



PHOENIX LAW ENFORCEMENT ASSOCIATION

RECAP

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The Official News Magazine of the Phoenix Law Enforcement Association

Contract Negotiations Yield Largest Pay Raise In Over 20 Years!

By Joe R. Clure

This year, 759 unit members let their voice be heard during contract ratification voting. An overwhelming 84% voted in favor of the agreement presented. This agreement will result in the largest pay raise in my 26 years as a Phoenix Police Officer. That isn't to say we could not have justified an even larger pay increase, given the competitive nature of the police recruitment market not only here in the valley but across the country. However, we did have the downturned economy and flat revenues working against us.

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Beginning in the first pay period in July 2008, members will see a flat 6.55% increase to the base wage and a 7.15% in the first pay period in July 2009. This will assist in putting Phoenix in a much more competitive position in the market. Is it the complete fix? No! In fact, the morning after the tentative agreement was reached City Manager Frank Fairbanks called to thank and congratulate us on the settlement. At that time he stated he recognized that we didn't get where we want to be, however, "we" (the City and PLEA) are not finished in continuing our efforts to become even more competitive in future contract negotiations. It is encouraging and appreciated that the city manager understands and shares a mutual concern created by a dynamic market for police applicants and is committed, even in difficult economic times, to find significant resources toward solving the recruitment challenges.

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The biggest issue that arose out of negotiations was disconnecting Career Enhancement Pay (CEP) as a percentage of pay step 9. The city's position from the start and one that remained a high priority throughout negotiations was the elimination of CEP by rolling those funds into the hourly pay scale. Their concern was that CEP represents a substantial amount of an officer's total compensation and they felt it would assist in recruitment efforts if that money was transparent in the hourly rate of pay. Just before and during negotiations we heard from countless members who felt it wouldn't be fair to roll CEP into the hourly rate, as they had worked hard, often on their own time, to achieve this benefit. To just provide it to everyone devalued their additional education, skills, and training. Like always, PLEA will continue to survey the membership on this and other important contract issues in order to receive direction from the membership as a whole.

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I would be remiss if I did not publicly thank the 2008 PLEA Negotiation Team. Without their collective input and participation it would have been impossible to accomplish the process. Will Buividas (assistant negotiator), along with Billy Coleman, Levi Bolton, Karen Lewsader, Mark Enegren and Melissa Solimeno. As the chief negotiator, the support, confidence, and commitment out of the president's office was a unique contribution to the team achieving the largest pay raise in over 20 years.

For complete contract revisions visit the web site at AZPLEA.COM. members only section.

WHEN THE LINE IS CROSSED... EXPECT A RESPONSE

By Danny Boyd

I've been a union rep since 1990 and a union board member since 1995 and this is the first union board I have been associated with that from top to bottom their first priority is to take care of the member first and foremost. Phoenix police officers have the honor and obligation to protect the public from criminals that lawlessly roam the streets. PLEA union officials and union reps have the same honor and obligation to protect you, the member, from those that lurk and slither down the hallways where we work. There's a difference between being a UNION MEMBER versus just a "member" of a union. Hopefully you have seen a change in the demeanor and priorities at PLEA from the top down since the election this past year.

When the members of this union and the union itself are treated with respect, then and only then, will we be willing to partner. But cross the line and disrespect any member or disrespect this union and expect a response. Our members are taxed at every angle and have done a great job doing more with less. They've continued to deal with a lack of leadership in the Phoenix Police Department and all the external garbage while still providing the citizens of Phoenix with the best police service of any valley agency. We vigorously defend citizens and we will vigorously defend members. Don't let any city official or police manager bamboozle you that it all starts at the top where we are presently leaderless. The commitment and sacrifices in serving the community and taking care of each other has always started and stopped where the rubber meets the road, where blue blood flows, with the rank and file cop, period!

Point of the story; recently, in negotiations a comment was made that when I and many others from the PLEA board heard it, made us mad as hell. For me the comment and inference crossed the line and was insensitive. It offended our negotiations team and won't go by without a response. (Note: my opinion always has been that this RECAP is for members only. So if anyone outside the PLEA family reads it and is offended, too bad this ain't for you! I'm only concerned about my members who have paid the dues and get to pay the price.)

The story is this. During contract negotiations Will Buividas was commenting on the risks, dangers and realities of being a police officer. Will commented that the Goodyear Police Department had their first officer shot in the line of duty last night in basically their 30 year history. At this, Cathy Gleason (on city's negotiations team) laughed out loud and commented, that it took Goodyear 30 years to get their first officer shot. Her point was we are a much bigger city with a 125 year history and Goodyear has only been incorporated 30 years. Of course we would have more shooting of cops. We've been around longer! Joe Clure then responded that, yes, Phoenix has been around longer but that it's been in only the last 22 years that we've had 26 officers killed (and more than that shot)! Since our inception as a city, we've totaled 34 officers murdered! With that stated, Joe Clure indicated that PLEA was done for the day and the team got up and left the negotiations table in disgust.

I wonder if that's what our city officials think of their police officers: a number. I wonder if the grief I think I've witnessed first hand by city officials at our officers funerals is just a front. I wonder what was so funny. That the city of Goodyear should have more officers shot or maybe they need some more dead officer pictures on their walls to get a raise? I guess when you're not behind the sights or in the sights on the streets it's easy not to care about police officers. I wonder if it's a negotiations tool that the city teaches their representatives to use. Maybe it's true that every village has an idiot.

But what I find just as appalling to the laughter and disrespect towards rank and file police officers from Cathy Gleason is that in the same room, representing the City of Phoenix, were Executive Chief Tom Lannon, Assistant Chief Andy Anderson, Commander Eric Hailey and Commander Jeri Williams. What I find puzzling is not one of these Phoenix Police Department managers had an immediate response after the commentary or have commented to PLEA since regarding the incident. But, in defense of them maybe the commentary was "okay" and just part of "negotiations".

I will respond that it was insensitive to Goodyear officers and our 34 fallen officers (and their families) who have sacrificed with their lives. Maybe to this negotiations team representing the "Best Run City," Phoenix Police Officers are just another number, "another butt in the seat," another funeral to sit together at and hob knob in the VIP section, another picture on a wall. It was insensitive, inappropriate and crossed the line and I will not let it go by without comment. If you want an organization that sits on management's lap join the FOP.

FYI- STARTING THE WEEK OF SUNDAY MAY 11th IN WASHINGTON DC, THE NATION WILL BE HONORING ALL POLICE OFFICERS THAT HAVE DIED SERVING THEIR COMMUNITIES. PLEA MEMBERS WILL BE HONORING TWO OF THEIR OWN, MURDERED PHOENIX POLICE OFFICERS, GEORGE CORTEZ AND NICK ERFLE. I, ALONG WITH THE ENTIRE PLEA BOARD, TRULY APPRECIATE YOUR SERVICE TO OUR COMMUNITY. WE ALSO APPRECIATE YOUR SUPPORT THE LAST FEW MONTHS AND WILL WORK HARD FOR YOU IN THE FUTURE TO GAIN YOUR CONTINUED SUPPORT AND KEEP YOUR TRUST.

If you want the city negotiations team's emails to solicit response, since we haven't heard any, here they are...

CATHLEEN.GLEASON@PHOENIX.GOV
THOMAS.LANNON@PHOENIX.GOV
ERIC.HALEY@PHOENIX.GOV
JERI.WILLIAMS@PHOENIX.GOV
ANDY.ANDERSON@PHOENIX.GOV

I Swear

By Karen Lewsader
Trustee/Representative



As police officers, we are under constant scrutiny by the law, fellow officers, our employer, suspects in crimes and the public. Because of this, we must remain vigilant about our behavior and impressions we leave, on duty and off. This may be the greatest stressor in our job.

Perhaps we could decrease this stress by simply requesting that citizens sign an affidavit of complaint when they are asking for an internal investigation. In some cases the department initiates knee jerk responses to mere allegations. Officers can be presumed guilty even before questioning.

One would expect our investigations to be conducted and written in the same manner in which we have been trained to investigate and write criminal investigations containing evidence and fact, not opinion. Using phrases such as, "the officer seemed angry," or "he acted unprofessionally by arguing," skews investigations and are at best ambiguous. Perceptions and opinions of supervisors, witnesses or complainants should not be used as evidence of fact. They should be taken for only what they are...perceptions.

An internal affairs investigation should be focused on an officer's conduct, resulting in fair and impartial treatment. Fair treatment springs from investigating individual behavior. If more than one employee is involved in an incident, more than one investigation should be conducted independently by separate investigations teams.

The attitude that we must sustain some misconduct against an officer who is the subject of a citizen's complaint is ludicrous. The idea that we can't call a complainant untruthful flies in the face of fairness. How is it just to avoid questioning a complainant's integrity yet perfectly acceptable to call our officers liars?

We must tread carefully these days, in lieu of Brady. It doesn't take much for an officer's reputation to be damaged to the point where he or she cannot testify credibly in court. It is imperative we change our way of doing business if we are to continue to be an effective law enforcement agency.

Gone are the days when a supervisor can deal a personal vendetta by sustaining frivolous and/or questionable allegations against officers and yet your union continues to fight against these types of transgressions. We have a hard enough time finding qualified candidates for the position of police officer without unnecessarily disqualifying ourselves.

We are the first to stand up for an officer's rights but we also have the responsibility to protect the integrity of the badge. When discipline is necessary to change behavior it is appropriate. But, it is appropriate at no other time. It is not appropriate, for example, to discipline an officer for behavior resulting from illness. The officer may not be fit for duty either temporarily or permanently but he or she is not going to change medically driven behavior as a result of being disciplined.

Mere opinion of the investigator in an internal affairs report is inappropriate at any juncture. The investigator's position should be one of impartiality throughout the investigative process. At the level of IRP, the investigation has not been finalized and the subject officer deserves fair treatment and is entitled to the unbiased judgment of the reader of the facts.

Constitutionally, we have the right to face accusers. It is time we have the same opportunity in an internal investigation. We should never accept anonymous complaints without corroboration. Not

only is our reputation at stake but so are our careers. Simple allegations can ruin an officer's life. The serious nature of these consequences should require a citizen to complete an affidavit notifying him or her of possible criminal charges if allegations against an officer are intentionally false. We have successfully used a similar document in our auto theft program resulting in increased efficiency. Other local agencies also use this method.

This simple idea is not a new one, and would cost the city very little giving officers just a bit more peace of mind, leading to better decision making on the job.

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.

JOHN COMMERFORD was a partner in two firms which practiced in personal injury litigation before joining the firm. His experience is in cases dealing with product liability, nursing homes, dram shop liability, medical malpractice and governmental claims, to name a few. He has also practiced in developer rights and employment.

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.

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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THE GOOD OL' BOY NETWORK, ALIVE

By Ken Crane

The Phoenix Police Department prides itself on its ethics, integrity, and high standards. It has a Mission Statement, a Pride Statement, and most in management, if asked, would probably say that business within the organization is transacted fairly...until you start to get into issues related to promotions, transfers, and testing processes.

Anyone who has been on the department for more than a few years knows that transfers, testing for specialty details, and promotions can be anything but fair. When this topic is brought up in conversation everyone seems to have a horror story about a screwed up transfer or promotional process that happened to them or someone they know. I think for the most part that transfer/selection processes are generally fair when conducted at the officer level but seem to get increasingly unfair and arbitrary when one rises into the supervisor ranks.

The reasons for this contrast are pretty obvious. Most officers won't hesitate to grieve an unfair process. Supervisors on the other hand often feel intimidated into maintaining silence if they are wronged. The unspoken word being don't rock the boat if you want to promote or ever move to a specialty detail. Officers and supervisors who exercise their rights are not looked kindly upon by management.

Prior to coming into the PLEA office full time I was assigned to the Tactical Support Bureau for the last few years which gave me insight into just a few examples of disparate treatment in the transfer/testing process for various details.

Here are a few examples.

 A testing process is held for a K-9 supervisor position and a list is formed. The number one candidate changes his mind and withdraws from the list. Number two should be next, right? No...even though the list is still good, management isn't really looking for the number two guy so the list has to be scrapped and a new testing process held so that the appropriate applicant could be selected.

 A selection process is held for two supervisor openings in the SAU unit. Three people apply for the positions. Two of the three are heavily favored. The odd man out is the only one that can pass the physical fitness test. Rather than take the scores at face value the decision is made to retest the candidates at a later date. Aside from completely nullifying the testing process, this enabled management to get the two candidates they really wanted.

 An SAU officer has an unintentional discharge while conducting a street jump of a violent felony suspect resulting in minor injury to the suspect. The bureau commander sees this as an opportunity to immediately remove the officer from the unit even though previous incidents of unintentional discharges by other SAU officers did not result in the same 'punishment'. In addition, there was no policy in the bureau manual that addressed the issue. The commander essentially created new policy on the spot

and then made it retroactive. The same officer then tested for the Air Support Unit and placed second on the list. The problem is the SAU commander also happened to be the Air Support commander. When the list hit the commander's desk for approval it was decided that the résumés for the Air Support selection process must be scored. Now keep in mind that scoring résumés had not been the practice in the past. But hey, if we can use it to keep someone management has deemed undesirable out of a particular work unit then it's apparently okay. The end result; the number two guy gets bumped to number four. Here's the icing on the cake...an assistant chief commented, "We didn't score the résumés, we ranked them." Okay...color me stupid, but I thought when you ranked people on a list it was a form of scoring. Doesn't it stand to reason that in order to rank something like this there would have to be some kind of scoring involved? Well...hang on, maybe they ranked them from biggest to smallest.

 A supervisor position comes open in the Air Support Unit. Interest for the job is minimal. The reason? The word is out that the bureau commander has already hand picked the replacement.

 Two supervisor vacancies come available in the K-9 Unit. A total of four people put in for the vacancies. Of the four candidates one of the most senior, experienced and knowledgeable of the group loses out. Not that seniority is everything but seniority was not even considered in the testing process.

 Management has issues with a pilot in the Air Support Unit. They call him in, lay out some issues, and ask some questions. The only problem is management is conducting an investigation with no NOI given. The solution: they pretty much put his bags out on the porch and tell him he can report to his new assignment in patrol. This is a classic example of management acting as judge, jury and executioner. A grievance was filed and the officer is soon to be reinstated in the Air Unit.

 An officer applies for an opening in the K-9 Unit. Based on an answer given in the testing scenario they are told that they can proceed no further. A grievance is filed on the officer's behalf, the premise being that there was more than one correct solution to the test scenario. The commander admits that while there may have been more than one correct answer, the officer "didn't give us the one we were looking for." Interestingly, the legal unit agreed that there was more than one solution. This was clearly a case of an officer falling victim to a poorly constructed test scenario.

These are merely a few examples of incidents that I became aware of with regard to transfers and selection processes while assigned to TSB. The sad fact of the matter is that situations like this occur all of the time in bureaus and precincts across the department although some bureaus seem to be worse than others.

Specialty units such as Air Support, K-9, SAU, Gang Squad, and RDU to name a few are the crown jewel units of our department. You should have officers and supervisors lining up to test when a vacancy occurs. Sadly, this is no longer the case especially when it comes to supervisor vacancies. The reason is

WE AND WELL ON THE PHOENIX P.D.



that the word goes out through the grapevine with regard to who the command staff wants before the selection process even occurs. In conversations I have had with supervisors over the last few years with regard to testing for various units it is common to hear statements such as: “I’m not putting in, they already know who they want”, or “No, the word is out that Sgt. X already has the job”, and, I love this one, “I called down and talked to the Cdr/Lt and they told me not to bother putting in for the job.”

Over the years, managers on the Phoenix PD have gotten very comfortable with prostituting the rules when it comes to transfers, and testing processes. The rules become meaningless and cheapened when they are violated on a frequent basis. Managers become comfortable with this behavior because they are rarely held accountable. Upper tier managers frequently give silent assent to such practices. They also give their assent when they adopt a circle the wagons mentality when they are caught short. “We didn’t score the résumés, we ranked them”? Give me a break! Another contributing factor is the wording that is often worked into the department’s policies. If you look at the transfer policy you will see a category entitled ‘list’ which determines whether a list will be created for a given detail, supervisor or officer position.

As one who has gone to college and taken big words 101, let me explain what ‘no list’ means. ‘No list’, means “go ahead and feel free to test then we’ll get our heads together and pick whoever the hell we want.” Philosophies like this are reminiscent of the days of the old west when the accused was told; “you’ll get a fair trial, then we’re gonna hang ya.”

*Anyone care for
another serving of
Enlightened Leadership?*



From left to right, Dave Kothe, Jo Wolff, Rodd Wolff, Mark Spencer and Ken Crane.

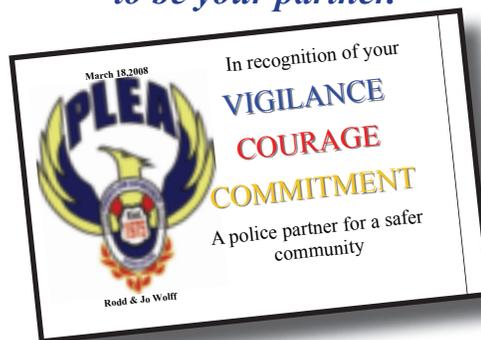
PLEA Partner Award Given to Rodd & Jo Wolff

The Phoenix Law Enforcement Association represents more than 2500 rank and file police officers. It's important for us to acknowledge and recognize citizens committed to a safer community through the PLEA Partner Award.

On Tuesday March 18, 2008 at approximately 3:30 in the afternoon, Mr. Rodd Wolff and his wife Jo were assisting two clients in separate rooms at their business, Hair Productions, at 2504 E. Indian School Rd. While Jo was working in the front room of the business, an armed robber entered the shop. He pointed a gun at Jo and demanded money. Jo notified Rodd, who was in the back of store, by shouting a predetermined distress code. Rodd heard his wife's call for help and armed himself with a revolver. As he entered the front of the shop to come to Jo's aid, he saw Jo with her hands up and the suspect pointing a gun at her. Believing his wife's life to be in jeopardy, Rodd fired three shots striking the suspect three times in the upper torso. The armed robbery suspect fled from the store out the back door. During his flight back to his get-away car, the suspect dropped his gun on the ground. Rodd retrieved the suspect's gun and subsequently caught up with the robber at the get-away vehicle. Rodd ordered the suspect to stop and moments later police arrived and provided lifesaving medical attention to the suspect.

The Phoenix Law Enforcement Association considers Rodd and Jo police partners and we're convinced that the foolish plans of this suspect were overcome without the loss of life due to their vigilance, courage, and commitment. Recognizing that there are several appropriate actions for victims, we respect the right to defend one's self and one's family in the absence of immediate police assistance. It's encouraging as partners to see that Rodd and Jo were prepared to react, bold enough to put a plan into action, and are dedicated to the safety of our community.

We're glad you're alive and grateful to be your partner.



PLEA members are encouraged to suggest recipients and present future PLEA Partner Awards.



Fallen Heroes



Phoenix Police Officer
Arthur Del Gaudio
April 22th, 1976



Phoenix Police Officer
Errol Rusty Hawkins
April 24th, 1984



Phoenix Police Officer
K-9 Hunter
April 17th, 1996

Welcome New Members

- | | |
|---------------------|--------------------|
| Joshua Ankert | Salvatore Loiacono |
| Ben Carro | Tung Mai |
| Chad Dennison | Ryan McDowell |
| Nicole Durand | Douglas Michaud |
| Christopher Enkhaus | Christine Norris |
| Ben Fernandez | Ricardo Pena |
| Ben Geanetta | Adrian Rivas |
| Jeff Grover | Jerell Ross |
| Gerald Happeny | Carlos Sanders |
| Brian Herricht | Cole Smith |
| Landon Hoyt | Melissa Soliz |
| David Hynes | Steve VanGeertry |
| Christopher Jansen | Michael Walker |
| Michael Kessler | Andrew Wendt |
| Dan Liddle | Trent Wise |



**Free notary service
available to members
at the PLEA office.**

**Membership meetings in April
will be on the 29th,
at 7:30, 12:00, and 5:30.**

**The next board meeting is on
May 20, 2008
and members can attend at
8:30 am.**

If you are planning to retire, please notify the PLEA Office because we would like to have a PLEA representative at your retirement party. Also, we can then explain your options if you want to transition to retired membership.





PHOENIX LAW ENFORCEMENT ASSOCIATION

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Chairperson
Billy Coleman

Vice Chairperson
Dave Kothe

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- Tim Baiardi • Kent Barnes • Ken Barton • Joe Bianchi
- John Buckner • Will Buividas • Bob Furneaux
- Ashley Gagnon • Bill Galus • Greg Gibbs
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- John McTernan • Terry Mills • Anthony Navas • JR Pool
- Chad Roettjer • Kiley Ryberg • Dave Sampson
- Frank Smith • Jason Smith • Stu Sterling • Tom Tardy
- Mike Walsh • James Ward • Vanessa Warren • Terry Yahweh

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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- (602) 248-9107
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