Legislative News

By Levi Bolton

By the time you come to read this I will be celebrating the first year anniversary of my retirement from the Phoenix Police Department. As many of you may already know, I have been working for PLEA as a consultant and assisting officers in the examination of their status on the Law Enforcement Integrity Database (Brady List) as I have for nearly five years.

Now, in addition to those duties just mentioned, I am serving as one of PLEA’s lobbyists and will be spending time talking with legislators, authoring new legislation beneficial to law enforcement, and working to defeat legislation that may be harmful to the work you do.

I wanted to give a brief summary of just a few of the nearly 90 or so law enforcement related bills that have been introduced this year. The explanation of each of the following bills can be viewed at: http://www.azleg.state.az.us/Bills.asp.

PLEA is sponsoring the following bills:

S1338 LAW ENFORCEMENT OFFICERS; GOOD CAUSE
S1336 AFFLICTED PERSONS; ORDERS FOR TRANSPORTATION

Among the bills that PLEA is supporting are:
H2027 WEAPONS; PEACE OFFICERS; POSSE; RESERVES
H2086 STATE EMPLOYEES, RIGHT TO REPRESENTATION.
H2148 HUMAN TRAFFICKING
H2149 DROP HOUSES
H2213 LICENSE PLATE ATTACHMENT & DISPLAY
H2228 DISCRIMINATION; ENFORCEMENT
H2072 LAW ENFORCEMENT OFFICER REPRESENTATION
S1159 TRESPASSING; ILLEGAL ALIENS
S1160 VEHICLE TITLE; REGISTRATION; LEGAL PRESENCE
S1161 RETIREMENT; PSPRS
S1162 GITTEM APPROPRIATION
S1166 VALID IDENTIFICATION; CONSULAR CARDS; PROHIBITION
S1175 ILLEGAL ALIENS; ENFORCEMENT; TRESPASS
S1177 UNAUTHORIZED ALIENS; EMPLOYMENT; TRANSPORTING
S1215 RIGHT TO WORK; UNIONS
S1216 PUBLIC EMPLOYEES; COLLECTIVE BARGAINING
S1242 WEAPONS; PEACE OFFICER
S1280 CONCEALING; HARBORING OR SHIELDING ALIENS
S1281 HUMAN TRAFFICKING; VIOLATION
S1282 SMUGGLING; DEFINITIONS

We are watching:

H2060 LAW ENFORCEMENT OFFICERS; HEARINGS; EVIDENCE
H2086 STATE EMPLOYEES; RIGHT TO REPRESENTATION
S1062 LAW ENFORCEMENT OFFICERS; DISCIPLINE PROCEDURES

We are opposing:

H2056 WORKERS’ COMPENSATION; TRUCKERS; OFFICER ESCORTS
H2153 JUVENILES; INTERROGATIONS; ELECTRONIC RECORDING
H2154 HOMICIDE INTERROGATIONS; ELECTRONIC RECORDING
H2198 SETTLEMENT OF CLAIMS; WORKER’S COMPENSATION
H2274 PAYCHECK DEDUCTIONS; POLITICAL PURPOSES
H2328 PUBLIC RECORDS; NAME REDACTION
H2343 TRAFFIC ENFORCEMENTS; NEAREST LIGHTED AREA
H2242 WORKER’S COMPENSATION; EARNING CAPACITY; DETERMINATION
S1068 AGGRAVATED ASSAULT; STRANGULATION & SUFFOCATION
S1237 PUBLIC RECORD REQUESTS
S1268 LABOR ORGANIZATIONS; POLITICAL ACTIVITIES; CONTRIBUTIONS

We are conditionally opposing unless there is a law enforcement exemption included.

H2170 TRAFFIC TICKETS; COMPLAINTS; PHOTO ENFORCEMENT

There are a number of legislators at the Capitol that have expressed a desire to do all that is possible to give you the tools and legislation to do the important work that you do. There may come a time that I may call upon you to email or contact your respective legislators in both the Senate and the House to lend your voices to the passage or defeat of critical legislation.
Marked Patrol Vehicle or Marked Garbage Truck?

By Franklin R. Marino, Central City Precinct

“Hey buddy! What, are you dumb, stupid, or what? Ain’t you got no sense of common courtesy?” “Is that your locker? It looks worse than the Chicago Stockyards!” According to my childhood friend, neighbor, and classmate, Mike, these words were uttered in the hallway of our junior high school on more than one occasion. Surprisingly, the words didn’t come from students, but were spoken by our Principal. Even though Mike was known to stretch the truth and exaggerate a bit, our Principal was a man who looked, talked, and had the mannerisms of a character straight out of “The Sopranos” so I believed Mike.

I do know that Mr. Rocco, as I’ll refer to him, was one hundred percent business and his job was to ensure we received an education. He did that by maintaining order and holding people accountable. I don’t remember specifics of the incidents, but the first one involved a student pushing his way through a crowd during a change of classes. Bad move for him since he bumped into Mr. Rocco and didn’t bother to excuse or pardon himself. The second incident occurred when Mr. Rocco was walking the halls and caught a student with a messy locker.

What do Mr. Rocco, a rude student, and a messy locker have to do with the Phoenix Police Department? Plenty! As a PLEA Rep working Patrol and one of two (Bryan Hanania from the Canine Unit is the other) on the Department Vehicle Committee, we constantly field complaints about the condition of patrol vehicles in person from other Officers, those passed on by people calling or stopping at the PLEA Office, and written PLEA member surveys. Aside from the outer appearance, including collision damage and filth, a major complaint is the condition of the interiors. We all know of some out there which more closely resemble the business end of a garbage truck instead of a patrol vehicle.

The industry standard to “mile out” or taking patrol cars out of service is between seventy five to eighty thousand miles. Because the Public Works Department owns our vehicles, they prefer to nearly double that and routinely run vehicles past one hundred and thirty thousand miles before they are finally taken out of service and go to the auction block. By this time, most of them have been literally run into the ground, although I guarantee the vast majority were trashed long before they reached the twenty thousand mile mark or less.

Why are our vehicles in such sorry shape after being in service for only a few months? I have my theories, some which may hurt people’s feelings. But I am going to be blunt, because like many of you in Patrol who use a marked vehicle as an office for the majority of a ten hour shift, I am tired of dealing with it.

In order to get new vehicles, we have to use the old ones and put miles on them. That is one of the reasons we still have vehicles in the fleet that are ten plus model years old. They will stay in service until they have enough miles on them to “mile them out” or cost too much in repairs to keep them.

Unfortunately, there are many Officers, especially younger ones, who feel they are entitled to drive a new vehicle every day. I’ve heard of Officers writing up an older vehicle for a very minor problem versus taking it to the shop to get it fixed, so they can drive a newer one. As a result, older vehicles don’t get miles, while newer vehicles rack them up. Call me “Old School” but you need to earn your place before you get to drive a new vehicle. Back in the day, I drove my share of “beater cars” until I had seniority. How did these vehicles get in the condition they are? It didn’t happen by osmosis. At one point in time, every vehicle was brand spanking new, with shiny paint and graphics, a clean interior and windows you could actually see out of.

How did these vehicles get in the condition they are? It didn’t happen by osmosis. At one point in time, every vehicle was brand spanking new, with shiny paint and graphics, a clean interior and windows you could actually see out of. Granted, paint gets scraped, doors get dinged, window tint gets scratched, seats get worn, and prisoner screens get thrashed as these vehicles are used every day, but there is a difference between use and abuse and our vehicles are downright abused.

Why should anyone have to spend twenty minutes at the beginning of a shift removing used latex gloves, tissues, disinfecting wipes, empty cans and bottles, gum wrappers, tobacco spit bottles, half eaten sandwiches and burritos, rotten fruit, and all other kinds of trash from the floorboards, door pockets and behind the seats? Oh, I forgot about the garbage left in the trunk including used crime scene tape and flare caps. How long can it take to empty trash out of a vehicle at the end of a shift, especially since most precincts have dumpsters and trash cans near the pump island or scattered in the parking lot? Is the boredom factor during shifts fueling a need to pick at the steering wheel so it looks like someone chewed on it?

Is it so difficult to place that suspended driver’s license or license plate in the MVD bin located in the precinct property room instead of putting it under the seat or in the trunk so the next person using the vehicle has to run it to see why we seized it before we put it in the MVD bin?

Because our Department utilizes a “pool” vehicle system, even though we put our serial number on the yellow card, there is no real accountability regarding who uses vehicles. How many times have we asked the last person who signed the card if they knew about property or damage you found and they had no clue? With
pool vehicles, it’s the luck of the draw whether your vehicle will actually start up or if you’ll have enough fuel to get through the parking lot to the pump island, let alone the shift. Maybe you’ll have flares or LED triangles and if you’re lucky, you might find all the emergency lights work as do your spot, takedown and alley lights. Can’t see out the windows or read the decals because the dirt and grunge are so bad? Not my problem. I could care less because the vehicle isn’t mine.

My point is that with pool vehicles, there is no ownership or responsibility, so most people don’t care about the condition of the vehicle when they get it at the beginning of shift or when they turn it in. Headlights not working, wiper blades torn, brakes grinding or squealing? The vehicle pulls to the side when you take your hands off the wheel? There’s differential fluid all over the rims and inside the wheel wells, from leaky axle seals but it’s not my problem, so you deal with it. The next time you’re at the jail, compare one of our vehicles to a DPS vehicle. Theirs are assigned, but even their older vehicles are in better shape at 90,000 miles than most of ours are at 30,000 and it’s the same for most agencies who assign their vehicles to officers instead of using the pool system.

To compound the situation of not having enough vehicles, this year’s budget crunch will only allow us to replace approximately forty vehicles. It was decided that they would be Impalas; otherwise if we were to order Tahoes, we would have even less vehicles due to the price difference between the two models. This means two things; we will have to keep older vehicles that much longer and make what we have last until the next fiscal year, providing we have money. Based on the current economy, we may not get vehicles for another year or two.

How can we make our vehicles last and stay in better shape for the long haul? How can we get them to look like patrol vehicles again instead of garbage trucks? Show the common courtesy that Mr. Rocco spoke to my fellow classmate about and try taking ownership in what is essentially Patrol’s workstation. Would you allow your desk or personal vehicle to look like that?

The Arizona Police and Fire Games competition for employees and their immediate families will be held April 8th-11th in Tucson. Competitors will be coming from throughout Arizona and several surrounding states. This year marks the 30th anniversary of the Games and is open to those who want to compete. If you would just like to come and enjoy watching the fun, no registration is required.

Members of the Phoenix Police Athletic Club will receive a reimbursement of $30 for their base entry fee. The current base entry fee for the Games is $55 dollars. Visit the website http://azpolicegames.com/ to register and view additional fees.

Some of the events include, Frisbee, rifle, bench press, cycling, softball, archery, basketball, baseball, fishing, bowling, paintball, poker, golf, horseshoes, and darts. Visit the website http://azpolicegames.com, where you can download a registration and waiver form.
It would not be appropriate to use the “N” word in briefing.

Nor would it be okay to insult anyone because of their sexual orientation.

When the culture is created that accepts this behavior from its managers, this is what we can expect. These same managers have no problem sitting on your Use of Force or Disciplinary Review Board in hypocritical judgment of your actions. In fact, they are quite comfortable doing so. It’s the way they are raised here. But you do not have to stand for it.

Recently, a lieutenant at the airport had no problem jumping to conclusions with information found on the website: www.opencarry.org. It seems that officers at the airport were alerted by the TSA that a suspicious person with a gun was hanging around one of the security checkpoints pacing back and forth. Our officers responded and professionally addressed the man who was now seated, detaining him and removing his weapon for their safety. Once identified they walked him to his car where he secured his weapon. He posted his story on the site “Posted: Wed Dec 31st, 2008 01:55 pm”.

I appreciate the First Amendment and by golly I support every American Citizen’s right to it. But my guess is that RickG was on the clock.

A poster calling himself RickG replied to it just one hour and 11 minutes later, “Posted: Wed Dec 31st, 2008 03:06 pm”. In that post he starts off with this statement, “Joseph, I’m sorry this happened. I am a police Lieutenant at Sky Harbor International Airport. I discovered this incident about an hour after it occurred.” Now I know that Lieutenant Rick Gelbach works out at Sky Harbor, but I ain’t no detective so I won’t jump to any conclusions myself...

I appreciate the First Amendment and by golly I support every American Citizen’s right to it. But my guess is that RickG was on the clock. He definitely identified himself as a Phoenix Police supervisor and used that authority to garner some respect on this site. I guess the problem I have is he jumped to a conclusion apologizing for some actions well before they had been looked into and made a promise to get back to them. I think a review of Operations Order-4.11.16 may have helped RickG and saved me a lot of typing.

Well, RickG was hailed as a hero on that site. I hope that tickles you pink, fella. You have the respect of several anonymous bloggers. How’s that respect holding up with your troops? I am curious if we changed where we document our BlueTeam entries? Do we conduct our investigations in online chat rooms now? Do we deem our officers guilty before we even talk to them? What am I asking? Of course we do in a culture created by the elite good ol’ boys.
And how about that staffing out there at the airport? I don’t want to hear any belly-aching about those airport guys... they earn every penny of their money just like you. Every hour of overtime comes with a cost of time away from real life... On third shift at Sky Harbor, there are only eight officers covering the entire airport. Two in terminal 4, two in Terminal 3, and 1 in Terminal 2. There are two landside, and one airside. Know this, all sidewalks into the airport from some of Phoenix’s finer guest establishments along 24th Street, - the State Hospital, LARC, the Bus Depot, etc, end at Terminal 2. It seems to me a bit unreasonable to have only one officer in that terminal working alone. The nearest back-up is 4 to 5 minutes out if the back-up is already at their car. It is even longer if they have to run through a terminal to get to their car.

**Eric you are the one who changed the staffing to this sub-standard level.**

We are at par with Lexington, Kentucky, not that there’s anything wrong with Kentucky.

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**Welcome New Members**

Alan Bansky  
David Barber  
Austin Cornwell  
Matthew Dane  
Anthony DeJesus  
Justin Ferrari  
Sean Gillogly  
Andrea Griffiths  
Jason Groen  
Nick Harrison  
Norman Heuer  
Colby Holt  
Stephen Jackson  
Christopher Joja  
Peter Kucinski  
Chad Moreth  
Edmundo Saldivar  
Jason Scoggins  
Stephen Smith  
Steven Squier  
Troy Webb  
Ricky Tipton  
Tiffany Wright

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**Current Threat Level**

January 23, 2009  
The United States government’s national threat level is **Elevated**, or **Yellow.**

For all domestic and international flights, the U.S. threat level is **High**, or **Orange.**

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Try this - care about something or someone other than yourself for just a moment. Trust that the men and women who have been doing the job at the airport might have valid ideas and concerns.

Maybe for just a moment Eric, you could look outward and see the world does not revolve around you.

**Or not.**

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**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 hundred 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.

JANET FELTZ was admitted to practice in Arizona in 1985. Prior to joining the firm in 2005, she served as an administrative hearing officer for twenty years in disciplinary and other employment matters on behalf of merit boards and commissions throughout the State. She also served as an administrative law judge for the Arizona Department of Economic Security from 2001 – 2005.

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 Schechter.

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.

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.

**LAW OFFICES OF MICHAEL NAPIER, P.C.**

2525 E. Arizona Biltmore Circle • Suite 130  
Phoenix, AZ 85016  
(602) 248-9107 • www.napierlawfirm.com

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**PELA MEMBERS:**

Notary service is available to PELA members and family free of charge at the PELA office during business hours.

No appointment necessary.

March Membership meeting will be held Monday, March 30 (due to Cesar Chavez Holiday) at 7:30, 12:30, and 5:30.

Board meeting is held the 3rd Tuesday each month and members can attend at 8:30 am.
GALLOWAY ASSET MANAGEMENT, LLC
INVITES YOU TO A...

DROP SEMINAR

TOPICS:
- Options for DROP monies
- Negative effects of exiting DROP in June/July/August
- Make decisions that positively affect your retirement
- Best times to enter DROP

DATES:
- Thursday, February 26, 2009—Filled and completed
- Tuesday, March 31, 2009—Filled
- Tuesday, April 28, 2009
- Tuesday, May 26, 2009
- Tuesday, June 2, 2009

PLACE:
Phoenix Law Enforcement Association (PLEA) Office
1102 West Adams Street

TIME:
11:30 A.M. TO 1:00 P.M.
Complimentary lunch from Miracle Mile will be served

RSVP:
Please contact us at 480.325.8668
(RSVP required 1 week prior to event—Space is limited)

SPOUSES ARE INVITED AND ENCOURAGED TO ATTEND

Email Access: www.Galloway911.com

Securities offered through Cambridge Investment Research, Inc. a Broker/Dealer, Member FINRA/SIPC.
Galloway Asset Management, LLC is not affiliated with Cambridge Investment Research, Inc.
Advisory Services offered through Galloway Asset Management, LLC

**Due to PLEA office being closed on this date, the location for the March 31st seminar has been changed to Galloway Asset Management main office in Mesa.**
**PELA Member**

**Fabian Gonzalez**

**Awarded 2009 NAPO Top COPS Award**

*By Joe Clure*

Once again a member of PELA will receive national recognition for outstanding police work as a recipient of the 2009 NAPO Top Cops Award in Washington D.C. on May 12. Officer Fabian Gonzalez was selected for this most prestigious award out of hundreds of worthy nominees across the country for action he took while off-duty at Westgate Shopping Center in Glendale, Arizona on April 27, 2008. The suspect, Raymond Navarro, had been ejected from one of the establishments at the shopping center for being intoxicated and for disorderly conduct. As he was leaving with friends, Navarro continued his disruptive behavior, yelling and kicking vehicles in the parking lot despite his friends’ attempts to get him to stop and leave without incident. Navarro got in his car and attempted to drive away at which time he disabled his car on a raised median in the parking lot. He then got out with a gun and began to threaten the crowd that had come to check on his welfare. Navarro began to shoot towards this crowd as a security guard approached. Navarro grabbed the guard and pointed the gun at his head. A struggle ensued and Officer Gonzalez approached and identified himself as a Phoenix Police Officer. It rapidly became clear to Fabian that he had to take immediate action to save the life of the guard. He fired twice at Navarro striking him twice in the chest. Navarro was then taken into custody by arriving off-duty Glendale police officers and the guard was released unharmed.

Officer Gonzalez will be presented the award at the Warner Theater during the 2009 NAPO Top Cops Awards Ceremony in Washington, D.C. PELA wants to congratulate Fabian on this most honorable recognition.

The National Association of Police Organizations (NAPO) is a coalition of police unions and associations from across the United States that serves to advance the interest of America’s law enforcement officers through legislative and legal advocacy, political action, and education.

**The Guy From Phoenix**

*By Mark Spencer*

*PELA President*

In February PELA was honored to assist the union president of another large police labor association. His police department was engaged in a nationwide search for a new police chief and the list of candidates had been narrowed down to six. One of the six was an upper level police manager from Phoenix. Their association needed a chief that their labor group could work with. PELA board members gathered around the conference phone and shared their perspective on the guy from Phoenix.

The guy from Phoenix was a nice guy and was a friend. The guy from Phoenix was an intelligent guy but lacked common sense. The guy from Phoenix relied upon committees not convictions to make his choices. The guy from Phoenix was an intelligent guy but lacked common sense. The guy from Phoenix relied upon committees not convictions to make his choices. The guy from Phoenix followed the party line in a polite way but he couldn’t be relied upon to make command decisions. The guy from Phoenix was a manager not a leader.

The guy from Phoenix was never seen at the contract negotiation table. Lastly, after more than two decades in the Department, the guy from Phoenix was relatively unknown to front line Phoenix Patrol Officers.

We’re hopeful that our input was helpful. We’ll let you know if the guy from Phoenix gets the job.

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**Retired PELA Members**

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<td>Medical Retirement</td>
<td>Bruce Bates</td>
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**Fallen Heros**

Phoenix Police Officer
Marc Atkinson
March 26, 1999

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**Aflac**

Rep from Aflac in the PELA Office second Wednesday of each month. Call Aflac Office @ 602 870-1122 for more info.

Rep in the PELA Office 4th Thursday of each month to assist with Deferred Comp, 401(a), or PEHIP and updating your beneficiary. For more info call Kathleen Donovan @ 602 266-2733, x1161.

**Hester, Heitel & Associates**

Exclusive group insurance offers to PELA Members only for homeowners, auto and liability. Please call Mark or Loretta or 602 230-7726.
Representation Committee

Chairperson
Billy Coleman

Vice Chairperson
Dave Kothe

Representatives
Tim Baiardi • Kent Barnes • Ken Barton
Joe Bianchi • John Buckner • Bob Fournex
Ashley Gagnon • Bill Galus • Greg Gibbs
Ron Gomez • Scott Gomez • Cheryl Groshko
Bryan Hanania • Steve Huddleston
Barry Jacobs • Michael London • Franklin Marino
John McTernan • Terry Mills • Anthony Navas
JR Pool • Chad Roettjer • Dave Sampson
Frank Smith • Jason Smith • Stu Sterling • Rusty Stuart
Tom Tardy • Mike Walsh • James Ward
Vanessa Warren • Terry Yahweh

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.

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.