

Nick,

Thanks for taking the time to communicate. I was notified that you contacted the PLEA office and the front desk team said that you had sent me an email. Hopefully you didn't send it to my City email address – we can't access that. I apologize for not having received it. I wish your contact with PLEA had occurred sooner than 20 years and not via email. Face-to-face contact or a phone call is of great value to us and members are worth taking the time to communicate with in a more personal setting. Allow me to respond to some of your issues.

The agenda at PLEA is to serve the members. A 13.7% pay-raise and the avoidance of police layoffs with under 2% in wage concessions are examples of how this PLEA agenda benefits the members. The current PLEA team has committed to the following three-fold strategy in pursuing service to the members: 1.) aggressive representation, 2.) publicly holding management accountable and 3.) positive partnerships.

It's through our positive partnerships with community leaders, council members, law enforcement partners (*10,000 via the Arizona Police Association*), and local and national political partners that the needs and concerns of the members are met. Let me share with you some of the most "unprofessional things" I've ever seen in my brief 23 years on the Department.

- It's PLEA, not Jack Harris, that is aggressively protecting state-shared revenues at the legislature year in and year out in order to protect crucial funding for the police department. Police management is absent at the legislature when fighting to keep these vital funds.
- It's PLEA and community partners that attended community meetings to avoid public safety cuts. Did Jack Harris speak up at these meetings in defense of his officers and detectives? No.
- Unlike Joe Arpaio and Paul Babeu, Jack Harris and chiefs throughout the State opposed PLEA's just cause legislation that mandates fair and consistent administrative treatment of police officers in Arizona. Even without police management support, this legislation passed with only a single dissenting vote from both sides of the aisle.
- Jack Harris and his peers have offered no support for a national collective bargaining bill for police officers – PLEA and NAPO have been able to cultivate support for this legislation on both sides of the political spectrum. Many law enforcement personnel throughout the country don't enjoy the protections, rights, and benefits that PLEA has acquired for you and me. Maybe we can obtain this for them through a political voice.
- Many wonder why the Department would charge PLEA community partner Require the Prior nearly \$30,000 for security at a block party that raised nearly \$30,000 for charitable organizations (*including a City park and St. Vincent DePaul*) while MCSO did it free of charge.
- It was Jack Harris, not PLEA, who abandoned the City's board position on AZPOST without notifying his supervisors because he was "too busy." Don't you think that the largest police department in the state should have a say on policing standards at this venue?
- It was Jack Harris that attempted to use police powers to criminally investigate PLEA and its elected officers. City Manager Frank Fairbanks told him "No."

- It is Jack Harris that continues to say “No” to the personal purchase of rifles for patrol when the same option is allowed for handguns and shotguns. Nick, with the needs of the training budget as the parameter, would you refuse officers a tool that they pay for and they are responsible for qualifying with on a quarterly basis?
- Two private citizens, one active-duty officer, and two retired officers along with Judicial Watch (*an organization that confronts governmental waste and corruption*), not PLEA, are taking legal action against Jack Harris and the allegation of a pension violation.
- Jack Harris communicated to Dave Kothe on February 24, 2010 that until the aforementioned lawsuit was dropped by the private citizens and officers, there would be no labor/management meetings with PLEA. Even after a letter from Jack Harris for a labor/management retreat, PLEA has yet to receive a response to PLEA’s written reply to Harris on September 23, 2010 reference a commitment from the Department for date for this event.
- It’s PLEA, not Jack Harris, that closely monitors our pension system and enacts rules and laws to protect it from failure. Where was Jack Harris and his peers when PLEA pursued and obtained pension protections for all public safety personnel in Arizona, including new officers?
- Things that you and I might consider simple but yet are important to patrol officers – practical summer headgear and identifying placards for vests - Jack Harris refuses to successfully implement like surrounding Valley agencies have done for their first-responders.
- Unlike you, PLEA receives calls daily from upper-level police managers who are seriously concerned with the personality driven management style of Jack Harris. Do you think it’s a performance issue or a personality problem that landed Tim Hampton and Glen Gardner on third shift car 4 duties? Why did Jeff Alexander get bumped from his commander position in South Mountain? Have you spoken to these police managers? If this mistreatment can happen to effective commanders, don’t you think it can happen to you or other members? How does one stop retaliatory practices from reaching the members? Political involvement and public accountability? Or sticking one’s head in the sand?
- Perhaps Jack Harris, certainly not PLEA, is responsible for the numerous multi-million dollar lawsuits pending against the City – ranging from a failed crime lab to EEO violations against officers of a protected class. Shouldn’t the “buck” stop with the guy in charge?
- Ask our peers that work for the Chandler Police Department what they think of Mr. Romley scoring political points on the backs of police officers through homicide charges. Ask our Chandler peers what they think of Jack Harris standing next to Mr. Romley as “round two” of the same game begins again on the back of Richard Chrisman.
- Jack Harris and his management peers in MCSO, DPS, and Tempe (*to name a few*) are putting the DROP program at risk. It was PLEA who developed and lobbied for the DROP benefit that Jack Harris now enjoys – and abuses. PLEA will be there cleaning up the mess and protecting the benefit while Jack Harris gets his personal legal bills paid by citizens who live in Phoenix.
- Why is it that Jack Harris can make time to attend an executive session of the city council to request money to pay for his personal legal bills but never seems to have the

time to speak at and attend sentencing hearings to give impact statements on behalf any one of the many Phoenix police officers who have been injured or killed in the line of duty?

Nick, you stated, "If the chief looks bad then so do we." You are correct. But what does one do if the chief is indeed bad? What does the Department do if an officer is bad? What do officers do if a citizen is bad? Surely you would agree that covering up, ignoring, and changing the rules is not the solution for bad behavior. Perhaps public accountability and a refusal to trade truth will bring about the accountability that you and I are exposed to and the positive change this department so desperately needs.

Nick, you're absolutely right – Jack Harris does deserve his pension and his DROP money. Like you, me, and other officers, he worked hard for it. But not calling attention to wrong-doing is like the mother who tells the young child, "Don't tell anyone about where Uncle Fester touches you. If you do, they'll take him away and it will shame the family. It will make us all look bad." Does the shame and trouble originate with the child reporting the abuse or the adult who caused the abuse in the first place? Nick, as a police officer, you know that we serve the public and you understand that transparency can readily be embraced by all who follow the rules. This goes for Jack Harris too. Don't the citizens have every right to know what goes on in the administration of their police department (*excluding pending criminal investigations*)? PLEA is not making the Department look bad to the public, Jack Harris is. The new officers will remain safe as long as the public has confidence in their ethics and value their service. Many in the community and the legislature are struggling with Jack Harris, not rank-and-file officers and their public safety pension. Perhaps Harris is the problem. Doesn't the "buck" stop with the guy in charge? PLEA will continue to protect our pension through public accountability and political activity. One thing we won't do – hide misconduct. PLEA will not trade truth.

Nick, Dr. Levi Bolton, prior to his retirement, was indeed being paid by the City for his position at PLEA while he was still a sworn police officer. The contract that the City agreed to allows for six paid release positions for officers at PLEA. By board permission, Levi (*who was a City employee*) was one of the six. Unlike Jack Harris with the City, Levi is no longer a sworn officer/elected union official. He works part time, and performs a much different job than he did prior to his retirement. Unlike Jack Harris, Dr. Bolton does not have the same employer. He no longer is a City employee but a PLEA employee. Dr. Bolton writes PLEA legislation, lobbies on our behalf, responds to Brady issues, and completes special assignments dealing with legal research and labor law. Unlike Jack Harris, after his retirement, Dr. Bolton no longer received any further paychecks from Phoenix. Levi was no longer employed by the City thus he did not receive wages from the City subsequent to his retirement. Your use of the phrase "adverse way" implies that you believe either Jack Harris, Levi Bolton, or both are in the wrong. Your phrase is insightful. I am more than happy to provide you the rule that deals with "same position"/same employer in the pension statute if you're interested. The media has close contact with Dr. Bolton, frequently calls upon him as a subject matter expert, and are fully aware of the difference between the private employment of Levi and the public employment of Jack. Hopefully this assists you like it has the media and four City Council members in seeing the difference between Levi and Jack.

Nick, you're right about the website. It does belong to the members. And nothing is posted on the website, printed in the Recap, nor publicly spoken about without the PLEA board's understanding and consent. There is wisdom in the counsel of many. In addition to 2400 members, not only am I accountable to the PLEA board, I am required to stand for election every two years. Don't you wonder how Jack Harris would fare if his police chief position were decided by a vote of sworn personnel?

Nick, it's important for PLEA to keep in touch with the members. That's why for over a decade we put out our biennial survey. In 2007 our members clearly communicated frustration with the immigration policy. "Many, if not most PLEA members" saw the problem with illegal immigration and wanted the policy changed. PLEA went to police management, namely Tom Lannon, to see if we could make adjustments to the policy in-house and behind the scenes. We were told that they were "too busy."

- The police chiefs weren't too busy to have a press conference opposing a discretionary phone call to ICE.
- The police chiefs seemed comfortable that Hispanics were 3 times more likely to be homicide victims in Phoenix than any other race – they seemed content to trade truth and turn a blind eye to a serious crisis in our city.
- The police chiefs seemed at ease with the high cost Phoenix Police Officers were paying with their lives and health as a result of illegal immigration.
- The police chiefs didn't seem too concerned about the pro-active direction that "many, if not most" citizens wanted to take.
- The police chiefs seemed to forget that we took an oath to uphold the law – local, state, and federal laws (*you should pull out your oath, Nick, and look at it. I have my oath blown up poster-size in my office to remind me that this job is more than just the money and making the chief look good - it's about principles and people*).

Certainly political issues such as gay rights, abortion, definition of marriage, and the tax code (*to name a few*) have no bearing on officer safety, the rule of law, and our national security during the war on terror. That's why PLEA hasn't engaged in those debates. But our location on the southern border next to one of the most volatile and unstable governments in the world and the on-going war on terror does have a direct impact on our cops and communities. Like other citizens and organization, PLEA has a right, and an obligation, to let the voice of the men and women who risk their lives to be heard. How does one do that? The political process. Can you believe the leading role that Arizona is now playing nationally in the illegal immigration debate? Don't you believe it's good news to see that crime is now at a 20-year low? According to homicide investigators, clearance rates have risen to 80% and the deaths of illegal foreign nationals have fallen from 85% three years ago to 5% today. Do we really think that 400 police vacancies, budget cuts to the Department, and decades-old policing strategies are what is make our communities safer? Safer communities for citizens mean a safer work environment for police officers. Yes, I'm politically motivated for safety and the rule of law. Aren't you? Where's the wisdom in disengaging and remaining silent?

The media was under the impression that Sergio Vergillo was removed from DEB as a disciplinary action because of his wife. They contacted PLEA for further information and I

subsequently spoke to Ron Gomez. He communicated to me that Sergio did nothing wrong. In our contact with the media (*please feel free to go to the PLEA YouTube or website to hear my comments regarding Sergio*), I relayed that he left DEB voluntarily and that each side of the equation, Rich and Sergio, needed to be treated fairly. Nick, you're correct to demonstrate concern about KPHO showing up at Sergio's home. In less than 15 minutes, a person (*including the media*) can obtain the addresses (*including previous*) and birthdates of just about anyone. We were able to readily pull up this information on several prominent people who many might suspect have their records sealed. PLEA is discussing legislation that will minimize if not eliminate this ability – an ability that is available to anyone with an internet connection and a credit card. Are you concerned as to how two Phoenix City Councilpersons obtained Sergio's personal cell phone number and invited him to their homes? Doesn't it bother you that Sergio is being yanked around by politicians for political purposes? How do you suggest we stop this from happening? Perhaps holding them publicly accountable in front of voters will put an end to nonsense (*and violation of the City charter*) of this sort. If they are willing to obtain Sergio's personal information for political purposes, don't you think they can access yours also? This is wrong. Unlike some in City government, PLEA will not trade truth.

Nick, there's a concept in many legal defense plans known as "course and scope of duty." The officers you mentioned all have one thing in common; they were arrested for non-scope of duty employment issues (*i.e. domestic violence, DUI, theft, and possession of child pornography*). We don't get paid to do these things. We are not trained to engage in this conduct. These actions are against the law. But Richard Chrisman, like Dan Lovelace from Chandler PD, utilized lethal force in the line of duty – a course and scope issue. Unlike Lovelace, Rich hasn't had his day in court. Like Lovelace, PLEA is confident that Rich will be fully exonerated. Why bond for Officer Richard Chrisman? Course and scope of duty. Jack Harris brings in \$5000 a week. Rich Chrisman's family was asking for assistance with a one-time loan of \$7500. Why would you say "No" to him? Like any other large organization, 100% consensus is nearly impossible. "Many, if not most PLEA members" focus on the big picture and not a single issue. "Many, if not most PLEA members" are in agreement with PLEA's decision to support a dues-paying member. In addition it might be helpful for you to know:

- PLEA halted PSB from interviewing Rich at the jail seeing the Rich had not had any sleep for 35 hours.
- Chrisman was accused of a serious crime. His legal counsel advised him, like other citizens, to remain silent. Rick Romley would not allow expert defense testimony into the grand jury.
- PLEA responded to his family's request to assist with bond seeing that Rich is not a flight risk and has children to care for.
- The bondsman is so frustrated and angry at the way the Department and the County Attorney are dealing with Rich that he gave PLEA their money back.
- PLEA assisted Rich through the PSB process. Subsequently, PSB notified Jack Harris that they didn't have enough to sustain misconduct on the part of Chrisman.
- Jack Harris decided to terminate Rich anyways.
- As recently as 10-25-10 a Superior Court judge agreed with PLEA attorneys. A temporary restraining order was given to Jack Harris by the court mandating that he couldn't fire Chrisman. The judge wants to hear more on November 9.

- The PLEA board has decided to assist Rich by utilizing the returned bond money and paying for health insurance should he be terminated.

Nick, have you heard both sides of this incident? Have you listened to the audio statements and read the transcripts of Sergio, Rich, and witness officers?

- You do believe that it's possible for people to be wrongfully arrested, don't you?
- You do believe in our Ops Order that encourages officers to keep an open mind that a suspect might not have committed a crime, don't you?
- You do believe that a person is presumed to be innocent until proven guilty, don't you?

Hypothetically Nick, if you were wrongfully arrested, would you want PLEA to ignore your mom and sister and kids and not help with bail? Would you want us to abandon you? Perhaps it might be helpful to you knowing that PLEA has facilitated the resignation of nearly 30 officers over the past 3 years. Like you, we know the difference between right and wrong and like you we also want to maintain the high standards of the Phoenix Police Department. The board also changed a PLEA bylaw that would have allowed Mike Polk to remain a PLEA member. PLEA will not trade truth.

Nick, being assigned to DEB, you might not remember an officer by the name of Sean Dirks. He was accused of raping a woman during the traffic stop on his first day solo from FTO. The Department rushed to judgment, misinterpreted the DNA evidence, turned a blind eye to evidence indicating that the woman had a track record of making false allegations against police officers and fired Sean. Sean was unemployed for over a year and a half. In the end, no criminal conviction, AzPost maintained his certification, and the civil lawsuit against Dirks failed. PPD would not hire him back without taking a polygraph. Glendale hired him immediately and he's been successful to this day. PLEA defended him throughout the entire process. I'll give you his number if you're interested in talking to him. Do you think it's important to defend the reputations, careers, and families of members like Sean Dirks or Rich Chrisman or should we just focus on maintaining a positive picture and spin on Jack Harris and ignore management failures to maintain the standards which "many, if not most PLEA members" rightfully value? Isn't one officer being mistreated one too many?

Nick, I've spent some time down at DEB. Why don't you spend a week down at the PLEA office and watch how Jack Harris allows Phoenix Police Officers and their community partners to be chewed up and spit out – just like Sean Dirks or Rich Chrisman or Mark Wilcox or Karen Crawford or Mike Chase or James Holmes or Heston Silbert or Phil Roberts or, well I'll stop there to keep this short. Isn't one mistreated officer one too many? Why don't you learn about the 95% of member issues that no one knows about except the member that is getting gnawed on? I'll be more than happy to share other stories like Sean Dirks with you when you stop by. Hopefully you'll look beyond Jack Harris and have the "fortitude" to see how many of your peers are mistreated by police management.

Perhaps what you're observing over the past few years Nick is management's inability to get along with PLEA, not vice versa. In the past, Association leadership was told to "keep their boys on a leash." Past Association leadership was fearful of "making them mad" and struggled with

holding the same police management team accountable. Jack Harris set the pace in 2006 as to what his labor and community philosophy was going to be: “I’m not going to let PLEA or citizens tell me when or how to do investigations.”

Nick, I must commend you for taking the time to communicate your concerns to PLEA. Come on an adventure with me. Put your passion to work for the members as a rep. I’m certain this will deepen your appreciation of the concept of “strength in numbers.” I’m confident that you’ll expand the servant-leadership capacity that you’ve so clearly demonstrated with other officers over the years. You certainly have a right to voice your opinions and concerns. You also have a right to step into the gap and serve fellow officers. It would be exciting to see your name as an advocate (PLEA Rep) for officers. Your reputation as an activist for officer rights and member care in the labor arena is well known. Step outside of your DEB cubicle and go beyond the dues that you and I pay and...

- Sit at the negotiation table in an effort to improve wages, rights, and working conditions.
- Write a grievance and see it through all 5 steps.
- Make sure officers are treated fairly at the DRB.
- Monitor and assist officers at Use of Force boards.
- Walk away from a specialty position so that you can invest more time on behalf of the members.
- Facilitate the success of members by appealing unwarranted discipline at the Civil Service Board.
- Produce ordinance modifications for council members.
- Testify in front of hearing officers and board members for contract violations by filing an unfair labor practice.
- Create an accurate work product from PSB by engaging in the IRP process.
- Work late away from your family in putting together charity events to assist with officers’ families.
- Attend the monthly PLEA membership and board meetings.
- Walk neighborhoods with pro-police candidates on your days off.
- Pour over legal documents in order to stop the abuse of employees of a protected class.
- Write legislation that will protect officers for years to come.
- Assist officers who are struggling with physical, financial, professional, and spiritual issues by always having your cell phone at hand.
- Engage in labor/management forums where chiefs who haven’t done police work for decades implement policies that directly impact how police work is done. By the way, the new “serious issue” for Jack Harris is the tattoo policy.
- Subject yourself to management retaliation.
- Save the job and career of an employee wrongfully accused of misconduct.
- Allow yourself to be questioned in front of legislative committees for law enforcement bills you’re in support of.
- Take the chance of allowing the members and the media to misinterpret your motives and intentions.
- Don’t trade truth.

You won't get any medals for these things. In fact, there's the possibility, in trying your best to serve the members, you'll be criticized and then lose a member. You might not make many friends in management, but you'll make a huge difference in the lives of our peers by defending the defenders, helping the helpers, and protecting the protectors. Hope to see you soon!

Sincerely,

Mark Spencer  
PLEA

p.s. Please share with me how PLEA has harmed you in the last 20 years. I certainly hope if we have we can make it right.

p.p.s Meet and confer rules mandate drop periods only two times a year for ALL labor units. Hopefully you didn't think this was a PLEA policy.