



The Phoenix Law Enforcement Association represents over 2600 police officers and detectives in the City of Phoenix. A clear priority for the Association is safety; safety for the public and safety for police officers.

An alarming and dangerous trend is evident to the men and women who engage in front-line law enforcement tasks. The men and women who do police work clearly see problems that are compromising their own safety and the safety of the community. These problems are directly related to poor decisions, plans, and policies from the Public Safety Manager – Jack Harris. PLEA is convinced the source of these problems is connected to the personality driven management style that the Public Safety Manager is allowed to utilize by a majority of the City Council and City Manager.

Let me share with you some serious unresolved problems in the Phoenix Police Department that have been festering for years. The Public Safety Manager’s refusal or inability to address these issues is placing our members and neighbors at risk. Safety for all is being compromised.

- **The public and police officers are needlessly placed at risk** when nine out of ten patrol officers do NOT have access to a rifle. The Public Safety Manager has embraced a backlogged purchasing process and turned his back on the personal purchase of approved rifles by qualified police personnel. Commander Tim Hampton notified Mayor Phil Gordon in March that he has 30 officers in his precinct alone that are willing to bring their own rifles to work. The Public Safety Manager and Mr. Gordon recently testified in Phoenix on April 20, 2009 to Senators McCain, Leiberman, and Kyl that Phoenix Police Officers are “outgunned.” The Public Safety Manager seems to be the reason we’re outgunned. This willful decision to prevent tools from getting into the hands of our members is inconsistent with his concerns presented to the federal government and the practices of other Valley and State agencies. The Public Safety Manager’s refusal is jeopardizing the safety of police officers and the public and reflects indifference from city government and city management. His focus on a “tattoo policy” instead of tools for police and 11 lost rifles indicate his priorities are skewed.
- **The public and police officers are needlessly placed at risk** by the Public Safety Manager’s removing a squad and a sergeant from patrol and assigning them to book prisoners at the jail. PLEA has pleaded with the Public Safety Manager for years to “fix the jail” – how we interact with the booking facilities at MCSO. The Public Safety Manager has refused to civilianize the wagon/booking process which would free officers to perform their patrol function. His willful decision to remove valuable manpower from a first-responder capacity is inconsistent with other Valley and State agencies and is jeopardizing the safety of police officers and the public. On April 8, 2009 Sgt. Andy Hill said on KTAR, “We’ve got a centralized booking process procedure, a whole program ready to go.” This has not been shared with citizen groups and PLEA. We hear something completely different: MDT messages from patrol that routinely tell night shift officers the jail is backlogged - don’t come down. Public rhetoric by the Public Safety Manager appears at odds with police reality.
- **The public and police officers are needlessly placed at risk** by a crime lab that is severely understaffed. The whims of non-sworn civilian personnel are in consistent conflict with the convictions of case-carrying sworn detectives. Investigators advise that evidence is being mishandled and cases are being compromised. The Public Safety Manager’s investigators routinely bypass the Public Safety Manager’s \$90M crime lab and are going directly to Mesa or DPS for reliable analysis. In October 2007 Assistant Chief Tracy Montgomery shared the Public Safety Manager’s philosophy on how to deal with detectives, like Dave Barnes, who complained

about problems in his lab: “Mark my words, if Dave is dealt with, others will think twice about lab bashing.” Detective Barnes from Homicide is now Officer Barnes from patrol and is currently assigned to his home. The Public Safety Manager has created a prime environment that weakens effective prosecution from the County Attorney, sets guilty suspects free, and exposes innocent taxpayers to danger. One of the major investigations in the history of Phoenix, the Baseline Killer case, is thought by many investigators to be at risk because of the Public Safety Manager’s crime lab.

- **The public and police officers are needlessly placed at risk** by a driving policy that places liability over Arizona traffic law. State law provides more protection to funeral escorts than the Public Safety Manager’s driving policy does for police and the public. While state law frees police officers in emergency vehicles to drive with lights and sirens with “due regard” above a posted speed limit, the current policy burdens first-responders with allegations of misconduct, lengthy internal investigations, and eventually citations that go on their personal driving records. Patrol officers and their supervisors see that the current policy is broken. Some front line supervisors just throw photo-radar citations away. Other front line supervisors deal with the policy in a different way. They encourage three courses of actions for their officers: 1. Regardless if the freeway expedites travel to a call for service, because of photo radar, only use side roads. 2. Don’t use lights and sirens because upper level police management struggles to recognize emergency driving provisions afforded to police officers in state law. 3. Regardless of the call, never drive over the speed limit. If it’s a shooting in progress and the speed limit is 35 mph, do not drive over 35, stop at every stop sign, and wait for green lights at every traffic signal. You can see the danger to the community that the Public Safety Manager’s policy can cultivate. The current driving strategy in patrol and the Public Safety Manager’s policy have one thing in common - delay.
- **The public and police officers are needlessly placed at risk** with an ineffective and disengaged reserve officer program. The Department is currently carrying 250 to 300 police vacancies. In economic times where funding and manpower is scarce, qualified and experienced police reserves are a precious and common sense resource. Yet it’s this same resource that the Public Safety Manager is turning his back on. Experienced and committed retired Phoenix Police Officers have been turned away from the reserve program while at the same time on News 12 the same Department is recruiting bankers, lawyers, and realtors to sign up in the same program. Perhaps Councilman Johnson has a unique perspective of this disingenuous double-message that the Public Safety Manager is allowed to present to the public. A failure by the Public Safety Manager to manage equipment resources (*i.e. police radios*) should not be the reason to neuter a successful and long-term volunteer reserve program. A simple solution: sign-out radios instead of writing off retired officers from the reserve program.
- **The public and police officers were needlessly placed at risk** by an immigration policy that the Public Safety Manager fought his own front line officers over. Four dead and at least four seriously wounded Phoenix Police Officers at the hands of illegal aliens was an unacceptable cost paid by PLEA members. The Public Safety Manager’s immigration policy mandated illegal aliens to commit serious crimes before federal partners could be contacted by front line troops. First responders believed that this was an inappropriate response to the crime of illegal immigration. The Public Safety Manager’s response to the concerns of cops and community was to ignore PLEA’s concerns and then disingenuously misstate PLEA’s position as “routine immigration enforcement.” In fact, all officers wanted was the discretion to pick up a phone and call ICE for input and assistance. Crimes such as DUI, prostitution, and gangs all have felonies that orbit around them and all are routinely addressed in a proactive law enforcement

fashion in Phoenix. Phoenix Police Officers were forbidden by the Public Safety Manager to utilize the same common sense policing strategy in addressing illegal immigration. Partnering with the public to fight the Public Safety Manager over changing his blind-eye immigration policy was worth the effort: our first responders link the 24% decrease in violent crime and 27% decrease in stolen vehicles to the new proactive policy, proactive illegal immigration legislation, and aggressive illegal immigration prosecution. Nationally, crime is down. And in spite of the Public Safety Manager's lagging immigration policy change, Phoenix is no exception. Sadly, instead of enjoying its past reputation of having a proactive police department and benefitting from the current national downtrend in crime like other cities, Phoenix is left paying for the kidnappings, home invasions, armed incursions, and identity thefts of a reactionary policing strategy.

- **The public and police officers are needlessly placed at risk** when the Public Safety Manager is allowed to engage in a personality driven management style that fails to partner with rank and file officers and proactive community groups.
  - When Require the Prior President Ann Malone requested assistance from the Public Safety Manager for the East Indian School Coalition Block Party last year, the Phoenix Police Department responded with a \$30,000 security bill for her charity event. After PLEA intervened with Mayor Gordon, the price dropped to \$14,900. Bomb Squad officers voluntarily adjusted their day off to provide the public with an informative hands-on interactive contact with their tools and techniques. This was denied by the Public Safety Manager. The event was a success without a single incident and without the Phoenix Police Department. The 15,000 visitors that attended were provided with security from MCSO. This was paid for without any additional charges beyond the taxes she and the involved business owners already invested.
  - The alarming trend and pattern that PLEA feels has festered under the Public Safety Manager's watch is the racial insensitivity experienced by officers of a protected class. Three separate letters relaying PLEA's concerns of police management's involvement in this practice and police management's disengagement from EEO compliance is disingenuously presented by the Public Safety Manager to police officers as PLEA complaining that police "employees" are racists. This was not in any of the correspondence to Frank Fairbanks. This is similar to the Public Safety Manager description of PLEA's request for a call to ICE as "routine immigration enforcement."

A new Administrative Regulation that focuses on the rehiring of retired employees contains both wording and timing that clearly addresses the Public Safety Manager's current position. Following in this wake of the City's new AR, PLEA is now pursuing a statutory amendment at the legislature. Because of the Public Safety Manager and other upper level police managers, a clearer definition in the DROP provision of "same position" is warranted. PLEA is in the process of fixing a problem it didn't create.

A suspect is placed under arrest. A search of his pocket reveals him to be in possession of two rocks of crack cocaine. He states, "That's not mine" quickly followed by "The pants I'm wearing belong to someone else." The reasonable person behind every Phoenix Police badge doesn't believe what they're told. In the same way, when 2600 PLEA members are told that the Public Safety Manager is not the same as the Police Chief, yet he wears the same uniform, works out of the same office, was awarded a 5<sup>th</sup> star while wearing four, and is introduced as "Police Chief Jack Harris," the reasonable members of PLEA don't believe what they're told.

Police officers, by the nature of their job and the demands of their character, believe that following the rules and upholding the law is important. The city ordinance, what many call a rule or law, requires that the City of Phoenix has a police chief. The past and present problems are evidence of what happens when you try to run a police department without a police chief – when you try to manage police officers in violation of the rules.

It appears to PLEA that those paid and elected to hold the Public Safety Manager accountable are failing to do just that.

- A broken jail
- A broken immigration policy
- A broken rifle program
- A broken crime lab
- A broken reserve program
- A broken photo radar policy
- Multi-million dollar lawsuits starting at \$11M
- Withholding exonerating evidence in investigations
- Questionable search warrants driven by questionable administrative allegations
- Routine failure to investigate police managers
- The “Baseline Killer” case in jeopardy
- Personality driven management in opposition to police labor
- A major struggle in implementing minor winter equipment
- The creation of a new AR to avoid future “double-dipping”
- Inability to work with Require the Prior
- An appearance of favoritism in disciplining managers
- Abandoning the Phoenix seat on AZPOST
- Failing to notify supervisors of events of legitimate concern to the City
- Consistent contract violations
- Unfair labor practices intended to dominate and interfere with PLEA
- Disingenuous statements to police employees and the public

These issues are beyond a mere labor/management dispute. These issues are legitimate public safety concerns of police officers who risk and citizens who pay. These issues are destroying the reputation, morale, and effectiveness of a once progressive police department.

In conclusion, PLEA has two simple requests:

1. City Management and the City Council created a Public Safety Manager position (*Job Code 62680*). PLEA is asking that City Management and the City Council abide by the City Ordinance (*Article IV Division 1, Section 2-119*) and provide Phoenix Police Officers and Citizens of Phoenix with a Police Chief (*Job Code 62690*).
2. Help us avoid a vote of “no confidence” with our 2600 members.

# Phoenix Law Enforcement Association

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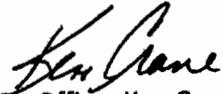
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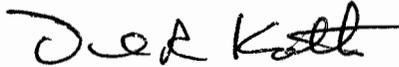
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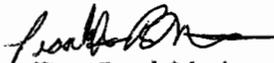
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