



PHOENIX LAW ENFORCEMENT ASSOCIATION

RECAP

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The Cost of Freedom

By Ken Crane
PLEA Secretary

The 4th of July, Independence Day, for most of us it's another 3 day weekend, a time for family get togethers, barbecues, maybe a trip up north to escape the heat for a few days, a chance to see the latest slate of Hollywood blockbusters at the local theater and maybe taking in an evening fireworks show. Events like these have come to be identified as modern day iconic symbols related to the celebration of American independence. For most of us the ritual varies little from year to year and we tend to forget about the true meaning of the holiday.

A quick review of American history will give clarity and context. 1775 marked the beginning of the American Revolution as a result of England's refusal to hear petitions on behalf of the thirteen colonies challenging the legitimacy of Britain's right to governing them without representation. The petitions were ignored which led the Second Continental Congress to give the order to begin the formation of the Continental Army. Congress' continued petitions to England resulted in them being declared traitors and the Colonies to be in rebellion.

Most of us forget the role played by France in helping to secure American independence. Americans in recent years have ridiculed the French especially in connection with their lack of participation in the Gulf War as well as their open opposition to American involvement combined with their liberal world views. We tend to remember a France that was overrun by the Nazis in World War II followed by American forces liberating them from Nazi oppression and our memory fades at that point. The revolutionary war years saw us involved with a very different France; a France who under the rule of King Louis the XVI secretly supplied arms, ammunition and other critical supplies to the American rebels beginning in 1776 followed by France openly entering the war on the side of America in 1778 which played a significant role in shifting the balance of power to a more equitable footing. During the same time frame, Dutch and Spanish forces that were allied with France went to war with Britain threatening an invasion of England. Spanish forces got directly involved on America's behalf and were responsible for pushing British forces out of west Florida effectively securing the southern flank for the American Revolutionary forces. This combination of factors along with many others was critical in enabling a fledgling country to overturn an adversary that possessed possibly the most powerful army and navy in the world for that time period.

During the early phase of the Revolutionary war, when relations with England finally disintegrated, the Continental Congress

voted on July 2, 1776 to formally declare independence from England. The actual document was written and formalized during the June-July 1776 time frame when Congress appointed a "Committee of Five" consisting of Thomas Jefferson, John Adams, Benjamin Franklin, Robert Livingston and Robert Sherman although history tends to emphasize Thomas Jefferson as being the principal architect of the document which was formally ratified on July 4, 1776. During the July - August time frame, 56 Congressional delegates ranging in age from 26-70 years of age ultimately penned their names to the document which, after it was signed, was circulated widely throughout the colonies and ultimately in England as well as other parts of Europe.

We have all heard and parroted phrases such as "freedom isn't free" as well as numerous other patriotic clichés yet most of us have never known what it's like to be actively engaged in a fight for the very preservation of our country. While Americans have been engaged in a variety of battles, police actions, skirmishes and peace-keeping operations around the world over the last several decades, the last formal declaration of war by America was in 1941 when the US declared war on the Empire of Japan and the last great battle to actually be fought on American soil was the Civil War (1861-1865).

In the exceptionally well written article by Rush Limbaugh titled The Americans Who Risked Everything, the following excerpt explains what happened to those who dared pen their name to the Declaration of Independence. Keep in mind that by a mere stroke of the pen all 56 signers committed an act of treason against the crown, an offense punishable by hanging.

"Of those 56 who signed the Declaration of Independence, nine died of wounds or hardships during the war. Five were captured and imprisoned, in each case with brutal treatment. Several lost wives, sons or entire families. One lost his 13 children. Two wives were brutally treated. All were at one time or another, the victims of manhunts and driven from their homes. Twelve signers had their homes completely burned. Seventeen lost everything they owned. Yet not one defected or went back on his pledged word. Their honor, and the nation they sacrificed so much to create, is still intact.

And, finally, there is the New Jersey signer, Abraham Clark. He gave two sons to the officer corps in the Revolutionary Army. They were captured and sent to the infamous British prison hulk afloat in New York harbor known as the hell ship "Jersey," where 11,000 American captives were to die. The

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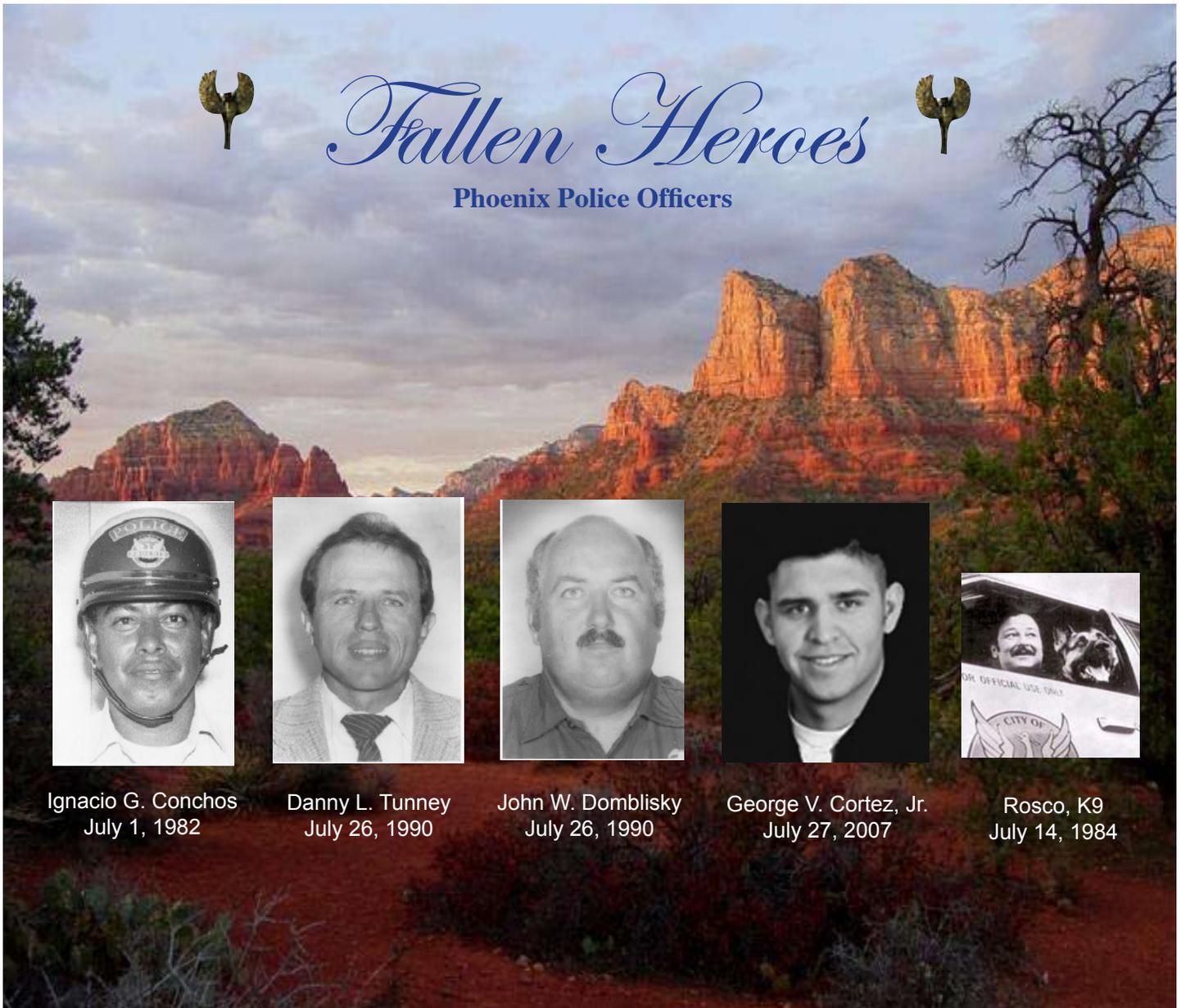
The Cost of Freedom

Continued from page 1.

younger Clarks were treated with a special brutality because of their father. One was put in solitary and given no food. With the end almost in sight, with the war almost won, no one could have blamed Abraham Clark for acceding to the British request when they offered him his sons' lives if he would recant and come out for the King and parliament. The utter despair in this man's heart, the anguish in his very soul, must reach out to each one of us down through 200 years with his answer: "No." The 56 signers of the Declaration of Independence proved by their every deed that they made no idle boast when they composed the most magnificent curtain line in history. 'And for the support of this Declaration with a firm reliance on the protection of divine providence, we mutually pledge to each other our lives, our fortunes and our sacred honor.'"

What our founding fathers did would be the modern day equivalent of any one of the 50 states seceding from the Union and telling the Federal Government to bring it on. Early America was a British territory under the rule of British Parliament. It took incredible courage for our founding fathers to put their lives on the line; yet put their lives on the line they did knowing full well that many of them would pay the ultimate price.

Signing the document was a defining moment, a moment requiring total commitment to their beliefs where there was no turning back. They above all else knew the true cost of freedom and knew firsthand the meaning of the phrase "freedom isn't free". During this month of July which marks the anniversary of our independence, may we never forget the true cost of freedom.



Fallen Heroes

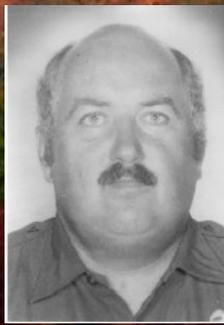
Phoenix Police Officers



Ignacio G. Conchos
July 1, 1982



Danny L. Tunney
July 26, 1990



John W. Domblisky
July 26, 1990



George V. Cortez, Jr.
July 27, 2007



Rosco, K9
July 14, 1984

PLEA files Motion in Support of SB-1070



PLEA has filed a Motion to Intervene in the SB 1070 litigation. Based on our surveys of our membership, it became clear that we had a mandate from our officers to defend this bill. As you know, we fought hard to bring changes to Operations Order 1.4 in order to provide us with the necessary tools to effectively do our jobs and make this city safer. SB 1070 also accomplishes this goal, calling for the same manner of enforcement as our revised Operations Order. As we fight to protect your interests, we will keep you advised of our involvement in the defense of this important law.

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.

**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.**

Furlough Days and Vacation Buy Back Rumor Control

By Will Buividas
Chief Negotiator



The short answer is yes. Everyone knows by now that the department is forcing the issue of minimum staffing to cut back on payment of holiday pay. If you are being forced to take the holiday off the rationale then becomes then why not make it a furlough day and kill two birds with one stone? On the surface this seems like a great idea but is one that could end up costing an officer more money than just taking the holiday off and taking a furlough day some other time.

An officer who normally works a holiday and who is directed to take it off will still get paid 8 hours per the MOU and would only have to drop a leave slip for 2 hours to get a full 10 hours of pay for that shift. Given the same scenario, an officer who decides to use a furlough day in conjunction with the holiday would have to put in a slip for 10 hours of furlough time (if on a 4/10 schedule) which would effectively negate the 8 hours of holiday pay that they could get while taking the holiday off.

The better scenario is to simply take the holiday off in conjunction with a two hour leave slip, collect your 8 hours of holiday pay, and then take a 10 hour furlough day later at a time of your choosing such as at the beginning or end of your "N" days for an extended weekend. If you have time banked you can then drop a slip for 10 hours within the same pay period to avoid the monetary hit to your paycheck.

Yet another unique twist to the furlough concession is that officers have the option of writing a check to the "change for Phoenix fund" in lieu of taking a day off. Officers interested in exercising this option would have to contact fiscal management as the amount of the payment would vary from officer to officer based on their current pay step as well as the rollups that would have to be factored in to compute the payment for one furlough day. Per information put out by the city, this could qualify as a tax deduction and employees should consult with their tax preparers to determine if they qualify. City personnel has also informed us that fiscal can accept monthly payments made by check if officers wish to pay for one or both furlough days for a given year of the contract. Note: we would recommend this option only if you are in your high three years of service otherwise you are essentially paying the city to work.

There has also been confusion with a provision in the new contract with regard to the concession item of vacation sell back. For the duration of the new contract the ability of members to sell back 40 hours of vacation time in December of each year is suspended. Officers should also be aware that vacation sell back is a non-pensionable benefit. **Note: This does not apply to those persons who are doing vacation buy back in their high three years.**

Everyone loves a good rumor and it can be easy to assist in the perpetuation of them either intentionally or unintentionally. **Remember, if in doubt, call to verify.**

Recently there have been several phone calls received at the PLEA office with regard to furlough days and vacation buy back. Most of these calls fall into what we would call the "rumor control" category.

For some reason, one rumor that has been circulating is that we are no longer are required to take furlough days. This is not true. The contract negotiated for the 2010-2012 time frame stipulates that each officer must take 16 hours of furlough time each year of the contract (negotiated concessions take effect July 12, 2010).

Another concern is that of having to work extra days to get to a certain retirement time frame if furlough days are taken. The Public Safety Pension and Retirement System (PSPRS) issued a statement that furlough days will not affect "credited service time" and that employees would accrue service credit at the same rate. Simply stated, officers will not be required to work additional days beyond their projected retirement date.

Another common question has to do with how furlough days must be taken. The furlough provision as initially negotiated was to be taken in 8 hour blocks or for those working 4/10's, one 10 hour block and a 6 hour block; however, the city has now stated that officers can take their mandatory furlough time in 4 hour segments. In recent conversations with city personnel PLEA has been told that officers can take their furlough time in 4, 6, 8, or 10 hour blocks of time. Contrary to other rumors that have been circulating, officers are not required to switch to a 5/8 work schedule during the week they wish to take the furlough day. Several officers have called in asking the question of whether or not they can take a furlough day on a paid city holiday.



Dollars and 72T

By Sgt. Bob Baker

This past March I submitted an article which was printed in The Monthly Recap titled "DROP Questions". I wrapped up the article with an invite for people with questions to e-mail me. To say that my e-mail was deluged would be an understatement. Thanks to all who submitted questions. This article will address the question; how much does each dollar invested in your 457 actually cost you?

It gets better. Every dollar you invested in your 457 is then subtracted from your year end totals for income. If you made \$80,000, and you invested \$16,500 in your 457 account your income tax liabilities would only be \$63,500. You now lowered your financial liabilities which can lead to a larger refund. You will obviously pay less tax on the lower year end totals. Again, as with all financial information check with your financial advisor and your tax accountant.

What does a dollar invested into my 457 cost me?

Each of us pays taxes at a different rate. However, a quick estimate would be each dollar invested will cost approximately .70 cents, (what you will miss on your check) If you figure your tax rate at 30% you are getting 30 cents extra for each dollar you invest in your 457 account. Another way to look at this is, for each dollar you don't invest into your 457 account you are taxed at a rate of 30% (approx) so you only see 70 cents of these dollars. If you invest in your 457 the same dollar goes into your account before taxes, so you get the entire \$1.00. Not only are you now investing in your future you just made an immediate 30%. This is an investment none of us would ever pass up, RIGHT!

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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
- Big Surf \$18 Adult/Child thru Labor Day
- Wet 'n' Wild \$25 Adult/Child thru 9/26/10

An Open Letter to Our Fellow Officers of The Phoenix Police Department

On May 10, 2010 an e-mail/fax went out to every precinct and bureau to let us know that a documented criminal street gang member who had threatened the life and safety of fellow officer Taylor Siljander and his family was due to be sentenced at the Central Court Building in downtown Phoenix. The suspect is the son of a captain in the Mexican Mafia, who is currently incarcerated for murder. The threat was very real and had included some personal information about this officer that showed this dangerous criminal had done his homework.

The notification requested a police presence at the hearing to send a signal to both the court and the suspect's "homies" that we as brothers and sisters in the Phoenix Police Department stand together so that if you threatened one of us and our families, you have threatened all of us. To say that the police presence at the sentencing was abysmal, would be to put too positive of a spin on the number who did take the time out of their day to demonstrate this kind of solidarity.

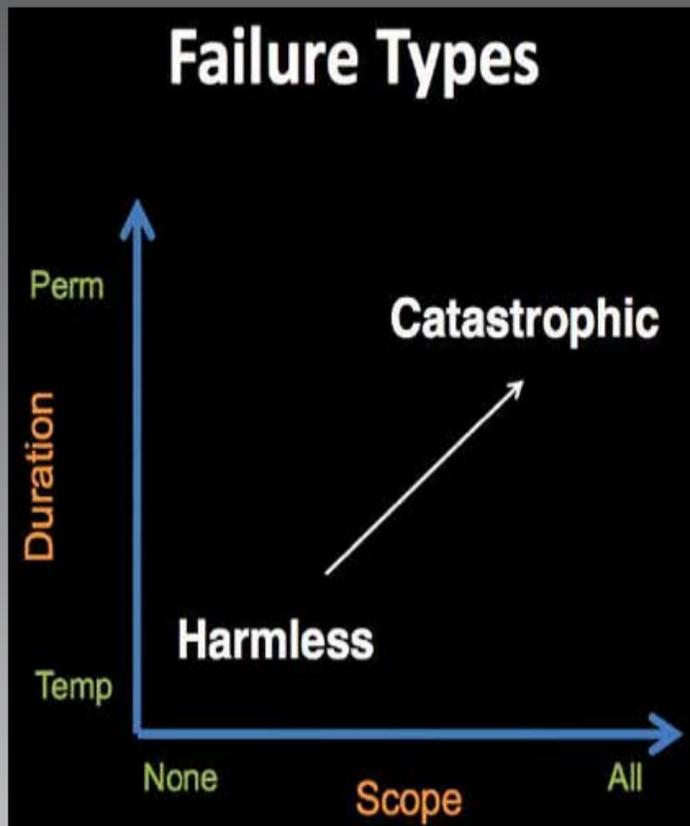
With the exception of the officer's sergeant, no one from this officer's squad, precinct, or command staff bothered to attend to show their support for their squad mate/employee! A few of us from one squad area in another precinct read the request and with the blessing of a more enlightened supervisory staff, were allowed to attend. We were surprised to say the least that we were the only officers there from our entire Department.

The prosecutor and the victim's advocate both expressed their gratitude for the "blue row" that sat behind their fellow officer. They both said that this sent a very clear message to the court and the friends and family of the suspect in attendance that we as a department will not take this type of action against one of our members in a docile manner.

None of us who were in attendance knew this officer personally or had ever worked with him. All we knew was that one of us and his family had been threatened and that a request for support of a fellow officer had been sent out. As Phoenix Police Officers, we responded. We did not expect to do so alone. Management will have to make their own excuses for not being there to support one of their employees. We as fellow officers should have no excuse. There should not have been an open seat in the courtroom. Ben Franklin once said "We must all hang together, or assuredly we shall all hang separately." The greatest strength that we in law enforcement and particularly in the Phoenix Police Department, have is our unity. If the bad guys and maybe even management see that we are not "hanging together" might they not believe that we can be "hung separately?"

Signed: The Officers of the 42A Squad.

PPSLA Fails Again



After spending an unknown but presumably significant amount of PPSLA member money, and after a year-long investigation by the State Bar, PPSLA's efforts to disbar PLEA attorney, Michael Napier, and obtain restitution from him, Mr. Napier has received the lowest form of sanction available to the Bar- an informal reprimand (equivalent of a coaching). This resulted from the concurrent representation of PLEA and PPSLA, despite the fact that PPSLA, when it solicited the Napier firm for representation, was fully aware of his representation of PLEA. Still, the State Bar concluded that this concurrent representation should not have been undertaken. The Bar also concluded that another matter of concurrent, but unrelated representation required a written rather than a verbal waiver. While such a low level sanction is not reported in the Bar Journal, nevertheless we bring this to your attention because we fully expect PPSLA to publish these results in their usual propaganda style, exaggerating the actual outcome of their expensive efforts to discredit our counsel. We continue to stand by our attorney as he has stood by us for the last 35 years.

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 consultations to members on any matter, and **Referrals** to attorneys or specialists for matters not handled by the firm.

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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.

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