



PHOENIX LAW ENFORCEMENT ASSOCIATION

The Professional Association of Phoenix Police Officers Since 1975

May 7, 2009

Harry Markley, Officer
Phoenix Police Department
620 W. Washington St
Phoenix, AZ 85003

Officer Markley:

The PLEA office saw your editorial in the May 6, 2009 edition of the Arizona Republic. Your comment **"I have been a Phoenix police officer for over 22 years...."** left us with the impression that you forfeited your recognized rank as a commander and the approximately \$150,000 annual salary that went along with that upper level management job classification. What else would prompt you to identify yourself as an officer for 22 years? During these past 22 years, many in the PLEA office watched you progress from the position of police officer through the ranks – sergeant (*separate job classification obtained by you in 8-3-92*), lieutenant (*separate job classification obtained by you in 11-18-97*), and finally commander (*separate job classification obtained by you in 4-1-02*). Seeing that it's been nearly 17 years since you've actually been an officer, and that you're currently identifying yourself to the public as one, we would like to remind you that membership in the Phoenix Law Enforcement Association is once again available to you.

We would also like to remind you, that as a Unit 4 member, the MOU (*police officer contract*) clearly gives PLEA the right to represent all rank-and-file officers of the Phoenix Police Department. In section 1-3: Rights of the Association, we're told in a binding contract signed by City Manager Frank Fairbanks that, "The Association (*"union" in your written piece*), as the authorized representative, has the **exclusive right** (*emphasis mine*) to serve as the meet and confer representative of **ALL** (*emphasis mine*) **employees in the Police Officers Unit** (*emphasis mine*) as described in Attachment A." This section also goes on to say, "Under no circumstance shall the department create or request unit members (*that's you if potentially you are indeed an officer*) to sign or agree to individual employment contracts without mutual agreement with the Association (*"union" in your published piece – PLEA*).

It was reported to PLEA that during your time as a lieutenant, you stated at an IRP, "I don't give a damn about your MOU (*police officer contract*). We're hopeful that now that you're a potential police officer unit 4 member, your view of the MOU and the protections it affords to officers, the Department, and the Association (*"union" in your article*) will take on new value.

In June 2002, one of the allegations of misconduct you were alleged to have engaged in revolved around making untruthful statements in PSB administrative investigation PSB04-11. The finding to this allegation was "unresolved" and the explanation given for this finding was: "Since it could not be clearly established that Commander Markley **intended** (*emphasis mine*) to be misleading or deceptive, or willfully withhold information in his statements to Lieutenant Settembre, Sgt. Charrier, or defense attorney Chris Rapp, allegation #2 was UNRESOLVED." When you submitted your piece to the Arizona

Republic for publication, did you intend to overlook the right of the Association clearly spelled out in the MOU to speak for all officers when you wrote, "Don't be confused by the union that represents police officers as speaking for ALL (*emphasis mine*) police officers." Did you intend to give the impression that you have been an officer (*emphasis mine*) for 22 years when you wrote, "I have been a Phoenix police officer for 22 years...?"

Some might be tempted to say that what you wrote was disingenuous. That's a half-empty position. We prefer the half-full perspective. A lot has changed in the 17 years since you left your detective assignment at the Drug Enforcement Bureau. You shared many "hopes" in your article with the public. Allow us to share some of our hopes with you. Hopefully you'll drop your commander bars and come back to the real-world service experience as a police officer. Hopefully you'll be one of the few patrol officers granted access to a rifle. Hopefully you won't get tied up at the jail for hours. Hopefully you won't be restricted from contacting ICE. Hopefully you won't be subjected to racial insensitivity by your former management peers. Hopefully you won't be tied up in a photo radar investigation for trying to make a back-up as quickly as you can. Hopefully you won't have your contract rights violated. Hopefully your evidence won't be mishandled by the crime lab. Hopefully a reserve position will be available for you when you retire.

Enclosed is a PLEA membership packet. If you have any questions, please feel free to contact the union (PLEA) office.

Sincerely,



MARK SPENCER
PLEA President