The City Council policy meeting on Tuesday September 14, 2010, seemed a little crowded – it was uncomfortable in there. The tight squeeze was NOT caused by the handful of citizens, volunteers, or employees in attendance. No, space was at a premium due to the huge elephant in the room. No one mentioned the elephant. No one spoke of the elephant. No one acknowledged the elephant. In fact, it seemed as if many in the council chambers went out of their way, to the point of incredible dexterity and nimbleness, to ignore the elephant altogether. Heads were completely turned around in a manner that a normal neck would have snapped by the effort it took NOT to look at the elephant. It was painful to watch. Poor elephant – the men and women who do police work saw the elephant as clearly as the boy who saw that the naked emperor was not wearing any clothes. I guess when the City Council took a position to NOT take a position on SB1070, an incredible ability to ignore the obvious was granted to those in positions of authority in Phoenix.

The 2009 crime stats in Phoenix were hailed as “unbelievable” by Chief Harris and “good news” by Assistant City Manager Ed Zuercher. The fall in crime over the past 3 years was hailed a great success. Violent crime in Phoenix was at a 20-year low with 2400 less victims than in 2008. Homicides were at a 20-year low with 110 fewer victims. Mayor Gordon assured the audience that (unlike the Phoenix kidnapping statistics) these numbers came from the FBI (apparently these numbers could be trusted). Property crime was also at a 20-year low with 24,000 fewer victims in 2009 than 2008. Seeing that Phoenix was ranked number 2 in car thefts in the country, a 36% decrease with 14,000 fewer stolen vehicles was good news. Mayor Gordon called it “remarkable” considering the economy being down and our “proximity to the border.” Be careful, you almost saw the elephant there.

Along with the hard work of Phoenix Police Officers, other factors were given credit as contributing to these amazing crime stats.

- A community based policing strategy initiated by Chief Dennis Garret nearly 20 years ago
- Com Stat tracking of where crime occurs and who commits them
- The hiring of officers under Prop 1 in 2007
- Socio-economic factors

In looking at this list, what can be clearly seen is what wasn’t seen – the elephant in the room. Do the acknowledged factors reasonably link reality with results? Or are these factors demonstrative of the huge amount of effort utilized to ignore the elephant in the room? You know the elephant I’m talking about - that which must not be named - SB1070 and a proactive approach in addressing the crime of illegal immigration. Perhaps a better understanding of the falling crime rates in Phoenix comes from what was NOT mentioned in council chambers.

There wasn’t a whisper that, at any given time, 20% of the jail population in Maricopa County is comprised of illegal aliens. A snapshot in early 2010 showed that nearly half of the criminals in custody for DUI and nearly half of the narcotic related bookings were illegal aliens. It’s been said that lawlessness leads to more lawlessness. The reality at the jail seems to support this adage. Rank-and-file Phoenix Police Officers clearly communicated along with PLEA that the crime of illegal immigration leads to more crime. Could proactive illegal immigration enforcement be one of the vital ingredients of deterrence? Wait, is that an elephant I see?

No one mentioned that, compared with the previous fiscal year, arrests in Phoenix dropped by over 10%.

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Continued from pg. 1

(8/09 to 8/10) arrests were down to 47,800. Compared with 4500 arrests in July 2009, July 2010 saw a 20% drop to 3600 arrests. Crime will normally decrease when criminals are removed. One way to remove criminals is to book them into jail. Seeing that bookings went down, how did crime go down and where did the criminals go? Perhaps the criminals left town, left the state, and even left the country due to the proactive policies, legislation (employee sanctions), and prosecution (human smuggling conspiracy) when it came to illegal immigration. I’m not sure, but is that an elephant?

Homicide investigators were present in the Council Chambers but yet no one asked them any questions.

Homicide investigators were present in the Council Chambers but yet no one asked them any questions. That’s unfortunate. One wonders if the elephant would have appeared if they would have been allowed to speak. As of this year, there have only been approximately 59 homicides in Phoenix. According to homicide investigators, the murder rate of homicide victims that consisted of illegal nationals fell from 85% in the “hey day” of 250 plus homicides three years ago down to a mere 5% today. It might have been important to share that the 80% clearance rate is made possible when detectives can look for suspects who belong in the country with legitimate ID. Does that look like an elephant to you?

The elephant might have been easier to see if those in the council chambers had been looking for…..

• An explanation of how 400 plus police vacancies in the Phoenix Police Department could possibly increase deterrence and thus drastically reduce crime. Does an inadequate amount of front-line officers really make communities safer?

• An explanation of how fiscal cuts to the police department and police programs cultivated deterrence and thus the unique reduction in crime. Do cutting effective crime-prevention programs really make communities safer?

• An explanation of how old policing strategies that have been in place for years created new-found deterrent factors and the accompanying reduction in crime. Why didn’t these same strategies bring about these “remarkable” statistics in past?

One wonders if the elephant could have come into view by acknowledging the possibility that an aggressive vehicle impounding law enacted in 2007 for driving in the state without insurance and/or with suspended driving privileges lent to the deterrence factor in a state for which it is impossible for illegal aliens to legally drive.

One wonders if the elephant could be seen by recognizing the change in the Phoenix illegal immigration policy in March 2008. This proactive discretionary policy that allowed Phoenix Police Officers a phone call to ICE (the red banner around the elephant’s neck and, like the elephant, not mentioned one time in the council chambers) resulted in, according Chief Harris in October 2008, a 24% reduction in homicides and a 26% reduction in stolen vehicles. These crime stats sure sound a lot like the current ones. Perhaps the same reasonable, discretionary, proactive approach in addressing illegal immigration in 2008 is a driving factor behind the new crime stats from 2009.

Sometimes words speak louder than actions. The mere threat of “Wait till your father gets home” is a chilling phrase that can strike terror into the hearts of many disobedient children. “Wait till SB1070 comes home” had the same tone. The mere thought of the rule of law coming to town may have created a deterrent factor in those who live in a world based upon unlawful presence in Arizona and in Phoenix.

No one can argue that there were many factors that brought about this drop in crime. But we ought not injure ourselves by forcing our necks (and our integrity) into a compromising position. Go ahead, turn around, open your eyes, the elephant’s right there - call it SB1070 or call it a proactive commitment by the State of Arizona in dealing with the crime of illegal immigration. Instead of breaking our necks to ignore the elephant, let’s give our necks a break and just look at the obvious answer in the room.

Fallen Hero
Phoenix Police Officers

Shane Figueroa
October 25, 2008

K-9 Dax
October 20, 1994
Industrial injury: odds are that most officers will sustain some type of on the job injury at some point in their career. It doesn’t matter how major or minor, whether you’re in auto accident, a fight or just a slip and fall, you need to know what to do and what to expect.

If you think you may have hurt yourself at work, immediately notify your sergeant. They will then file an employer’s report of injury/claim with the City/Industrial Commission. If you fail to notify your sergeant of the injury in a timely matter, the delay in reporting your injury can cause questions and increase the possibility of your claim being denied. After the sergeant files your claim with the city, they have 21 days to accept or deny the claim. If the City fails to make notification on the acceptance or denial of the claim, the law says that the employer is responsible for all costs associated with the claim until the denial notice is sent.

If your claim is accepted there is usually no problem. Keep in mind that you have the right to seek treatment with the doctor of your choice. If your claim is denied, block number two will be checked on the Notice of Claim Status Form. The fine print at the bottom will tell you that you have 90 days to file an appeal. It is crucial to be mindful of the appeal deadline. There have been many officers in the past who have lost their appeal rights on industrial injury claims as a result of failing to file within the prescribed window. If you fail to file your appeal in a timely manner and miss the 90 day window, your claim, with rare exception, will be over.

If you have to appeal your case to the Industrial Commission it will be heard by an Administrative Law Judge (ALJ). The hearing process usually consists of rules of evidence and disclosure, as well as an informal pre-hearing conference where there is a determination of the number of witnesses and the length of time needed for the hearing at which time the hearing will be calendared. It is followed by the initial hearing where testimony is taken from the claimant and lay witnesses as to how the injury occurred. There will then be further hearings where expert medical testimony is heard and the determination of loss of earning capacity is presented. The hearing is then closed and a decision is rendered by the ALJ. Both parties have the ability to submit a request for review to the ALJ.

Another instance that may require a hearing on an industrial injury is when there is a “petition to re-open” an old case. It must be supported by a current medical report and follows the same basic hearing process. These cases are primarily decided on the medical evidence.

You are allowed to represent yourself (pro per) however the process is very legalistic in nature and requires the ability to effectively present medical evidence and cross examine the City’s medical professionals. You can be sure that the City will have attorneys on their side of the table and it is for this reason that it is highly recommended that you be represented by an attorney that specializes in worker’s compensation law since this is a very unique area of law. Due to the specialized needs presented by industrial injury cases, PLEA, in cooperation with PORAC, developed a legal plan approximately two years ago that affords PLEA members with access to the Law firm of Jerome, Gibson, Stewart, Friedman, Stevenson, Engle, & Runbeck P.C.

If you have any questions regarding an industrial injury matter please call the PLEA office. We will be more than happy to assist you in reviewing your situation and making the appropriate referrals.
Product manufacturers clearly understand the concept of “planned obsolescence.” This is a term used to describe something that is intended to wear out or stop being useful after a predetermined period of time. In the 1970’s and 1980’s US auto manufacturers were accused of designing vehicles with “planned or built in obsolescence” because the vehicles being produced would break down after 3-4 years of use. This resulted in American consumers often having to pay for costly repairs. Many believed the goal was to force the consumer to buy a new car every few years. It took Japanese automakers kicking Detroit’s butt to send a clear message; “Hey America, if you want a simple vehicle that will last a long time with minimal maintenance, come buy our cars.” Americans responded in droves to the reliable cost effective automobile designs being produced by Japan. This forced US auto makers to produce a better product to remain viable in the American market place.

Product design flaws can be intentional or inadvertent. While the Ford Motor Company probably didn’t set out to design vehicles like the Pinto with faulty fuel tank designs, it happened nonetheless and took a series of catalytic events involving vehicle fires and fuel tank explosions costing many lives before the company would finally admit there were design flaws.

The concept of planned obsolescence can also be applied to corporate and government policies. If a government or corporate entity is forced to take a direction they don’t want to go, all that needs to be done is to simply design policies, rules, or regulations that will ultimately ensure failure. This is an age old tactic that gives the appearance of cooperation on the outside while ensuring the desired outcome of failure. The policy makers can then claim that they did their best to comply while pointing to the train wreck and saying that they knew all along that “this just wasn’t going to work”.

The opening shot fired in the American Revolutionary War is referred to by historians as the “shot heard ‘round the world.” On September 18, 2007 Phoenix Police Officer Nick Erfle was murdered by an illegal alien by the name of Erik Jovani Martinez. The shot fired by Martinez that took Nick’s life became another “shot heard ‘round the world.” This single act spawned a cascade of events that no one back in 2007 could have begun to anticipate. The first domino to fall was a push by PLEA to revise a flawed and obsolete policy called Operations Order 1.4.3. The immigration policy at that time had been in effect with little change since the days of former PPD Chief Harold Hutt. The policy was outdated, overly restrictive, and was in effect a “sanctuary city policy.” At that time, PLEA felt that to have 5 officers killed and 6 injured at the hands of illegal aliens was 11 casualties too many. Something had to change to protect officers, the citizens we serve and to send a message that Phoenix was no longer a sanctuary city. The goal of PLEA from the outset was to push for a simple policy change that would give street cops an additional tool in the form of a phone call to our federal partners in ICE if they had reasonable suspicion to believe that

HARRIS’ DECLARATIVE PREDICTIONS

IMMIGRATION POLICY MANDATES

PLEA’S REQUESTED CHANGES

SELF-FULFILLING PROPHECIES

6.A.2.a & b “If there is a Federal Civil Charge and the person is under arrest for a state and/or local charge: (a) The person WILL be booked into county jail on the state and/or local charge.

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9.C.3.a & b “If the officer is criminal and the person is under arrest for a state and/or local charge: (a) The person MAY be booked into county jail on the state and/or local charge.

The booking process at the jail can take one to three hours.

There is a strong possibility that we will see a significant increase in prisoner bookings and operating costs to house prisoners.

The initial cost to book a person into jail, excluding felonies, is $102.26. After the initial booking, the fee is $77.66 for each night the person stays in jail.

The potential for police officers to be out of service for extended periods of time, during a work shift, is a significant concern for civil immigration violations and nothing more.

The last two years have spawned a flurry of activity on the illegal immigration issue. Ground zero has spread from the City of Phoenix to encompass the State of Arizona. Numerous states across the nation are now in the process of implementing their own versions of SB-1070. The debate spawned by the issue has literally circled the globe. In the last year alone PLEA has fielded dozens upon dozens of interview requests locally, nationally, and internationally from TV, radio and print media outlets seeking facts and opinion on the topic.

The battles have continued non-stop bringing us to the present where SB-1070 is now state law. One of the latest events to transpire was that PLEA was recently given a revised version of PPD Operations Order 4.48: Immigration Enforcement.

The matrix below clearly shows that anything can be made to fail when an organization has unrealistic policies in place. Instead of simple and streamlined it would appear that cumbersome and complex are the order of the day. Policies like this are intentionally designed to produce frustration in the end user (patrol officer) and stretch resources to the breaking point. A person being contacted was in the country illegally. It was an uphill battle all the way resulting in often contentious debate with police managers, city administrators, open borders activists, attorney’s and certain elements of the media who seemed all too comfortable putting the needs and concerns of illegal aliens ahead of rank and file cops and American citizens.

PLEA has submitted changes in the policy revision that, if implemented, will make for a simpler more flexible policy that will be realistic and user friendly.

Illegal aliens who have had their status verified can be taken directly to ICE. A DR can be submitted for misdemeanor charges. Mandates to book fulfill the prophecy that time consuming bookings will be likely.

Non-departmental policies and mandated bookings for state or local crimes are the cause for increased bookings and costs NOT civil immigration violations.

When booking is mandated, costs become fulfilled prophecies. When booking is discretionary, and officers have the option of transporting directly to ICE, these costs are avoided.

Since March 2008, officers were given the discretion to call ICE for verification and if the officer determines that the person is not in the country legally, the officer should inform the person of their legal options and federal partnerships relieve Phoenix Police Officers from being civil federal immigration enforcement agents. Mandates are what force police officers to be out of service.
On 07/08/07, at approximately 0326 hours, I was traveling northbound in the 6100 block of N. College Av. in my fully marked IMPD police vehicle and in full uniform. I had my windows rolled down. I heard a male voice calling for a pig, he was saying “Suey Piggy Piggy!” I looked over and observed three white males and a white female walking southbound on the east side of N. College Av.

One of the white males wearing blue jeans and a light colored buttoned up shirt looked directly at me with red glassy bloodshot eyes and said, “Suey Piggy Piggy!” I was concerned that the man had lost his pig and that it might have been roaming around in the broad ripple area so I decided to stop and assist him, because I know how devastating a loss of pet can be. I identified the white male subject from an Indiana driver’s license as James Adam McGrath, DOB 1/22/82. While I was speaking with Mr. McGrath about his possible lost pig, I smelled a strong odor commonly associated with alcoholic beverages on his breath and person. His speech was also slightly slurred.

I placed Mr. McGrath under arrest for public intoxication and he was transported to the APC by a Marion county jail wagon. I searched the entire broad ripple area and unfortunately was not able to locate any lost pigs. All of the above occurred in Marion County, Indianapolis, Indiana.

Narrative:

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In March 2010, Phoenix Police rank-and-file’s ability to positively interact with our minority community partners was called into question. In the Arizona Republic, one Councilperson described heated accusations against Phoenix Police Officers as “….a symptom of a larger problem, of the attitude of the way our police are allowed to operate.” On June 8, the City’s website stated, “….many members of the community raised concerns about the relationship between the Police Department and community.” The city’s answer to the question and concern was to form a committee: the Community Engagement & Outreach Task Force. The goal of this committee was to “engage and collaborate with the Phoenix community to enhance police relations by creating dialogue and partnerships, and develop and implement an action plan that will increase confidence that Phoenix Police Department employees will treat all people with respect, dignity, and professionalism.”

The Community Engagement & Outreach Task Force was comprised of 45 members. Just as important as to who had a seat at the table was who did NOT have a chair – police officers. Eight public meetings were planned and held in the month of August. In Councilperson Thelda William’s recent newsletter to her district, attendance at all eight city-wide meetings totaled 80. Just as silence is affirmation, the “muted” attendance number of 80 could be considered by many to be a backhanded compliment.

Please allow for some assumptions. Let’s assume that attendance at these meetings by .005% of the population is statistically significant. Let’s assume that all 80 residents had a complaint. Let’s assume that residents outnumbered City employees at all of these meetings. Let’s assume that, on average, only 10 residents attended each of the 8 meetings. Leaving behind assumptions, let’s acknowledge that no one can please everyone all of the time. Yet, in the fifth largest city in the nation, out of roughly 1.5 million people, only 80 residents attended these meetings. It appears that the critical rhetoric and racial concerns didn’t match the reality on the street. Just as silence is affirmation, the “muted” attendance number of 80 could be considered by many to be a backhanded compliment.

Clearly the Phoenix Police Department recruits from the pool of humanity – not a reliable source for perfect people. Because of this demographic of consistent and widespread imperfection (pastors would call this sin), and considering the value of our community partners, one complaint is one too many. There is always room for improvement and forward momentum is always a key ingredient to success. As a result, PLEA’s partnership and interaction with our minority community continues to be proactive and positive. Some of our partners include the Hispanic Advisory Committee, the Arizona Black Law Enforcement Employees Association, the Arizona Latino Republican Association, St. Vincent DePaul, as well as the Arizona National Latino Peace Officers’ Association and the NAACP. On Wednesday September 1, Joe Clure, Dr. Levi Bolton, and I had breakfast with Reverend Oscar Tillman, the President of the Maricopa County Chapter of the NAACP. Oscar made a comment that had and continues to have great value and significance: “This [NAACP leadership sitting down as partners with PLEA and police labor] would not have happened 25 years ago.” His compliment is possible because PLEA members and community partners invest time, money, and effort in our relationship – talk is cheap.

In looking at the number of EEO complaints against Phoenix Police management and considering the number of issues PLEA has brought forward on behalf of officers of a protected class, one could reasonably believe that racial insensitivity within the Phoenix Police Department is sourced in upper level police management, not patrol officers in the South Zone of Phoenix. Out of all the large cities across the country, cities that are quick to fight with the minority community instead of facilitating their success, PLEA members’ actions speak louder than City leaderships’ accusations – talk is cheap. Compared with cheap talk and low attendance numbers, the high value of the back-handed compliment from our minority community partners conveys confidence in cops that is priceless.

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His compliment is possible because PLEA members and community partners invest time, money, and effort in our relationship – talk is cheap.
Each year all officers and detectives receive a PMG written by their supervisor. The PMG is supposed to be the only document that contains all relevant information regarding your previous year’s accomplishments. It should be a reflection of your year’s work performance and must be written in an objective manner. Once the PMG is finalized, make sure that any supervisory notes collected during the previous rating period are purged by your supervisor. We have had incidents recently where supervisory notes from 2, 3, 4, or even 5 years ago have been produced and used by the City in disciplinary cases. Some employees probably have notes dating back to their academy time in their supervisory file. Please take the time during each rating period to ask to see your file and purge all supervisory notes that are eligible so that they cannot be used against you later in your career. The only notes that need to be in your supervisory file are the ones dated since your last PMG. Purge all other supervisory notes. If you have any questions please call the PLEA office.

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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

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.
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Jerry Gannon & Ken Crane

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.

PLEA Legal Resources

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Anthony Coury ......................... Legal Counsel
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