men who unfurled that banner was reminded that the rule of law was alive and well in Arizona. He felt the blunt end of SB1070. He was in the country illegally. He's being deported back to Canada. Who knows, perhaps the first person to experience the blunt end of SB1070 was a Canadian. In light of the federal government's track record at the borders, maybe he'll come back some day with a new banner that reads:

**"STOP THE INDIFFERENCE – OBEY THE LAW!"**

## FLEXING OVERTIME

*By Ken Crane  
PLEA Secretary*



It has recently come to PLEA's attention through a variety of sources that supervisors in several work units are requiring, "suggesting" or asking employees who work overtime to flex out their OT hours in lieu of pay.

If this is occurring with you or someone you know, call the PLEA office immediately. This practice is prohibited and the city is **required** to pay you for any overtime hours worked. In the section of the MOU dealing with overtime compensation; section 3-2, subsection C. states that ***"Overtime work will be compensated in either cash or compensation time at one and a half (1-1/2) times the regular rate of pay after the first seven (7) minutes assigned and worked beyond the end of the unit members regularly scheduled shift calculated to the nearest 1/4 hour."***

Can a supervisor mandate that you hold overtime as compensatory time in lieu of taking pay? The answer is no. There are no provisions in the MOU or Operations Orders that give a supervisor the authority to do this. In reality it really doesn't matter. If you elect to have your overtime paid you will be paid at time and a half and if you elect to hold your overtime as comp time, it will be put into your bank at a time and a half rate. Regardless of how you do it the choice is ultimately yours.

Keep in mind that compensation time is not the same as "flexing" time. Nowhere in the MOU is the issue of "flexing" overtime addressed. The only mention made in the Department's Operations Orders with regard to "flexing" of overtime is when a person who is on industrial is required to attend medical appointments on their day off. Per policy an officer in this situation is required to flex their time at a 1:1 ratio in lieu of receiving overtime compensation.

While it is no secret that the city is in a budget crunch and no doubt, orders have come down to curtail overtime as much as possible, this often leads lower level supervisors to act in a broad, overreaching and a potentially illegal manner.

One officer recently reported to PLEA that his supervisor had been directing him to flex out overtime for the last year and in many instances at a 1:1 ratio. Not only is this a direct violation of the MOU it is also a violation of the Fair Labor Standards Act (FLSA).

Consider this scenario: a junior officer attends an hour long CSO training class on his day off. On his return to work, his Sgt. tells him that he will "flex" the time out and let him go home an hour early at the end of shift that evening. The junior officer, not

knowing any better, thinks the boss is a swell guy and doesn't realize he is getting screwed out of 3.5 hours of time owed him. Going to training on your day off = 3 hours minimum of overtime. When held as comp time or paid as overtime it must be compensated per the MOU at time and a half. 3 hours of overtime = 4.5 hrs of pay or time in your comp bank. Even though the supervisor in this case is completely wrong to even suggest the flexing of time, he should have, at a minimum, allowed the officer to go home 4.5 hours early in order to ensure he was fairly compensated per the MOU.

Situations like these happen for a variety of reasons. Here are just a few: Supervisors are often ignorant of the rules. Supervisors who know better or should know better sometimes violate the rules in order to keep their superiors happy. Officers, especially the more junior amongst us aren't mindful of the rules. Many officers who may be aware they are being taken advantage of simply don't want to rock the boat for fear of retaliation.

I'm sure there are some officers who probably like the idea of "flexing" time. For those who like the concept I've got great news for you, we already have a "flex time" system in place. It's called a comp time bank. "Flexing" time can be a great thing for those who happen to work for a supervisor who is just an all around swell guy who does everything in a fair manner and who may even give you a little more time than you have coming when it comes time to "flex" those OT hours out. The problem arises when you have a supervisor who thinks that every penny of overtime you make is coming out of their personal checking account. This is when the personal whims of a supervisor come in to play and officers often lose out. There is no formal system in place to track "flex time" and one would have to hope that they and their supervisor could agree on how much time is owed. That's the beauty of the comp time bank, everything is tracked going in and coming out. It's fair and equitable and everybody gets what they have coming to them.

For those supervisors who feel that it's within their realm of power to deviate from the MOU with regard to pay, benefits, work conditions, and officer's rights, this is a contract violation known as direct dealing. In essence the supervisor has taken it upon themselves to negotiate with an officer or officers as the case may be outside the bounds of the contract that was agreed upon between PLEA and City management. This practice is strictly prohibited regardless of whether it happens to benefit you or not.



## SB 1070 Applies to Canadians Too

Recent protests in Phoenix related to the court battle over SB 1070 drew protests with many of the persons involved being bussed in from out of state. Two protestors took it upon themselves to hang a banner from a construction crane located in the downtown area which required the closure of several streets and tied up more than 70 law enforcement personnel for over two hours. After the two subjects were arrested and booked, MCSO jail personnel discovered that one of the subjects was in the country illegally from Canada. It's possible that a Canadian has the unique distinction of being the first person deported under the provisions of SB 1070.

### **DATES TO REMEMBER & BENEFITS TO MEMBERS**

Rep from Aflac will be in the PLEA Office the second Wednesday of each month. Call Aflac Office @ 602.870.1122

Hester, Heitel & Associates Exclusive group insurance offers to PLEA Members only for homeowners, and auto and liability. Please call Mark or Loretta at 602.230.7726

Tom Jonovich Financial & Retirement Planning Sessions 3rd Thursday each month at PLEA Office 10am - Noon

Rep from Nationwide will be in the PLEA Office the 4th Thursday of each month to assist with Deferred Comp, 401(a), or PEHP and updating your beneficiary. Call Kathleen Donovan @ 602.266.2733, x 1161.



# The Factors Be

**Editors Note:** Shortly after midnight on Jan. 1, 2009, San Francisco Bay Area Rapid Transit (BART) police officers Johannes Mehserle and Anthony Pirone were involved in a controversial use of force incident on a subway platform when trying to control rowdy New Years Eve revelers. While Mehserle and Pirone grappled with and attempted to take a suspect into custody, Mehserle attempted to deploy his Taser and inadvertently drew his handgun and shot the suspect in the back. The suspect died as a result. Due to the fact that the officer was white and the suspect black, allegations immediately sprang forth that the shooting was a racially motivated act of murder.

*The following article reprinted with permission from the Force Science Institute gives a detailed explanation of the combination of psychological and training factors that led to this unfortunate tragedy.*

## **Force Science explains “slips-and-capture errors” and other psychological phenomena that drove the fateful BART shooting.**

Two expert witnesses with Force Science backgrounds are believed to have been influential in a jury’s recent decision to reject a murder conviction of a former transit officer accused of deliberately shooting an unarmed suspect in the back during a handcuffing scuffle.

The witnesses, Dr. Bill Lewinski, executive director of the Force Science Institute, and retired LAPD captain Greg Meyer, a certified Force Science Analyst, testified in detail how a combination of inadequate training and psychological stress phenomena most likely led to a tragic accident in which the officer mistakenly drew his sidearm instead of his X26 Taser while trying to restrain the struggling suspect. The prosecution had claimed the incident was one of intentional homicide by an out-of-control cop.

“This case,” Lewinski told Force Science News, “is a classic illustration of powerful forces beyond an officer’s conscious awareness that can shape a threatening encounter. These forces may not be readily evident even to unbiased witnesses, but in a matter of seconds they can change the lives of those involved forever.”

From the witness stand, Lewinski and Meyer explained how, in their opinions, psychological concepts such as “slips-and-capture errors” and “inattention blindness,” along with equipment positioning and an absence of stress-inoculation training, became driving factors in the controversial case.

Although the officer was exonerated of murder, he was convicted of a lesser charge of involuntary manslaughter. At this writing, he has not yet been sentenced.

Accusations against the defendant, 28-year-old Johannes Mehserle, have been exhaustively covered by many mainstream media. Briefly recapping: In the first minutes of 2009, Mehserle and fellow officers with northern California’s Bay Area Rapid Transit system were on a station platform in Oakland, trying to control several rowdy New Year’s Eve celebrants who’d been fighting on a BART train.

In the presence of a hostile crowd, Mehserle and Ofcr. Anthony Pirone were attempting to control one suspect, Oscar Grant III, age 22. According to one trial participant, Grant had “a long and



colorful criminal history,” including at least one arrest in which he tossed aside a gun during a foot pursuit, although the BART officers had no knowledge of this at the time.

Pirone had Grant’s head and shoulders pinned down with his knee, while Meshlerle was trying to tug Grant’s right hand out from under his body for cuffing. Grant was actively resisting.

At what turned out to be a critical juncture, Mehserle twice announced, “I’m going to Tase him!” He then drew his Sig Sauer semiauto with his right hand--not his Taser, which was on the left front of his body in a cross-draw position--partially stood, and fired a single, fatal shot into Grant’s back. The action was captured on video by a multitude of civilian cell phones.

Mehserle soon resigned from the department. He never spoke to the press, but privately he insisted from the beginning that the shooting was a horrible mistake; he thought he was firing his Taser when he fired his gun. But Mehserle is white, Grant was black. Outraged relatives and activists immediately branded the shooting a willful act of murder, motivated by racism--a theme the prosecution sought to promote when Mehserle finally was brought to trial for murder recently. (A change of venue had shifted the matter to a courtroom in Los Angeles.)

Mehserle’s attorney, Michael Rains, called Lewinski, an internationally recognized authority on human behavior in force confrontations, to explain to the jury of 4 men and 8 women how the shooting could possibly have been an accident when the officer’s actions looked so cut-and-dried incriminating in the videos.

In an interview with Force Science News, Lewinski reconstructed the analysis he laid out for the jury.

What was involved in this shooting, he says, is a well-researched, well-documented psychological phenomenon called “slips-and-capture errors.”

“These are mistakes that are made when you think you are doing one thing but you actually are doing another and the result often is directly opposite of what you intended,” Lewinski says. “In effect, your intended behavior ‘slips off’ the path you wanted it to go because it is ‘captured’ by a stronger response and sent in a different direction.

“In Mehserle’s case, a variety of compelling elements--including urgency, time compression, narrowed focus of attention, and automatic response--conspired to create a fateful slip-and-capture.”

As we’ll see in more detail in a moment, Mehserle had had

# Behind the Force



scant experience with drawing or using a Taser, none of it in stressful circumstances. He'd carried a Taser while working only about 10 times and had drawn it in training half a dozen times, on duty perhaps 3.

By contrast, he'd been drawing his sidearm an estimated 50 times a week as practice since graduating from the academy about 2 years earlier. "He'd practiced drawing very fast and had built a strong automatic motor program," Lewinski says. "Upon recognition of a threat, you want to be able to draw without having to consciously think about each mechanical step in the process so you can focus on the threat and the decision-making involved in resolving it."

Dealing with the stubbornly resistant Oscar Grant amidst the angry crowd was a high-stress event that suddenly escalated to an even more intense level. In Grant's wiggling his hand around under his body and refusing to yield to Mehserle's yanking on his arm, Mehserle perceived that the suspect was trying to reach first into his waistband and then into his right-hand pocket.

"Earlier that evening, Mehserle had witnessed the arrest of another suspect who turned out to have a gun in his right front pocket, and on 3 other occasions he and his partner had made other arrests where that was the case," Lewinski says. "In that context, he interpreted Grant's uncontrolled hand movement as potentially life-threatening and, with his emotional intensity now ratcheted up, announced the decision to Tase him."

Mehserle, testifying in his own defense at the trial, said he thought at that moment, *This has to go quick.*

"All his actions from that point forward--except one--are consistent with a Tasing intention," Lewinski says. "Enhanced video frames show his hand canting and tugging at his holster at an angle that suggests a Taser-draw effort. He persists in this effort to the point that he defeats the restraints on his gun holster. His thumb then moves as if to arm the Taser, he backs up to create a better dart-spread, he only fires once instead of double-tapping, and so on.

"The only inconsistency--and, of course, a critical one--is that he reached to the right side of his belt and gripped his gun instead of crossing his hand about a foot away to the left where his Taser was.

"This is the slip and capture. Under time pressure to address a perceived threat, his intention to draw his Taser slipped off his

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agenda, so to speak, when it was captured and completed by a more well-rehearsed motor program; i.e., going to the location where his gun was in order to manage a threat. He was not conscious of this unfortunate switch until after the shot was fired."

Such errors are common in civilian life, Lewinski explains, ranging from experienced pilots who inadvertently activate the wrong controls at a critical moment and crash airplanes to drivers who floorboard their accelerator when they think they're tromping on the brake. "In a very simple illustration," Lewinski says, "think of renting an unfamiliar model of car. You know you're in a different vehicle, but when you go to insert the key you may automatically and unconsciously direct it toward the spot where the ignition is located on your own car at home.

"The fact that you do this once is not unusual, but the fact that some continue to do it several times before their behavior changes shows how powerful old programs are and how hard they are to change.

"In a situation like that, you get the benefit of an attentional check--you see what you've done wrong and then you pay attention and correct it. But there wasn't time for that for Mehserle.

"In his urgency, his concentration was focused exclusively on Grant's back, where he intended to place the Taser darts. Because of what's called 'inattention blindness'--meaning that he wasn't consciously paying attention to and registering it--he wouldn't have been aware that the feel and weight of the gun was different from that of a Taser. The video clearly shows that the gun was never brought up to his line of sight, where he might have seen that it wasn't his yellow Taser.

"His first indication that he'd made a mistake was when he pressed the trigger and the bullet tore into Oscar Grant's back. The video shows him experiencing a definite reflexive, startle reaction. His left hand comes away from the gun as if he's touched a hot stove. His hands go to his head and he exclaims, 'Oh my God!' His response is consistent with a sudden realization that he'd done something drastically wrong."

In his testimony, Lewinski cited the research of Drs. Alexis Artwohl and Audrey Honig, both experts on police psychology and graduates of the certification course in Force Science Analysis. In their studies, Artwohl and Honig have documented that the vast majority of officers default to automatic, unconscious defensive behavior in threat situations, similar to some of what Mehserle experienced.

On cross-examination, the prosecution team did not attempt to rebut the concepts Lewinski had described. Nor did they offer significant challenges to the testimony of Greg Meyer, who pinpointed the shortcomings in training and equipment provided by Mehserle's agency at the time of the shooting.

Improvements have been made since then, but before the shooting BART did not issue Tasers and holsters consistently and permanently to individual officers, related Meyer, a well-known less-lethal force expert who formerly headed LAPD's training academy. On a given shift, an officer could end up with any of 4 different holster configurations and belt placements. (This, in Lewinski's opinion, contributed to the risk of slips-and-capture errors.)

Moreover, Meyer testified, BART did not put officers through any dynamic, stress-inducing scenarios requiring force-options selection as part of their training for Taser use. He considers that

*Continued on page 6.*

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essential for “truly testing an officer’s ability to be ready for stressful encounters on the street.” Lewinski fully concurs.

Meyer presented an exhibit for the jury documenting 6 other known “weapons-confusion” cases in recent years in which an officer shot someone while intending to use his or her Taser. None of those officers was criminally prosecuted. However, all, like Mehserle, had Taser placements that required a dominant-hand draw, and all the incidents occurred under high-stress conditions.

Meyer was not permitted to mention in court that after Mehserle’s shooting, BART changed its policy to require Taser placement and holster design that accommodates only a “weak-side, weak-hand” draw, which both Meyer and Lewinski consider the safest configuration. (“Even then, because of the powerful psychological factors often involved, there may still be weapons-confusion errors that result in unintentional shootings,” Lewinski cautions. “But this placement and design is highly likely to reduce the risk.”)

During his appearance on the witness stand, Meyer managed to deliver a deft blow to the prosecution’s attempt to frame the Mehserle shooting as a racial incident. This turn of events was not reported in any mass media coverage of the trial, Meyer told Force Science News.

On video of the confrontation on the platform, Ofcr. Pirone can be heard using an inflammatory phrase containing a racial epithet in a verbal exchange with Oscar Grant. Anticipating this as an issue that would arise at trial, Meyer took the tape to a highly skilled sound technician at a Hollywood movie post-production facility who was able to clarify and amplify the sound track so that both sides of the exchange could be heard.

In court, Meyer was able to present what the technician’s work had revealed: It was actually Grant who had first used the derogatory phrase, as part of a profane diatribe directed at Pirone. Pirone unfortunately twice repeated the phrase back at Grant in a questioning manner, providing fodder for the prosecution to try to portray all officers at the scene in a bad light.

Lewinski, too, offered a surprise to the prosecution in court. On cross-examination, a prosecuting attorney attempted to establish that Lewinski could not be impartial in any case involving a law enforcement officer. Lewinski countered by pointing out that 2 investigators from the agency investigating the shooting had contacted him soon after the incident and he volunteered to explain to them the Force Science interpretation of what had happened. The investigators, however, never called back to follow up.

In his instructions to the jury, Superior Court Judge Robert Perry advised the panel that it could acquit Mehserle of any criminal wrongdoing or could find him guilty of second-degree murder, voluntary manslaughter, or involuntary manslaughter. The jury found the latter, concluding that Mehserle had not intended to kill Grant but had “acted recklessly” in the confrontation.

Defense Atty. Rains said he felt that the Force Science testimony was “extremely well” received by the judge and jury and he was confident it was “very important” in the jurors’ decision to rule out conviction on the most serious charges.

Still, he and the witnesses as well feel Mehserle should have been fully acquitted under the circumstances. The officer “made a fateful mistake that caused a death,” a reporter quoted Rains as saying, but the mistake “was not criminally negligent.” He says he will argue that position at what is expected to be an extensive sentencing hearing scheduled for November.

Meanwhile, Mehserle sits in jail, facing possible prison time from this verdict, as well as a federal investigation of whether he violated Oscar Grant’s civil rights and a pending \$25 million civil suit filed against BART by one of the plaintiff’s attorneys in the Rodney King case. BART has already paid \$1.5 million to Grant’s 5-year-old daughter.

## LAW OFFICES OF MICHAEL NAPIER, P.C.

**MICHAEL NAPIER** has been representing Phoenix officers for over 32 years. Mr. Napier is one of the most experienced labor and personal injury attorneys in Arizona. Mr. Napier has represented hundreds of officers before administrative bodies throughout Arizona, and has assisted critically injured officers and the survivors of the officers in obtaining compensation for their injuries and losses.

**JANET FELTZ** was admitted to practice in Arizona in 1985. Prior to joining the firm in 2005, she served as an administrative hearing officer for twenty years in disciplinary and other employment matters on behalf of merit boards and commissions throughout the State. She also served as an administrative law judge for the Arizona Department of Economic Security from 2001 – 2005.

**ANTHONY COURY** has focused his 9 years of practice primarily on personal injury and wrongful death lawsuits in which he has served as plaintiffs’ counsel. He has experience in cases dealing with dram shop liability, negligence, governmental claims and products liability including service as counsel on the litigation team for Phoenix Police Officer Jason Schechterle.

**KATHRYN BAILLIE** was born and reared in Phoenix, Arizona, completing her undergraduate degree at Arizona State University. She served as a J.A. for the Third Circuit Court and then worked as a Public Defender in the Commonwealth of Kentucky before joining the Law Office of Michael Napier, P.C. She has worked with Michael Napier on personal injury and wrongful death cases, dram shop liability, negligence, administrative, disciplinary, and other employment matters.

**JAMES P. ABDO** was born in Omaha, Nebraska. He earned his undergraduate degree from the University of Rochester in 1984 and his Juris Doctorate from the College of Law at Arizona State University in 1991. Mr. Abdo served as an Assistant Attorney General for Arizona before entering private practice as a partner at two major Phoenix law firms, where his practice focused on commercial litigation of all types. He has extensive experience both representing government bodies appearing before numerous state, county and city agencies in numerous licensing, procurement and labor/employment matters. His practice also includes the formation, counseling and representation of business entities, the drafting of a wide variety of real estate and other contract documents in addition to litigating disputes arising out of contracts.

In addition to the full services provided to PLEA members to protect their careers, the Law Offices of Michael Napier P.C. provide the following:

**Personal injury recovery** (on or off duty); experienced representation at a reduced fee;

**Reduced fees** for matters not covered by the PLEA legal plan;

**Free probate** of officer’s estate for line-of-duty death; Free

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# PLEA makes S.B. 1070 presentation at 32nd Annual NAPO Convention

*By Joe Clure  
PLEA Treasurer*

For well over fifteen years PLEA has been an active member of the Nation Association of Police Organizations (NAPO). With over 241,000 members strong, NAPO provides a powerful political voice in Washington DC on matters important to law enforcement. PLEA serves as the elected Area One Vice President, representing Arizona and New Mexico.

In June, NAPO coordinated a meeting between PLEA and the Attorney General, Eric Holder, in Washington DC at the DOJ. On July 10-14 PLEA Trustee Will Buividas and I attended the 32nd annual NAPO convention in Colorado. We made a presentation to the delegation on the Illegal Immigration concerns in Arizona and S.B. 1070. With the exception of the other border states, most of the country is not experiencing the intense volume of crime and violence associated with illegal immigration that we are, specifically, drop houses, kidnappings, and human smuggling. Many of the Association presidents approached us after the presentation to learn more about the issues. The focus needs to be on a renewed, publicly declared national policy of an operationally secure border and committed enforcement. PLEA understands the complexity of the social issues involving families, however security of the country must be the priority before the latter can be effectively addressed. PLEA is encouraging NAPO to be directly involved in the solution to the illegal immigration crisis on a national level.

PLEA also serves on several Committees in NAPO including the bylaws, finance, legislative, strategic planning, membership, and the political endorsement committees. As you can see, representing the interest of PLEA members is much more than just belonging, one must get involved to make a difference. PLEA is also excited about the recruitment of some of our new Arizona members: Arizona Corrections Association, Maricopa County

Association of Detention Officers, and the pending application of the Goodyear Police Officers Association.

NAPO is involved in many legislative issues at the national level. One of the most important is the "Public Safety Employer-Employee Cooperation Act." This would give public safety officers throughout the nation the right to form and join an association if they choose to and bargain over wages, hours, and working conditions. This legislation provides for fact finding and mediation of disputes but does not require binding arbitration. It would also prohibit strikes and lockouts. Some of the other priorities include a "Law Enforcement Officers Bill of Rights", preservation and distribution of COPS, Byrne-Jag, homeland security grants, and pursuing a Healthcare Benefit to the Public Safety Officers' Benefits Act. NAPO has also been addressing the Social Security Government Pension Offset and Windfall Elimination Provision. These two governmental rules on social security significantly reduce, if not eliminate, social security benefits for public safety officers and their survivors.

NAPO also takes the time to give national recognition to outstanding police work through the Top Cops Award in Washington DC during Police Memorial Week. Numerous Phoenix Police Officers have received this important award.

These are just a few of the issues that PLEA and NAPO continually work toward improving upon on behalf of law enforcement officers nationwide. It is impossible to address all of the efforts of NAPO in a short article, so I would encourage you to go to the PLEA website where we have a link to [www.NAPO.org](http://www.NAPO.org) and read for yourself all about the great work being accomplished on your behalf.

**Membership meetings are the  
last Tuesday of each month  
at 7:30, 12:30, and 5:30.**

**Board meeting is held the 3rd Tuesday  
each month  
and members can attend at  
8:30 am.**

## PHOENIX AREA DISCOUNTS FOR SUMMER

Tickets on sale at PLEA

Castles 'n Coasters  
\$15 Adult/Child thru 9/30/10

Golfland/Sunsplash  
\$20 Adult/Child thru Labor Day

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\$18 Adult/Child thru Labor Day

Wet 'n' Wild  
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## PHOENIX LAW ENFORCEMENT ASSOCIATION

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Scott Sayban • Clark Schwartzkopf • Rick Simonick  
Frank Smith • Kevin Smith • Stu Sterling  
Rusty Stuart • Tom Tardy • Mike Walsh • James Ward

### *If You Have A Grievance*

**FIRST:** Attempt to resolve the matter informally with your supervisor.

**SECOND:** If you cannot resolve this with your supervisor, contact one of the representatives above.

**REMEMBER:** There are time limits to initiate a written grievance.

### *If You Are Being Investigated*

**RECORD:** All interviews once you have been given an NOI.

**COPY:** All memos or paperwork related to the investigation.

**TRUTHFULLY:** Answer all questions related to the investigation.

If you are called by Professional Standards Bureau or any police supervisor regarding an investigatory interview or interrogation, you may have PLEA representation during that interview.

Call for representation as soon as possible. For your convenience, a PLEA board member and representative are available 24/7.

### The Board Of Trustees

David Dager ..... Chairman of the Board  
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