“I don’t know if it will help saying this to you...some men in this world are born to do our unpleasant jobs for us...your father is one of them.” Miss Maudie was speaking of Atticus Finch.

Even though spoken by a fictional character in *To Kill a Mockingbird*, the truth it amplifies is clear in our chaotic world – it takes exceptional people to complete a job that’s vital and valuable but frequently disagreeable. It wasn’t pleasant for Atticus to raise two children as a widower. It wasn’t pleasant for Atticus to shoot a rabid dog roaming around the town. It wasn’t pleasant for Atticus to defend an innocent black man in the white South of the 30’s. Atticus Finch had courage. Courage is a cure that confronts unpleasant issues from overcoming our world. It’s not a difficult step to compare a police officer with Atticus Finch; a rare person who does “our unpleasant jobs for us.”

Within our world of the Phoenix Police Department, there’s an unpleasant job people aren’t fighting to fill. Like police work, it’s a job that’s also vital and valuable but frequently disagreeable – a PLEA board member. Like a police officer, one doesn’t become a PLEA board member to avoid conflict (remember, just like the police officer that runs TO the gun fight, board members are also expected to run towards and confront conflict). Like a police officer, one doesn’t become a PLEA board member to become pleasantly popular. PLEA board members do “our unpleasant jobs for us” because front-line rank-and-file police officers are worth protecting and serving.

PLEA members are the bosses who elect those who volunteer to do “our unpleasant jobs for us.” Being the highest paid officers in the State wasn’t a gift from a management fraternity or the Easter Bunny – your elected PLEA board did the difficult job of negotiating. Our contractual rights and benefits didn’t arise from the ooze while being fueled by chance and time – elected PLEA board members engineered and energized an MOU that’s the envy of everyone in the State. Political influence and community outreach aren’t the result of wishing upon a star – your elected PLEA board members walk the point with these partners to make a difference in our world. Unprecedented layoffs were avoided not because of a lunar cycle and an alignment of the planets but because PLEA board members carried out the members’ directions to work with City management and agree to temporary concessions (34¢ an hour wage reduction and 16 furlough hours/year).

PPSLA adheres religiously to a simple philosophy – support the policy and the policy makers. FOP has active and retired police managers on their board as well as civilians and doesn’t negotiate a single police contract in Arizona. What’s made PLEA a distinctive and successful (not perfect) police labor association since 1975 is the unified voice of rank-and-file police officers unfettered and unhindered by any management influence or domination. Simply put - it’s all about the members. Members own, drive and direct the Association. Just look at the PLEA bylaws:

- Members pay the bills
- Members have unfettered access to their Association’s budget.
- Members have a right to vote.
- Members have the right to attend membership meetings.
- Members can pick up the phone anytime and correct, vent, or bless any board member.

Continued on page 2.
Continued from page 1.

Among many attributes, Atticus Finch was patient, intelligent, self-controlled, and fair. In addition to his courage, it’s these qualities that made him stand apart from others. Since 1997 PLEA members have allowed me to serve them and commit to their success as a PLEA board member. During this 15 years a pattern emerged; board members who stand apart from others have similar qualities. An effective board member:

- Is kind
- Won’t trade truth
- Communicates well
- Apologizes when wrong
- Not a one-issue member
- Doesn’t attend meetings alone
- Has no acceptable casualty rate
- Engages in aggressive representation
- Whenever possible, pursues peace with all
- Has the best interests of the members in mind
- Grasps the concept that sometimes less is more
- Doesn’t look for fights but is able to finish them
- Understands that it’s better to be feared than liked
- Believes that there is wisdom in the counsel of many
- Is a servant-leader who is committed to the success of others

With these qualities in mind and with an upcoming election just around the corner, I’ve encouraged the following PLEA members to run for the PLEA board – Joe Clure, Dave Kothe, Ken Crane, Jerry Gannon, Will Buividas, Frank Marino, Bill Galus, Frank Smith, Toby Sexton, Mike London, Tim Baiardi, Tom Tardy and Rob Warren.

The mission of the PLEA board over the last 4 years: IT’S ALL ABOUT THE MEMBERS. This has been carried out through three strategies:

1.) Aggressive representation
2.) Positive partnerships
3.) Holding police management publicly accountable.

Please take the time to communicate if you feel a need to change these strategies. The PLEA board needs to know your priorities, where you want your Association to go, and the route to be taken. Recap articles and rep files will tell PLEA members what candidates are engaged in the vital and valuable but frequently disagreeable WORK of representation. The amount of representation and participation provide a good perspective if a nominee operates like Atticus Finch. In deciding who to vote for, I would challenge you as fellow members to call the PLEA office and see which candidates are actually doing the “unpleasant job for us.” Atticus Finch couldn’t have done the job he was born to do without the opportunity to do it. Your vote is your voice - your vote allows candidates to do the “unpleasant job for us.”

---

**Fallen Hero**

**Phoenix Police Officers**

- Phoenix Police Officer
  - Bob Polmanteer
  - May 4, 1984

- Phoenix Police Officer
  - Marty Kieffer
  - May 21, 1997

- Phoenix Police Officer
  - Don Schultz
  - May 10, 2004

- Phoenix Police Officer
  - Travis Murphy
  - May 26, 2010

- Phoenix Police Officer
  - Ken Collings
  - May 27, 1988

- Phoenix Police Officer
  - Toby Sexton
  - May 10, 2005
Make a Point or Fix a Problem

by Will Buividas
Chief Negotiator

Sometimes it’s easy to feel that we live in a vacuum. Some are misguided in thinking that reforms happening across the nation or here in Arizona have no impact on police because we are the last line of defense. Who would want to hurt public safety? Who would want to harm those who put their life on the line? In a perfect world, no one would. Unfortunately, we don’t live in that perfect world. Pension plans nationwide have come under attack and are in need of repair. Not just in Arizona, but in almost every state. Over the past year more than a dozen states have raised contribution rates for employees. Even more have made drastic cuts to benefits for new hires. Residents of San Diego will be voting on a ballot measure to place all new employees into a 401K style plan with no pension. In San Francisco, the unions are running a ballot measure to increase their employee contribution rates by 4% overnight along with a host of other changes that will negatively impact current employees. You may ask why the unions are running measures to cut their benefits. The answer is because it is better than a rival plan being pushed by the city council that would call for even more cuts and an even higher employee contribution rate. Steps are being taken everywhere to put public pensions back on solid financial footing, not just here in Arizona.

Was our plan immune here in Arizona?

The answer is “no.” Our plan is not in danger of going insolvent tomorrow, however, if steps were not taken to structurally change our plan going forward, there will be a strong probability that it would be insolvent at some point down the road. There are a few reasons for this. First, we have an aging population within our system. Currently, there are two active members paying into the system for every one retiree drawing benefits out of the system. Over the next 30 years that number will change and we will only have .6 active employees per every one retiree (kind of reminds you of social security). The second big issue is the way the commonly referred to “COLA” is paid out. What currently happens is half of all earnings in excess of 9% go into a separate fund that is exclusively used to fund future “COLAs” for retirees. Since it is structured this way there is no way for the plan to “invest” its way out the hole we are in. In a nutshell the plan only gets HALF of the “good returns” but then has to absorb “all” of the bad years. It is like emptying out a bathtub while the water is still turned on.

Original Bills

In case you are not aware the original bills introduced reference our pension system were completely unacceptable and would have been devastating to everyone. Some of the original proposals included increasing the employee contribution rate to 25% or more and eliminating DROP for everyone who was not already enrolled. The bills proposed to change how your pension would be calculated; a “High 5” instead of the best 3 consecutive years. The bills wanted to remove the ability to buy any military or prior police service time. Some legislators even wanted to completely eliminate COLAs altogether. Could you imagine 30 years after you retire still receiving the same pension check from 30 years earlier? PLEA and the APA worked day and night talking to all 90 legislators and the Governor’s office until finally something more reasonable was put on the table.

What is actually in the Bill?

First, the high “3” for current employees remains. Employee contributions will go up 4% over the next 5 years. Beginning with a 1% increase this July. You can now buy five years of military time (up from the current four) and up to five years of out of state prior service. A new COLA formula has been adopted. While it isn’t as rich as the current COLA, it allows the plan to begin to reach a healthy funded status going forward. DROP remains for all current employees. If you have over 20 years of credited service as of 1/1/2012, there are no changes to DROP. For us who have less than 20 years of credited service we will now have to pay contributions during our DROP period. The first order of business next year will be for us to insert a technical correction so that you will get your contributions back when you exit DROP with interest. The other big change is that if you are convicted of a felony “during course and scope” of your duties you will lose your pension.

Please go the www.azplea.com to view PLEA lobbyist Levi Bolton’s detailed video reference the above changes for more information.

As a final point, pension reform is happening all over the country. Our plan had some fundamental issues that needed to be addressed so that we ALL will be able to receive our pensions until the day that we die. Expecting the City of Phoenix to contribute upwards of 50% of your salary into the system is not sustainable. Could you imagine trying to get a pay raise if the City had to pay that much towards our pension? Allowing our system to continue down a path of insolvency is also not a reasonable approach. Is the bill perfect? No, it’s not. Is the legislation reasonable and necessary to ensure we ALL have a secure pension? Many believe it is. If you have the time I would encourage you to thank PLEA lobbyist Dr. Levi Bolton and APA Director Brian Livingston for their tireless efforts in ensuring that reasonable solutions were achieved. If it weren’t for them we could have seen a “worse case” scenario, resulting in contributions of up to 25% out of our checks with DROP nothing more than a faded memory.

The highest good = make a point: Make no changes to the pension and watch it crash later down the road.

The greatest good = Fix the problem: Work with legislators to achieve reasonable solutions in order to and repair a system before it is irretrievably broken.
Recently I was at an Investigation Review Process (IRP) where a PLEA member had allegedly violated the “code of ethics.” I read the investigation about an hour before the IRP so I could sit in as “second chair” to assist the primary Rep.

This was the first time I had ever seen an investigation with a sustained allegation for violating the code of ethics. Like any good PLEA Rep; I whipped out the Operations Orders to find this (new to me) code of ethics to see where it fell in the discipline matrix.

To my surprise, this was categorized as an “E” violation in the discipline matrix pilot program. Simply put:
Extreme violation and disregard of policy requiring DRB review with a recommendation for a five-day suspension, demotion, and/or termination.

Wow, a 40 hour suspension or termination? Ok, let’s take a look at the code of ethics.
I found it was listed 3 times in the Operations Orders:

1. Ops. 3.13 Rules and Regulations:
   3.A. Officers will abide by the code of ethics.

2. Ops. 3.18 Discipline procedures (pilot policy):
   4.D. The employee’s actions violated the code of ethics.

3. Ops. 3.18 Matrix:
   4.B. The employee’s actions violated the code of ethics.

What was missing in the Ops. was the actual code of ethics.

The question then became, where can I find this mysterious code of ethics?
At the IRP I was informed it was the AZPOST code of ethics. Of course that wasn’t mentioned in the investigation nor was there a copy in the investigation. So one has to wonder, what part of the code of ethics was violated?

The IRP concluded with the outcome of both sides agreeing to disagree. We clearly believed that the draft conclusions of the PSB investigation were wrong. The “code of ethics” as worded, is so broad that most any internal policy violation whether intentional or unintentional could be viewed as an ethical violation.

I did a search of AZPOST.GOV later that day where I found the code of ethics. It is found on AZ Post Form PH (revised Oct. 2006). This form is the AZPOST standards and training board Statement of Personal History and Application for Certification. Apparently, we all filled this form out when we were hired, or at least since 2006.

THE EXCERPT TO THE RIGHT WAS TAKEN FROM SECTION V. OF THE AZ-POST STATEMENT OF PERSONAL HISTORY AND APPLICATION OF CERTIFICATION FORM
By reading this it sounds like everything in the matrix that is a policy violation would also be an ethics violation, a type of catch-all clause if you will. We couldn’t prove you did it but we know that it could be made to fit. In fact, it fits for most any type of violation you could think of.

Truly, the irony of this whole exchange is the simple fact that the PSB Commander, who is overseeing this investigation, had the audacity to defend this allegation against a member when he himself has violated the code of ethics. You know, like drinking champagne on the tarmac of the air unit at Deer Valley Airport (a police facility) while on duty and armed. This would appear to violate that little clause in the code of ethics about obeying the law of the land. Then there’s the issue of the non-investigation/cover up with regard to allegations of falsified SAU physical fitness scores that this same Commander was involved in a couple of years back. This seems to violate that clause on the code of ethics that states: “I will exercise the authority of my office to the best of my ability, with courtesy and vigilance, and without favor, malice, ill will, or compromise.”

It is irony at its best when the Commander supervising the investigation on a “Code of Ethics” violation, that could potentially cost an employee their job, has violated that same code and is still here with only minimal consequences for his actions.

**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.

**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.

**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.

**JAMES P. ABDO** was born in Omaha, Nebraska. He earned his undergraduate degree from the University of Rochester in 1984 and his Juris Doctorate from the College of Law at Arizona State University in 1991. Mr. Abdo served as an Assistant Attorney General for Arizona before entering private practice as a partner at two major Phoenix law firms, where his practice focused on commercial litigation of all types. He has extensive experience both representing government bodies appearing before numerous state, county and city agencies in numerous licensing, procurement and labor/employment matters. His practice also includes the formation, counseling and representation of business entities, the drafting of a wide variety of real estate and other contract documents in addition to litigating disputes arising out of contracts.

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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Sunday April 10, 2011 was another great success for the TAPS (Tuition Assistance for Police Survivors) golf tournament. Rough numbers from the fairway saw 250 golfers raise $25,000 for this 21st annual outing. The PLEA foursome consisted of David Cavazos (City Manager), Will Buivid, Mike Broomhead (KFYI), and Bill Galus. Special thanks to Scott and Melissa Sayban as well as Dennis Nebrich for once again stepping up to the tee and facilitating another fantastic event.

PLEA would like to extend a special thanks to the following event sponsors as well as the many individuals and organizations who contributed raffle prizes. Their generosity allowed us to put on an event of high quality.

**Primary Event Sponsor: Nationwide Retirement Solutions**

**Event Sponsors:**

**Raffle Donors:**

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**Dates to Remember & Benefits to Members**

Rep from Aflac will be in the PLEA Office the second Wednesday of each month. Call Aflac Office @ 602.870.1122

Hester, Heitel & Associates Exclusive group insurance offers to PLEA Members only for homeowners, and auto and liability.

Please call Mark or Loretta at 602.230.7726

Tom Jonovich Financial & Retirement Planning Sessions
3rd Thursday each month at PLEA Office 10am - Noon
602.954.5025 or 602.989.3560

Rep from Nationwide will be in the PLEA Office the 4th Thursday of each month to assist with Deferred Comp, 401(a), or PEHP and updating your beneficiary.

Call Kathleen Donovan @ 602.266.2733, x 1161.
**Seatbelts and Airbags, Where the Department is Going**

by Greg Gibbs
PLEA Representative

Although being trapped in a patrol vehicle by a seatbelt during an ambush situation is a possibility, everyone knows the odds of being injured or killed in a collision on duty are a thousand times greater. Additional reasons (not excuses) for not wearing a seatbelt are even less credible than the ambush scenario. PLEA is concerned for the safety of each member and requests everyone wear their seat belts anytime their vehicle is in motion.

Police policy cannot, and does not, supersede state law. The law states (even with lights and siren activated) a seatbelt must be worn. To this end, the Driving Analysis Committee (DAC) is starting to find officers out of policy for not wearing their seatbelts even though the committee understands the cause and reason for the collision. Although you may not receive a citation for the collision because you were actively performing an immediate police function, talk has been initiated to issue police personnel citations for not wearing their seatbelts! Investigators can determine if seatbelts were worn even without an air bag deployment.

It is important for officers to understand the airbag control module (ACM) makes a determination on how fast to deploy the air bag based on seatbelt usage. Buckling the seatbelt behind one’s back can have an extremely damaging effect during a collision. Additionally, wearing the seatbelt keeps the driver and other occupants in place so secondary impacts can be avoided. Realizing this, there have been cases nationwide where workman’s compensation has denied claims citing that the officer was not wearing his/her seat belt and thus contributed to the injury. This is not a police department ruling but rather a workman’s compensation ruling. Also, you should remember that if you are in a collision which was not your fault, the amount of civil restitution is significantly reduced if you were not wearing your seat belt.

Editors Note: Detective Gibbs has been a PLEA Rep for years and is currently assigned to the Department’s Vehicular Crimes Bureau. He is also PLEA’s representative on the Department’s Driving Analysis Committee (DAC).

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**PLEA’s Workman’s Comp Assistance Program**

by Darryl Engle
Managing Partner, Jerome, Gibson

In July, 2009, the Legal Defense Fund, in conjunction with PLEA, began offering free legal representation in workers compensation to its officers, so far, who work in Phoenix and Mesa. The purpose of the program is to provide assistance in cases that an attorney would not normally take, or who would only do so on a flat fee basis. I have represented numerous officers over my twenty two years of practice and was given the honor of starting this program.

So far the results have been favorable. I have helped officers win claims that were denied, for example, for back, shoulder and other less common injuries. In one case, the Officer’s claim was denied because he was receiving on-going back treatment at the time of his work related injury. Another claim for a shoulder injury was denied due to a delay in treatment and doctor’s records that were less than clear about how the officer was injured.

These cases have resulted in medical treatment bills paid and in some cases settlements where the officers were no longer able to return to full duty. Not every case is successful. One had to be withdrawn where we could not get a doctor to support my client’s claim.

Claims can be denied for many reasons. Failure to promptly report the injury, poor history given to the doctors, previous similar conditions, and non-Industrial reasons for the condition are just some examples. Many accepted claims are closed when there is a conflict between the treating doctor’s opinion and that of an “Independent Medical Examiner”.

Not every claim comes under the PLEA/LDF Program but every officer is entitled to information about his or her case by calling PLEA or me at 602-254-8481.

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**A Message From Former PLEA Chairman Dave Dager**

Since 2000 I have had the distinct pleasure of serving the membership of PLEA. Over those 11 years I have fought for Officer’s rights and represented many Officers along the way. I have served as a rep, board member and as Chairman of the Board. It was a lot of fun and a lot of hard work, but the day has come where I must say goodbye. I want to thank you for your votes, your confidence, and the support that you the members, have shown me over those 11 years. I am not leaving the department, just merely taking the time to enjoy the rest of my career.

With that being said, I would ask that you please take the time to vote this year for your new board. I am putting my support behind several candidates that I believe will carry on in the true tradition of PLEA with aggressive representation and holding police management accountable. Those candidates are: Joe Clure, Ken Crane, Will Buividas, Frank Marino, Dave Kothe, Mike London, Jerry Gannon, Frank Smith, and Bill Galus who I believe will stand in the trenches for you and continue to fight for Officer Rights.

Thanks again, stay safe, and I’ll see you on the street.
 Representation Committee

Chairperson
Dave Kothe

Vice Chairpersons
Jerry Gannon & Ken Crane

Representatives
Tim Baiardi • Ken Barton • Brent Bundy
Yvette Bro • Bob Furname • Greg Gibbs • Bret Glidewell
Scott Gomez • Bruce Greenberg • Bryan Hanania
Steve Huddleston • Barry Jacobs • Michael London
John McTeman • Terry Mills • Madeline Mitchell
Anthony Navas • Steven Perotta • Scott Sayban
Clark Schwartzkopf • Rick Simonick • Frank Smith
Kevin Smith • Rusty Stuart • Tom Tardy • Mike Walsh
Rob Warren • Valerie Whitchurch

If You Have A Grievance
Attemp 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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