



PHOENIX LAW ENFORCEMENT ASSOCIATION

RECAP

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The Official News Magazine of the Phoenix Law Enforcement Association

An Introduction to PLEA Charities

Investing in the welfare of Phoenix Police Officers and our community has been one of the constant and key goals of the Phoenix Law Enforcement Association. PLEA Charities is a new non-profit partnership opportunity that continues PLEA's ongoing commitment to "cops and community."

Several years ago, PLEA Charities was just an idea. The Association thought it important to utilize a non-profit 501.(c).(3) charity to meet the needs of our members and our neighbors. At the end of 2007, PLEA Charities became a reality. PLEA Charities allows your Association to:

1. Provide charitable, financial and educational assistance to law enforcement officers and their families
2. Provide charitable contributions to community groups and organizations supportive of public safety
3. Promote the positive image of law enforcement officers
4. Enhance the quality of life in the community

PLEA Charities also allows people from all walks of life to partner with law enforcement to invest in these opportunities through tax deductible contributions. The ability to provide for police and to care for community is readily found in PLEA Charities.

Officers that are ill and injured are important to PLEA Charities. Police families that carry the burden of an officer's death or injury or loss of income are important to PLEA Charities. Investing in the education of police children and spouses is important to PLEA Charities. Partnerships with and investments in community groups, families, and organizations are important to PLEA Charities.

The success of PLEA Charities is linked with the commitment of financial investments to meet our charitable goals. With the introduction of PLEA Charities comes an opportunity to become one of a limited number of charter members. Please allow the Association to recognize your investment and contribution to PLEA Charities on a commemorative inscription at the PLEA office. Over the next two (2) months, three (3) one-time levels of investment opportunities are being offered to make this meaningful contribution flexible and comfortable with your finances.

PLATINUM - One thousand dollars or more

A charter membership is available to fifty (50) contributors with an investment of \$1000 or more.

GOLD - Five hundred dollars

A charter membership is available to fifty (50) contributors with an investment of \$500.

SILVER - Two hundred fifty dollars

A charter membership is available to fifty (50) contributors with an investment of \$250.

If you have the desire and ability to participate in this unique event, please fill out and send in the attached form with a tax deductible check made payable to **PLEA Charities** for the membership level of your choice. Call the PLEA office at 602.246.7869 if you have any questions. Mail the form and your investment check to: **PLEA** • 1102 W. Adams St. • Phoenix, AZ 85007

PHOENIX LAW ENFORCEMENT ASSOCIATION CHARITIES

I want to invest in PLEA Charities as a

Charter Member



(Please print name as to appear on commemorative inscription)

- P** **PLATINUM** \$1000 or more **G** **GOLD** \$500 **S** **SILVER** \$250
- (Check one)

SIGNATURE _____ DATE _____



(Fill out, cut out, enclose with check and mail)



The Pot Boils Over

By Joe R. Clure

If you ignore a simmering pot on a stove long enough, eventually it will boil over. Unfortunately, that seems to be what's happening to a pot containing allegations of misconduct by well known upper level Phoenix Police managers under the command of Public Safety Manager

Jack Harris. Perhaps you've heard about a web site addressing this issue. Sadly, the information on this website is identical to many of the things that PLEA and others have raised concerns about over the years. The response to many of the complaints has been a refusal to investigate supervisor misconduct. The concern of disparate treatment has fallen on the deaf ears of both the police department and city management.

It appears that one of the things that those writing on the website are upset about is the department's failure to investigate a complaint on Commander Louie Tovar. This failure to investigate seems to be a common thread throughout the examples of alleged managerial misconduct. **NO OFFICIAL INVESTIGATION!** This in spite of our own policy (Ops Order 3.19.1.a) which states, "To ensure the integrity of the Police Department, all alleged or suspected personnel misconduct observed or suspected by supervisors, department employees, or citizens will be thoroughly investigated." The complainant appears disappointed at the fact that the only thing he received from the department was a two page email from Lt. Stan Hoover that did not have much of anything to do with his complaint on Commander Tovar.

Another example of **NO OFFICIAL INVESTIGATION** is the allegation that Lt. Steve Soha threatened another lieutenant with physical violence at an honor guard event during a funeral. Why no investigation? Where is the investigation of this situation involving work place violence? Isn't that fairly serious?

Where is the **OFFICIAL INVESTIGATION** into the allegation made by PLEA regarding the credibility of then Professional Standards Bureau (PSB) Commander Bill Louis regarding his "contemporaneous notes" testimony under oath during an Unfair Labor Practice hearing? (For further details see the article [No Confidence](#) in the July 2006 RECAP at [azplea.com](#). You might also want to check out [The Golden Ticket](#) article in the same RECAP for further indications of non-accountability of some police supervisors.)

Or, how about the complaint that PLEA made in writing regarding a PSB investigator's apparent misconduct of withholding exculpatory evidence in an investigation resulting in the officer being fired only to be reinstated after this information was disclosed at the civil service board? Again, **NO OFFICIAL INVESTIGATION!**

This website is symptomatic of an unhealthy police management team. We as professional police officers have always been reluctant to discuss our internal "dirty laundry" out of respect to the community we serve. This philosophy was based upon the belief that we had leadership that would effectively deal with the issues. This website seems to demonstrate that the apparent lack

of confidence in upper level police management has boiled over not only from the PLEA pot, but also from the pots of the very citizens we serve.

I believe another indicator of the unhealthy internal conditions within upper level Phoenix Police management is the number of recent and on-going lawsuits against police department supervisors by our own employees. I know of five off the top of my head. In my 26 years here, I can't recall more officers suing the department at anytime. For example, one detective successfully sued and settled as a result of the horrific way he was treated after a justified use of force incident. A former sergeant is suing the police department, alleging retaliation for standing up for a female officer in a hostile work environment and also for their own improper demotion as a probationary sergeant. A female detective recently settled her lawsuit alleging EEO/hostile work environment. Another sergeant recently settled a suit alleging EEO/age discrimination/retaliation, ironically while assigned to Professional Standards Bureau (the enforcers of the rules). Because he believes PSB investigators withheld exculpatory evidence in an investigation, Officer Mark Wilcox is suing the police department.

If this is not evidence of an organization's management team in trouble, then I'm not sure what is. It's my belief that the "FOJ" (Friends of Jack) style of management has been good for many upper level managers but has been unhealthy for the Phoenix Police Department as a whole. When rank and file members of the department have one standard of conduct and accountability and management has another, it's inevitable that troop morale and managerial integrity will suffer. Now I'm sure we will soon be hearing about all the supervisors that have been investigated and disciplined. That's not the point. You don't get an "atta-boy" for not cheating on your wife. That's called "doing the right thing." You're supposed to do that. Figuratively speaking, it's those times you slip and get caught that we're talking about here. This perceived practice of letting allegations of supervisor misconduct go uninvestigated will eventually place the entire organization at risk. It does no one any good, including the accused. Refer to Ops. Order 3.19.1.a. Remember the purpose is "...to ensure the integrity of the police department..." How is that accomplished if we refuse to investigate upper level managers after legitimate indications of misconduct are brought forth only to be told "no?" The implementation of this policy does not comport with reality.

As far as this website is concerned, I'm not a fan of anonymous stone-throwing. As for rank and file police officers of the Phoenix Police Department, they're some of the finest people I know and are without question the best professionals in the business. They are the reason the Phoenix Police Department has, and continues to have, an outstanding reputation.

In March 2006 Public Safety Manager Harris communicated to PLEA that he was "not going to let PLEA or citizens tell me when or how to do investigations. As far as I'm concerned, the issue of disparate treatment is over." This opinion is the reason for the website in question. It's my belief that if a solution to these ongoing organizational leadership challenges is not presented, expect more deterioration in the morale of police officers and the reputation of Phoenix Police Department managers.

IT'S AN HONOR

By Karen Lewsader
Trustee/Representative

If you've never attended a performance by the Phoenix Police Honor Chorus you're missing an incredible experience. The full, rich tones of the tenor and bass sections, punctuated by the melodic flow of the altos and sopranos singing, "The National Anthem" and, "In Flanders Fields," are sure to send chills up your spine.

It was my privilege to attend the last concert performed by the Phoenix Police Honor Chorus at Willowbrook United Methodist Church. I am impressed by the versatility of this talented group. The Choral pieces were entertaining, ranging from spiritual to secular, patriotic to operatic, and popular to theatrical. A piano solo and a piece featuring the banjo were mesmerizing.

Police officers are heroes in their own right, willing to give life and limb for their community. The men and women of the Phoenix Police Honor Chorus go above and beyond this dedication by consistently sacrificing personal time and money to promote the good will of all of law enforcement. Detective Rachel Rohkohl, Tenor, states, "It's an honor to sing in uniform and give back to fallen officers and their family members and friends as a representative of the Police Department through music and our voices."

Director Larry Wittig has volunteered his leadership since the inception of the chorus in 1999. Mr. Wittig is a native Arizonan and has been active in numerous major local music organizations through the years.

Currently, the chorus boasts a membership of approximately 35 voices comprised of active duty and reserve sworn officers along with civilian police employees and retirees.

Some notable past performances include the 2003 Memorial Service for Fallen Police Officers in Washington, D.C. where the Phoenix Police Honor Chorus was featured, the Candle Light Vigil and Memorial Service with President Bush, The National Anthem at the U.S. Women's Soccer Tournament, the annual Memorial Service for fallen city employees at Phoenix City Hall, the multi-agency Blue Mass for fallen police officers and firefighters at St. Jerome Catholic Church, the Metrotech Law Enforcement Program Graduation ceremony, the Reagan Memorial Museum and Library, and the Fiesta Bowl.

The Phoenix Police Honor Chorus is dedicated to their own. They sing, whenever invited, at the funerals of fallen officers. Recently, they performed at a benefit concert for ALS, "Voices Take Flight," in honor of Officer Brian Howe.



The chorus rehearses Mondays at Shepherd of the Valley Lutheran Church. On duty release time (according to operational need) and uniform allowance is authorized.

Please attend the next performance of your Phoenix Police Honor Chorus on May 5 for the multi-agency Fallen Officer Memorial Service at Wesley Bolin Plaza. Show your support for those who support us. You'll be glad you did!

Thank You

MY WIFE, KIDS AND I WANTED TO THANK YOU
AND ALL OF THE STAFF AT PLEA FOR
THE AWESOME CARD AND GIFTS!!!

IT IS VERY HARD FOR ME/US TO ACCEPT GIFTS
OR ASK FOR HELP--- -- BUT WE ARE VERY,VERY
GRATEFUL FOR THE CARD/GIFTS AND
WE TRULY ARE BLESSED TO BE PART OF
THE PLEA FAMILY!!!!

PLEASE PASS ALONG OUR FAMILIES THANKS!!!
WE WILL KEEP YOU ALL UPDATED!

THANK YOU AGAIN---
CHARLIE, GRACE, MEAGHANN, AUBRIE AND
AUSTIN STEEL #5598

P.S. THANK YOU JOE FOR DRIVING WAY OUT
HERE TO DROP IT OFF!!

Kathleen Donovan, Retirement Specialist with Nationwide Retirement Solutions, will be at the PLEA Office on the 4th Thursday of each month to answer any of your questions about Deferred Comp, 401(a), or PEHP. If you want to make an appointment with Kathleen in advance, please call her at 602.266.2733, x1161.

The Dirty Little Secret the City

By Ken Crane

During the early years of my career in the Sky Harbor Precinct I worked for a new lieutenant named Jeff Hynes who was later a commander in the same precinct which had then been relocated and renamed the Central City Precinct. In many respects Jeff was ahead of his time. Jeff knew that you could waste a lot of time and energy having officers try to deal with an overwhelming myriad of crimes or you could deal with the root cause. He had it figured out. Jeff always put prostitution enforcement near the top of his priority list. He knew if you could just get prostitution beat back to a manageable level, a lot of the ancillary crimes that typically swirl around prostitution would take care of themselves.

A lot of sociologists and psychologists would have us believe that prostitution is a victimless crime. Just some girls looking for work...and just some guys willing to pay for a service...nobody really gets hurt, everything's mutual, so what's the big deal? The big deal is that the educated egg heads that push these crap theories in the college classrooms have never spent a day of their sheltered lives pounding a beat in a major city. Any beat cop worth their salt knows that when prostitution is allowed to run rampant that there will be a corresponding spike in other crimes.

Here are a few examples of crimes that tend to rise to levels higher than normal when prostitution isn't kept in check. Assaults and aggravated assaults, armed robberies, car jackings, increased DUI's, accidents, increased sexual assault calls, increased drug activity, child prostitution, and homicides, not to mention the spread of STD's and other communicable diseases such as Hepatitis and TB (think of the patrol officer transporting a TB infected hooker, who's hacking up a lung, to jail in the winter with windows rolled up and heater on). Yep, looks pretty victimless to me.

Fortunately, most people in a position to make a difference know better and they know by targeting one key crime they can also impact and greatly reduce a host of other crimes. I don't think I've ever heard anyone say "we won't deal with prostitution, that's the Vice Squad's job". Nope, the attitude was everybody's gonna roll up their sleeves and pitch in. This was because people understood that lawless acts left unchecked will lead to more lawlessness and more victims.

Now let's change gears for a minute. There's been a lot of talk and passionate debate over the illegal immigration issue lately. When police officers are killed by illegals it's going to tend to stimulate that debate. Unless you've been on another planet for the last few months you'll know that your Association has taken a strong position on this issue. If there's any doubt just go to the PLEA website and click on the immigration issue link.



A clear parallel can be shown between the crime of prostitution and illegal immigration. Like prostitution, many activist groups claim illegal immigration is a victimless crime. Illegal border crossing is a misdemeanor or crime they tell us, akin to violating a leash law.

They go on to tell us illegal immigrants don't want any problems. They're just here for a better life and besides they will do the menial tasks and manual labor most Americans don't want to do. Attorneys for these same activist groups will even go so far as to make the ludicrous claim that once the illegal act is committed, i.e., crossing the border, if the person was not apprehended in the act it's no longer a crime.

Yeah, I know...it's a head scratcher. It makes you wonder if attorneys that make remarks like this ever attended an American law school.

Like prostitution, there are a whole host of ancillary crimes that are constantly swirling around illegal immigration. Let's take a look. Drug smuggling, human smuggling, drop houses, kidnap/extortion scams, identity theft, higher traffic crimes, stolen vehicles, and last but not least, explosive homicide rates. Yep, a victimless crime for sure, and this doesn't even get into the issue of the huge adverse economic impact to the state.

While prostitution might be the world's oldest profession, we don't throw up our hands in despair and give up on arresting prostitutes. We continue to enforce the law.

The same case can easily be made with regard to illegal immigration. There are two options. We can throw our hands up, blame the Feds, turn a blind eye and continue to engage in selective enforcement while the crime rates climb or, like prostitution enforcement, we can assist in dealing with the problem until it's brought under control.

Your Association recently did a public records request to obtain

the Quarterly Homicide Reports that are compiled on a regular basis by the Crime Analysis Research Unit. The statistical data revealed trends that most would probably describe as amazing, appalling, shocking, unacceptable and tragic.

- In 2005 there were 239 homicides in the city of Phoenix. 65.3 percent of those homicide victims were Hispanic.
- In 2006 homicides were up 8% to 258 victims. Of those victims 59.8% were Hispanic, a drop of 5.5% (which is deceptive on its face since the overall rate increased).
- In 2007 homicides remained constant with a total of 259 victims, 59.2% of those victims were Hispanic.
- Figures over the last three years reveal the highest percentage of homicide suspects that were identified, were Hispanic.

Doesn't Want You to Know

With this three year trend, the numbers indicate that roughly six out of ten Phoenix homicide victims were Hispanic. If this trend is allowed to continue without some form of proactive intervention, we can expect the 2008 statistics of Hispanic homicide victims to be somewhere in the neighborhood of 61%.

By comparison the three year average for White homicide victims was 19.3% and for Black homicide victims was 15.3%. The other 4.4% of victims were comprised of other ethnic groups.

This is the dirty little secret upper level police management doesn't seem to want to talk about. What these numbers tell me is Phoenix appears to be a dangerous place to live if you have brown skin. Why isn't there a major outcry? It tells me if you are Hispanic, you're three to four times more likely to be murdered than other ethnic groups in our city.

Prostitution is a relatively minor crime but a dangerous and violent business to be in. Illegal immigration is also a relatively minor crime but it too is a very dangerous and violent business to be in. Human smuggling, drug smuggling, kidnaping and extortion to name a few are violent crimes that will

always be inexorably intertwined with illegal immigration.

Your Association understands the connection between illegal immigration and violent crime. So do victims, some in state government, other Valley law enforcement agencies, and the families of many of our slain police officers. Your Association also realizes that dealing with criminal activity in the early stages, i.e., questioning a person's status when contacting them in regards to criminal or suspicious activity, can prevent having to deal with larger more complex crime problems later. In other words, proactive police work. This approach would ultimately have the effect of freeing up badly needed police resources that are heavily taxed by the spinoff crimes tied to illegal immigration. There's a highly technical law enforcement term for this. It's called 'nipping it in the bud'.

Whether the Feds do it, whether we do it, or whether we partner with the Feds and do it together, it's time to quit making excuses and get a handle on the problem. This is why your Union has fought to allow officers the ability to make a real time call to ICE in those instances where a person is suspected of being in the country illegally.



Chiropractic: Cracking Down on Low Back Pain in the Department

Dr. Shawn D. Wherry

The stresses placed on the body during the activities of an average work day can take their toll on the muscles, joints and nerves of the spine. This cannot be more apparent than in the demanding set of unique day to day activities of a police officer. The routines of prolonged sitting and standing, in conjunction with the demands of heavy equipment, place wear and tear on a body in a way that can lead to problems such as low back pain, neck pain, shoulder stiffness and fatigue. These conditions can greatly diminish an officer's vigilance in the field, where at a moment's notice he or she may be called to use the maximum of their efforts in the call of duty. It is important to take precaution as not to allow the requirements of your occupation limit your ability to perform. Here are a few areas where stress on your body may be hiding and changes that can be made which will add to longevity of your spine.

1. Awkward Posture: A 2005 study in Italian officers found the prolonged sitting and standing in incorrect postures lead to neck pain and sciatica. It is important to remain conscious of your posture and insure that prolonged bending or twisting of the neck or back does not become a prolonged position. The best way to correct these potentially injurious positions is to properly set up your workstation ergonomics as well as schedule short breaks to stretch and reposition yourself.

2. The Duty Belt: The average duty belt can weigh anywhere from 8-13 pounds. This additional weight along with restriction of low back motion can poise a problem during

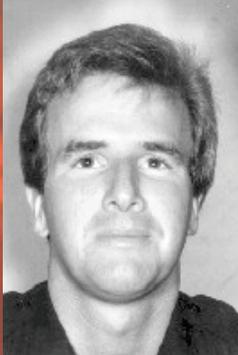
the activities of the day. Many Canadian departments have switched to a double ply leather belt due to its comfort, flexibility and professional appearance. Making sure your police equipment fits properly will ensure that your spine's equipment works properly.

3. Stay Fit: By maintaining a proper diet and activity level, an officer can add years to his or her life on the force. This is especially true when it comes to the spine. Eating foods high in sugar and spending most of the day sitting result in deterioration of the discs and joints of the spine. Higher quality foods and an exercise regimen (i.e., Pilates, aerobics, sports, etc.) may be on the menu for a healthier spine and a healthier officer.

Like the 57' Chevy that is miraculously in mint condition long after cars a fraction of its age have long found retirement in the landfill, your spine requires maintenance and attention in order to keep you on the road. Chiropractic care can help in process of keeping your back strong and healthy. The maintenance and management of spinal issues require a specific type of care in a way that ensures a life free of disabling low back and neck pain. Just like every squad car has a mechanic, every officer's spine deserves chiropractic care to keep fit those men and women who keep the people of the City of Phoenix safe and secure.

Dr. Wherry can be reached at 602-765-7246 or visit his website at www.spineanddisc.com for further information.

Fallen Heroes

			
Phoenix Police Officer David Uribe May 10, 2005	Phoenix Police Officer Don Schultz May 12, 2004	Phoenix Police Officer Ken Collings May 27, 1988	Phoenix Police Officer Marty Keiffer May 7, 1977

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.

2525 E. Arizona Biltmore Circle • Suite 130

Phoenix, AZ 85016

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Welcome New Members

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Eric Gardner
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Ryan Hoffrichter
Griffin Hunt
Jeffrey Marcum
Micah McElrath
Brent McElvain
Derrick Minton

Michael Morrissey
Melissa Norberciak
Michael Palermo
Michael Paulson
John Payakovich
Andrew Pentland
Jeremy Sweet
Scott Sweet
Tech Tan
Cody Thomas
Seth Zacharias

Thank You Again

My name is Kerry Mitchell (A3282); I am a Communications Operator and have been with the department for just over 15 years. On Friday, March 28, 2008 there was a benefit dinner held on my behalf, to assist with medical expenses that I have incurred since the beginning of the year due to a rare bacterial infection and reconstructive surgery on my hand. Myself, and my husband, Officer Dave Mitchell #7099, would like to express our most sincere gratitude to each and every person who participated in the benefit, or who donated time, services, supplies, etc. in order to make it a success. We are so appreciative of the outpouring of support from the law enforcement family. We want to thank everyone and their families and friends for coming out and showing what a unified and caring Department we are a part of.

Thank you again,
Kerry and Dave Mitchell

**BENEFIT
of
THE
MONTH**



Water Park tickets for Waterworld, Big Surf, and SunSplash sold at PLEA Office Open Memorial Day weekend to Labor Day weekend - \$18 Adult/Child 30% savings off general admission

Membership meetings in May will be on the 27th, 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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- 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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