



PHOENIX LAW ENFORCEMENT ASSOCIATION

The Professional Association of Phoenix Police Officers Since 1975

March 30, 2009

Joe Arpaio, Sherriff
Maricopa County Sherriff's Office
100 W. Washington St., Suite 1900
Phoenix, AZ 85003

Sherriff Arpaio:

Enclosed you will find copies of an official complaint lodged with Phoenix City Manager Frank Fairbanks on March 18 to request an investigation into a series of EEO complaints levied by and impacting minority officers within the Phoenix Police Department. The impetus for our contacting you is that we believe that police management is not only aware of this intolerable behavior but have deliberately turned a blind eye on their obligation to investigate and correct the problem.

On behalf of our 2600 members, the Phoenix Law Enforcement Association (PLEA) has been pressed into service as the default mechanism to champion these complaints and have communicated our concerns with the Department's seemingly lethargic and often non-existent reaction to the distress of its minority police officers. In our opinion, the law is clear, as is the duty of City officials, to protect its employees and to take those steps necessary to ensure compliance with Title 7, Federal Civil Rights Act, and its own rules and regulations promulgated to make certain that protected classes are granted equal protection and are free from governmental retaliation.

PLEA is reminded of a statement made by Public Safety Manager Jack Harris on March 3, 2006 – "I'm not going to allow PLEA and citizens to say when and how investigations are done." In that same conversation, when reminded of his Department's policy obligating him to investigate all allegations of misconduct, Mr. Harris' response was, "That's not true" and then went on to admonish that the decision to investigate was "up to us." Both of these statements have been codified under Harris' watch by his failure to aggressively enforce his own policy, the policy of his superiors, and the mandate required by federal law.

Within a four week period, from the end of February to the middle of March 2009, PLEA was contacted by two Phoenix Police Department supervisors. It was apparent from the level of anxiety, frustration, and anger that they had been subjected to comments and attitudes they had witnessed uttered by Phoenix Police managers that characterize the present climate of this pervasive environment that exists and seems to permeate Phoenix Police management. One supervisor attributed the comment, "I'm sweating like a hot N ___ R at a free dance" to a current Phoenix Police Assistant Chief in a free exchange of dialogue among peers. Another example given by the second supervisor related to the Mark Goudeau homicide case. This supervisor communicated to PLEA that there would be no surprise on their part if other Violent Crimes Bureau (VCB) managers engaged in planting evidence. This same supervisor stated that when VCB management was presented on multiple occasions with potentially

exonerating evidence that may have had exculpatory value to Goudeau, the response from both a VCB lieutenant and a VCB sergeant was, "Why would you want to give that N_____R an alibi?"

The larger question here is what atmosphere of administrative permissiveness creates a climate that would allow this kind of venomous dialogue to take place with such apparent ease by police managers in the workplace. The two aforementioned examples demonstrate that even some supervisors are reluctant to take violations they have personally witnessed to the so-called official channels and instead carry them to PLEA for some type of relief. We share their frustration. This brings us to our authoring this letter of concern to you.

Prior to taking our issues directly to the United States Department of Justice we want to attempt to exhaust all local venues of redress. We believe that PLEA has given Public Safety Manager Jack Harris every opportunity to do what is required of him by policy and by law. We would ask that your office review our complaint and, should you see some area that falls within your jurisdictional authority, investigate or take corrective action.

With great concern,

A handwritten signature in black ink, appearing to be 'M. Spencer', with a long horizontal stroke extending to the right.

MARK SPENCER
PLEA President

c: Phoenix City Council