



PHOENIX LAW ENFORCEMENT ASSOCIATION

The Professional Association of Phoenix Police Officers Since 1975

November 9, 2012

Mr. David Cavazos, City Manager
City of Phoenix
200 W. Washington St.
Phoenix, AZ 85006

Dear Mr. Cavazos:

I am sure you are aware of the discrimination grievance PLEA filed on behalf of three members who believe they were discriminated against during the selection process for the trip to Washington D.C. for the Presidential Inauguration.

During the level 3.5 grievance meeting, it was confirmed that Commander Brase and Assistant Chief Montgomery knowingly made the selection of the officers from the NET teams based solely on race and gender. It was also revealed by Asst. Chief Montgomery that the Chief of Police was aware of and ordered the selection of officers based on race and gender.

While I am happy that the Department agreed to re-select the officers for this assignment in the proper manner and the grievance was settled, I was greatly alarmed at the demeanor and attitude of Asst. Chief Montgomery and Commander Brase. In fact Asst. Chief Montgomery stated that it was a "management right" to make selections in this manner. Their apparent total lack of understanding or recognition of the issues coupled with the complete lack of accountability was disconcerting and disappointing.

All three of these employees have filed EEO complaints with the City of Phoenix EEO office. City and Police Department policy with regard to EEO violations states:

City of Phoenix Administrative Regulation states:

A.R. 2.35; Equal Employment Opportunity, "Discrimination is any act taken because of race, color, ...gender, ..., that adversely affects another employee or applicant in any aspect of City employment."

Per Phoenix Police Operations Order:

Operations order 3.14.1b states, "Employees of the department **will not** engage in acts of general harassment (discrimination) or sexual abuse."

Operations order 3.14.3. A states, "Discrimination – It is illegal to discriminate on the basis of race, color, gender, creed, religion, national origin, age, marital status, ancestry, medical condition, pregnancy, disability, or sexual orientation in all employment matters, but not limited to promotions, transfers, job rotation, training work assignments, hiring, merit increases, overtime, awards, and discipline."

Operation order 3.14.5.E.3 states in part, "... complaints of a criminal nature, **allegations of serious**, or repeated violations must be investigated using the Formal Investigative Process."

Operation Order 3.18. Addendum A 3.c: "Suspension (one day or more) Violation- Serious policy violation that will be referred to the DRB for consideration of a one – to – five day (40 hour maximum) suspension without pay."

Operation Order 3.18. Addendum A 3.4: "Supervisors: Violation of EEO rules and regulations, inappropriate actions, comment/s, gestures that violate EEO standards (supervisory personnel)."

Given the recent public history with other EEO issues in the City of Phoenix, the systemic problems we have experienced in recent years, and the indifferent attitude of police management, neither I, nor the victims are confident in the City's ability to effectively investigate or fairly adjudicate this manner given the fact that the accused are the highest ranking members of the Police Department. It appears obvious that there is at minimum, a potential conflict of interest between the City's interest and that of the victims.

Therefore, I am requesting an outside independent investigation be conducted by an independent entity approved of by the complainants. I respectfully request a response in writing regarding your position and intended actions.

Thank you in advance for your prompt attention to this manner.



JOE R. CLURE
PLEA President

xc: Mr. Greg Stanton, Mayor
City of Phoenix council members
Mr. Daniel Garcia, Chief of Police
Mr. Ed Zuercher, Deputy City Manager
Mr. Michael Napier, PLEA Attorney
Mr. Lionel Lyons, Director COP EEO
Ms. Marquita Beene, Lead EEO Specialist COP
Mr. Barry Jacobs
Mr. Clifford Ivey
Mr. Mike Jessie