

From: James Abdo
Sent: Wednesday, January 13, 2010 9:49 PM
To: 'Michael.Ferraresi@arizonarepublic.com'
Subject: Spencer v. City of Phoenix: Unfair Labor Practice Charge

Michael,

Per your request I have attached documents relating to a previous Unfair Labor Practice PLEA brought against the City in 2005, in which the Professional Standards Bureau of the Phoenix P.D. (our version of "Internal Affairs") forced Mark Spencer, then PLEA Secretary, to submit to an interview in which he was forced to reveal the identity of a source. A PSB investigation is an intimidating event and a serious matter, with a very real potential for adverse employment consequences. To involve a member of the board of trustees of PLEA (the certified collective bargaining agent for all rank and file police officers) in a PSB investigation increases that potential exponentially because of the possibility of interference with Union business, retaliation, and domination of the Union. The PSB investigation of the President of PLEA is unlawful action on yet another order of magnitude altogether in terms of the potential for intrusion into protected concerted union activity.

In light of the standing order to the Department (the Cease and Desist Order, attached), there could be no doubt that the investigation (initiated under the pretense of Spencer's failure to label his Departmental Report as a "trespass violation" rather than as a "Fugitive from Other Jurisdiction") constituted retaliation and interference in violation of the City Code section 2-220 (Unfair Labor Practices, attached). The PSB investigation of Spencer is a clear violation of that Order and, considering the circumstances, is a flagrant show of complete disregard for the authority of the Phoenix Employee Relations Board, the body that issued the Order.

The "abuse of police power" allegation that was included as part of the PSB investigation is both ironic and plain evidence of the Department's political motivation in charging Spencer. The new Operations Order 1.4 (the Department's immigration enforcement policy) was a direct result of PLEA's bringing public pressure to bear (also a protected concerted activity) on an indifferent Phoenix Police Department in the wake of the murder of Officer and PLEA member Nick Erfle by an undocumented alien in September 2008. The real story is on the fourth floor at 620.

The headline over your story in last week's *Republic* focused on the abuse of power allegation. This surely did not escape your readers. "A lie travels halfway around the world before the truth can get its pants on." I trust the Republic will do what is necessary to repair the damage to Spencer's and PLEA's reputations when PSB concedes that the allegations are unfounded. I look forward to the professionalism of your follow-up.

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