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State push for police rights is under way

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Arizona police officers are seeking more protections from internal investigations prompted by residents and fellow officers.

Most Valley police unions now have contracts that spell out procedures for investigations of officers accused of misconduct.

The Glendale police unions negotiated a contract with the city requiring residents who file complaints against officers to sign affidavits that they believe their accusations are true. Other unions call for accused officers to be given information about the nature of the complaints and allow union representatives to serve as witnesses during officer interviews.

Mesa's police union, which started negotiations with city administrators last week, hopes to add similar guidelines.

Union leaders have also proposed state laws to regulate internal investigations.

Police unions said the changes are necessary to give officers the same rights and protections as anyone else. Police administrators and experts say the rights of officers and residents must be balanced.

A handful of bills sponsored by Republican lawmakers would change procedures across Arizona.

The proposed bills would allow fired police officers who believe they were unjustly terminated to file suit in Superior Court, allow police unions to report misconduct to an oversight board and require police departments to set a four-month deadline on internal investigations. Also, a polygraph examination could not be used as the sole evidence to fire an officer.

The proposals were sparked by last year's adoption of Arizona's "just cause" law, which bars excessive police discipline and requires the discipline be based on a "preponderance of evidence."

Police-union leaders say they have lobbied lawmakers to take action following a series of what they viewed to be unjust actions by police administrators.

"Basically, it's like a cancer that has spread to multiple jurisdictions," said Brian Livingston, executive director of the Arizona Police Association, a union that has lobbied for the proposed bills.

A review board of Surprise residents last year voted to reinstate two fired officers after it found other officers with similar violations had received lesser discipline. And the Phoenix Law Enforcement Association has spoken on behalf of Richard Chrisman, an officer indicted on charges of second-degree murder in the shooting of a domestic-violence suspect last October. The union objected when Phoenix Police Chief Jack Harris initially said Chrisman's termination process would begin before his criminal trial.

Levi Bolton, lobbyist for the Phoenix union, said officers deserve due process when they're under investigation.

"We're not asking for rights above and beyond what citizens get," he said. "We're asking for the same thing - to give us a presumption of innocence."

The proposed state laws, and greater mention of police-disciplinary procedures in city contracts, would further clarify requirements for those accused of misconduct and those investigating misconduct, union leaders say.

Sgt. Fabian Cota, president of the Mesa Police Association, said inconsistencies in discipline and investigative practices can create confusion.

A deputy at one agency may be fired for driving under the influence, while an officer elsewhere is given a written reprimand. Or two officers at the same department may be treated differently for similar conduct. Then questions can crop up about whether supervisors targeted the officer who received the more-severe discipline.

"We're just trying to get things to where they're more consistent, that there's more equal treatment," Cota said. "This really isn't about trying to get away with stuff."

He added that guidelines for police leaders could also save taxpayers' money.

Thousands are spent to train one officer, and if she is fired without proper cause, the money goes to waste, he said.

Justin Harris, president of the Glendale Law Enforcement Association, has said his city's contract provides direction to police and residents.

"It gives both parties distinct guidelines to follow within the complaint process," he said.

But police leaders and experts emphasize it's important to maintain a careful balance between the rights of officers and the rights of residents.

Officers deserve a fair investigation, but police must maintain the public's trust.

Laws that impact the inner workings of a police department can be harmful if they hamper a police chief's discretion, said Hubert Williams, president of the Washington, D.C.-based Police Foundation, which focuses on law-enforcement research and reform.

"They can limit the police chief's ability to get the facts on officers who are deemed to be acting inappropriately," said Williams, a former Newark, N.J., chief.

John Harris of the Arizona Association of Chiefs of Police, whose organization has discussed the proposed laws with police unions, agreed that chiefs need to be able to address problems that arise.

"We don't want to lose our management rights and our ability to run our organizations," said the chief of Sahuarita.

Kathryn Olson, president of the National Association for Civilian Oversight of Law Enforcement, said it's most important that all sides agree on a system, regardless of what it is.

That means residents get a say, too.

"Law-enforcement agencies get their authority and their legitimacy from the public," Olson said.