



PHOENIX LAW ENFORCEMENT ASSOCIATION

The Professional Association of Phoenix Police Officers Since 1975

April 15, 2009

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City of Phoenix
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Phoenix, AZ 85003

Frank:

On Friday April 10, 2009 I was given a draft Phoenix Police Department administrative investigation (*see attached*) concerning sustained allegations of misconduct involving four patrol officers. The four officers listed are [REDACTED] (W/M), [REDACTED] (W/M), [REDACTED] (W/M), and [REDACTED] (B/M).

In summary, on Sunday July 13, 2008 at approximately 2220 hours, all four uniformed officers ate lunch while on-duty at Zipp's Sports Grill (6501 E. Greenway Parkway, Suite 100). While at this restaurant/bar establishment that the officers had frequented in the past, three white females approached the officers as they were eating and engaged in a conversation with them. The three females were suspected of drinking alcohol while talking to the officers. The three females were suspected of being intoxicated while speaking to the officers. The investigating sergeant, Sgt. [REDACTED], witnessed the four officers eating and also talking to the three females. As a result, a sustained allegation of misconduct was documented showing that all four officers failed to maintain a professional approach to their duties at all times. Sgt. [REDACTED] believed the primary source of business in this establishment was income from the sale of alcohol and thus it was inappropriate for the four officers to eat there on-duty and in uniform. Two issues of note: even though Sgt. [REDACTED] expressed his concerns about this incident to the four officers the night of the incident, the misconduct investigation was not initiated until a month and a half later on August 23, 2008. Secondly, the investigation took 9 months to complete.

The sustained allegation in this attached draft investigation reads "On Sunday, July 13 at 2220 hours, Officers [REDACTED] # [REDACTED], [REDACTED] # [REDACTED], [REDACTED] # [REDACTED], and [REDACTED] # [REDACTED] were taking their lunch break, on duty and in uniform, at Zipp's Sports Grill, an establishment where the primary source of business income is from the sale of alcohol."

Sgt. [REDACTED] recommended discipline for [REDACTED], [REDACTED], and [REDACTED] was a coaching. Sgt. [REDACTED] recommended discipline for [REDACTED] for the same conduct was a written reprimand. [REDACTED] discipline was based on compounding from past discipline which was listed as a written reprimand in 2007. Several issues should be noted.

- To this date, Zipp's Sports Grill has not been placed "off limits" to police personnel in the Desert Horizon Precinct. In less than 15 minutes on the phone, PLEA confirmed with Arizona Liquor that, like Black Angus, Zipp's is a family eating establishment operating under a class 12 restaurant license. This calls to question if there was *any* misconduct by *any* of the four officers.
- Officer [REDACTED] previous discipline of a written reprimand in 2007 was removed per a grievance settlement.

- A coaching is not discipline per policy (*see attachment*).
- In explaining [REDACTED] discipline, Sgt. [REDACTED] deferred to Operations Order 3.18 (*see attachment*). Unlike the other three officers, it appears that no consideration was given to [REDACTED] to utilize a coaching (*non-disciplinary*) to correct his behavior in regards to this arguable minor policy violation.

Officer [REDACTED] believes that his chain of command is engaging in disparate treatment. His conduct was no different than the other three officers but yet he is being disciplined (*written reprimand*) for a minor subjective policy violation whereas the other three officers are being coached (*non-disciplinary*).

I spoke with Officer [REDACTED] on Tuesday April 14. He communicated to me some disturbing incidents he was exposed to prior to this investigation. First, in 2007 Sgt. [REDACTED] questioned his ethnicity in a briefing setting by stating, "You're not black." Second, [REDACTED] took EEO concerns to Lt. [REDACTED]. Police management's response to his racial issues was to transfer [REDACTED] off the training squad (*specialty detail*) and back to a patrol assignment. Officer [REDACTED] was and is concerned about the racial insensitivity by police management.

I then spoke with [REDACTED] and he relayed a conversation that he had with Sgt. [REDACTED] on or around August 2008 concerning the aforementioned investigation. He was told by [REDACTED] not to be upset at Sgt. [REDACTED] because the push to do the investigation was "coming from higher up" and out of the four officers involved, "they only want one person." Officer [REDACTED], the only black officer, was treated differently by police management than the white officers.

Even after Mr. Harris' disingenuous ENS (*PLEA did NOT communicate in my letter to you that police "employees" were engaged in racist practices – PLEA's concern, like this one, is focused on M-A-N-A-G-E-M-E-N-T*), it appears that officers of a protected class are still subjected to unequal treatment by some in police management.

PLEA continues to be seriously concerned by the pattern being demonstrated by police management in regards to the appearance of disparate and/or insensitive treatment of officers of a protected class. What is of great value to PLEA and our members is your help in pointing out to Mr. Harris that PLEA is alarmed about continued hurtful and harmful racial issues among some of his police M-A-N-A-G-E-R-S. These management practices need to be brought to an end immediately.

Looking forward to your timely response,



MARK SPENCE
PLEA President

c: City Council
Arizona Attorney General