Saturday May 17th turned out to be a great day for golf and an even greater day for TAPS (Tuition Assistance for Police Survivors) as scores of attendees gathered for the 18th Annual Nationwide Retirement Solutions Briggs/Scott Memorial Golf Tournament held at the Raven Golf Course. TAPS, a 501.c.3 charitable organization, reimburse eligible dependents for college tuition, books, and materials. Eligible dependents are dependents of Phoenix Police Officers that die other than in the line of duty, however, only beneficiaries achieving a “C” or better receive reimbursement from TAPS.

Since 1997, eligible survivors received over $171,000 in tuition, books, and materials, paid by TAPS. Benefits are available to ALL survivors of Phoenix Police Officers regardless of rank. Survivors of officers, sergeants, lieutenants, and commanders have all been beneficiaries of TAPS assistance. Twenty-One eligible dependents have received reimbursement benefits with some recipients earning bachelors degrees in nursing, journalism, business, and political science, while other graduates have continued on to pharmaceutical and law school.

Nationwide Retirement Solutions helped make this one of the most successful tournaments in our history, raising $33,000.00. Nationwide now has the distinction of being the first corporate name sponsor in the history of the event! Nationwide is on TAPS side! We look forward to our continuing partnership with Nationwide. Merrill Lynch-MCJM Wealth Management Group also seized the opportunity to become our shirt sponsor, making this the only tournament in our history with both major sponsorship positions filled. Our thanks go out to all golfers and financial supporters who continue to make this TAPS charity event a success and going the extra mile during this year’s outing:

- Nationwide Retirement Solutions first name sponsor in our history
- Merrill Lynch shirt sponsor
- Scott Sayban Tournament Director
- The Raven Golf Club for their beautiful course and excellent event staff
- Barbecue Company once again providing a great barbecue lunch
- Thank-Q Rentals for their yearly support of anything we need
- PLEA for their management of the TAPS charity
- Signs by Tomorrow for our great on-course advertising

**A HEARTFELT “THANK YOU” TO OUR 2008 RAFFLE CONTRIBUTORS**

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- THE ROBAR COMPANIES
- UNIVERSAL STUDIOS HOLLYWOOD
- VALLEY GOLF CENTER

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**JUNE 2008** The Official News Magazine of the Phoenix Law Enforcement Association
On May 12, 2008 at the NAPO TOP COPS Awards ceremony at the Warner Theater in Washington, D.C., PLEA members Officer Bruce Byron, Officer Dolan Crawford, and Officer Steve Tatge were honored for courageous police action. These officers received a call of a suspicious male at the food court at Metro Center Mall armed with an Uzi. Upon arrival, Officer Tatge made contact with one witness while Officers Byron and Crawford searched the food court area. Officers Crawford and Byron subsequently contacted another “witness” who related that the suspicious male had left the mall. Both Officers noticed that this “witness” was acting suspicious himself and asked him to show them which exit he had seen the male depart from. This allowed them to radio Officer Tatge in order to have his witness determine if their “witness” was indeed the actual suspicious person. Tatge’s witness confirmed that their “witness” was the suspicious male seen earlier with an Uzi. At that time, Officer Crawford grabbed the male’s left arm. The suspect responded by pulling his gun from his waistband with his right hand. An impact push by Officer Byron caused the suspect to spin away from Officer Crawford. Officer Byron then immediately placed the suspect in a low bear hug in an attempt to prevent him from raising his arms to fire the gun. Despite Officer Byron’s efforts, the suspect managed to raise the weapon toward Officer Tatge who had rushed over to assist. The suspect fired one round. Fortunately, the round missed its mark and Officer Crawford and Tatge reacted immediately. Each officer fired one round, stopping the armed suspect. PLEA extends our thanks and congratulations to these heroes.

In addition to the TOP COPS ceremony, PLEA President Mark Spencer, Vice Grievance Chair Dave Kothe, and I attended the National Law Enforcement Officers Memorial Candlelight Vigil. Over 300 law enforcement officers were added to the Memorial this year, 181 of who paid the ultimate price in 2007. Two of these fallen officers were our very own - George Cortez and Nick Erfl. Arizona lost three other sworn law enforcement personnel - Anthony Holly from the Glendale Police Department, Tate Lynch from the Casa Grand Police Department, and Philip Rodriguez from the Mohave County Sheriff’s Office. Lest we never forget their sacrifice.

We also attended the NAPO executive board meeting in which several legislative issues were discussed in preparation for our visits on Capitol Hill. PLEA President Mark Spencer and I met with Congressman John Shadegg and Ed Pastor as well as the staff of Congressman Jeff Flake and Senators John Kyle and John McCain. We discussed H.R. 980, the Public Safety Employer-Employee Cooperation Act that allows collective bargaining for all public safety officers if they choose. Our police management team and the IACP opposed this bill. We also encouraged our congressional representatives to support the return of $480 million dollars in funding to the Byrne’s Justice Assistance Grant, which will restore funding for local gang and crime suppression enforcement. Other issues mentioned were immigration, social security/government pension offset, and H.R.3547 - the “Gang Prevention, Intervention and Suppression Act.” For additional NAPO legislative issues go to www.napo.org.
Can a public safety organization that takes a “rule of law” position on immigration expect the push back of a negative reaction? Many would say “yes.” Some might describe this reaction as retaliation while others may label it payback. MCSO has expressed concerns of Phoenix city government lodging complaints to the federal government with the goal of threatening the 287g status utilized by county deputies in enforcing immigration laws. The reaction against MCSO – take away tools that are used to keep citizens safe. The County Attorney has expressed concerns about BAR complaints meant to intimidate prosecutors who stand committed to the mandates clearly expressed in Proposition 100 (no bail for illegal aliens). The reaction against the County Attorney – neutralize officers of the court from enforcing the law. Two clear proponents of a proactive immigration position have felt aggressive push back for their stance.

For over 32 years, PLEA has protected our police officers and partnered with our community in positive and progressive ways. Your association has been clear in communicating the connection between illegal immigration in the costs of lives and dollars. Phoenix Police Officers see illegal immigration as an obvious ingredient contributing to the deterioration of the quality of life for citizens in Phoenix. Unfortunately, some in city government appear disappointed (at best) or furious (at worst) with PLEA’s position and the change in the immigration policy. Mayor Gordon recently commented at the press conference introducing the new immigration policy that “our officers are doing their job” and that rank and file men and women “risk their lives every day.” Will these descriptions of value and respect square with retaliation against your police association? After seeing the reaction against MCSO and the County Attorney, it will be interesting to see what’s around the corner for PLEA. Let’s wait and see.
I had a discussion with our Executive Chief, Tom Lannon, in late April. I had meant only to ask a favor, but it turned into a half-hour back and forth about the relationship between the fourth floor and PLEA. He stated without hesitation that he thought the relationship between management and PLEA was broken. I had heard that there were those who claim the relationship is broken. They, as does he, point to the media releases, the stance on illegal immigration, beanies, among other issues as evidence that the relationship is not healthy. I begged to differ then and I differ today. The relationship is healthier than I can ever remember it. It is one of honesty. I can’t remember the last time this Union and management have had a more open and honest relationship. There is very plain talk and the ability to see things from each others vantage point with very little posturing. There’s something to not b.s.ing each other. Management seems to respect the Union every bit as much as we respect them and that is refreshing.

A quick lesson in history:

In the past, it seemed we (PLEA) tried too hard to have a perfect relationship, which meant we (PLEA) kiss their (management’s) rear end. Well, I have not acquired the taste; that does not make for a healthy relationship. The organization was suffocating and the membership disgusted which led to the groundswell of feelings. The relationship is healthier than I can ever remember it. It is one of honesty. I can’t remember the last time this Union and management have had a more open and honest relationship. There is very plain talk and the ability to see things from each others vantage point with very little posturing. There’s something to not b.s.ing each other. Management seems to respect the Union every bit as much as we respect them and that is refreshing.

That change came last September. With the new board in place, PLEA has been successful in delivering a solid contract, carrying your message about the illegal immigration and other issues and very successful in moving your grievances forward. We find success in being reasonable. We ask in plain terms to treat the membership reasonably with respect to grievances and in return we try very hard to be reasonable in the filing of grievances. I would expect a b.s. response to a b.s. grievance. And to quell any misconceptions, resolution to all grievances prior to arbitration takes buy in from both sides. This includes those grievances of pilots, motors, canines, RDU, SAU, FIB, PSB, and academy personnel among others. These are resolutions, not loopholes and when it comes to your rights under the contract you should understand the difference.

It seems to me that the managers on the fourth floor are relieved to find a straightforward approach to issues from the Union. I have personally dealt with Jack Harris, Tom Lannon, Mike McCort, Andy Anderson, Kevin Robinson, Blake McClellan, Joe Yahner and yes, even Jim Pina. They have each been willing to hear the issue, weigh it against the city’s needs and each has shown flexibility in their response even in those instances when the answer was “no”. None of them shied away from making the call, but most importantly each was willing, good or bad, to tell the member in person. I have watched my fellow board members experience similar success, and in our shoptalk, I hear the positive comments about how chief so and so really impressed me today with the way he… But as you may have guessed, it ain’t all snugly-bugly. Yes I get irritated with them once in a while, but that irritation is usually reserved for commanders and lieutenants. Relax- I’m just kidding. Its sergeants.

When it comes to PSB, I have found that reasonableness begets reasonableness. Most problems are solved with frank discussion, and I believe that the commanders and lieutenants there have been willing and able to work very well with the Union. As passionate as some sides get in that setting, I can honestly say I have yet to experience raised voices, name-calling, or anything short of professional conduct. Heck, any of you that visited the website and heard the exchange between Joe and George have got to give it to the men; each was firm in his conviction and willing to make the call. I respect that. And no grudges; it’s business!

I try to remember that these people on the fourth floor came from within our ranks. Yes they are out of touch with the street cop’s job. Yes they really do see things differently than you and I. Relating this to my kids and me, I have often told them: “Sweetheart, I hold the position in this house that makes the final call. I have the luxury of having been where you are today. And while times have changed, I also know that people really haven’t changed much at all. So while you are really angry at me for telling you ‘no’ to this, I know, from my vantage and experience that it truly is what is best. One day you will know it, too.”

In most cases, they have been where you and I have been. And when they apply the meaning from that same caring mindset, it can hold true. We are here to nudge them when they don’t. So, you may not hear from me again for some time, most are assuredly happy for that. I hope I haven’t bored you too much or come across too kumbayah-ish. But the realities of police work are simple- if you look like “prey”, you will be eaten. Our managers are meat eaters, as they should be, but the Union has finally given up being eaten and now demands your fair share of the feast.

PS: Jeff if you are reading this, thanks.
Methicillin-Resistant Staphylococcus Aureus is the medical name for an infection commonly referred to as MRSA. This is a serious form of staph infection. Staph is a very common skin infection prevalent throughout our population. The majority of staph infections are minor. However, the MRSA strand is resistant to many forms of treatment and requires special antibiotics for proper management. Recently, several areas of the Phoenix Police Department have had severe outbreaks of MRSA or suspected MRSA cases. Many of the claims are being denied through the city’s industrial program because certain important steps are not being followed.

State laws relating to MRSA exposure require fast reporting and following certain steps to ensure protection under the law. The law states within 10 calendar days following a significant exposure to anyone who has or could have MRSA the employee must fill an exposure report. Secondly, the law requires employees be diagnosed with MRSA 2-10 calendar days following a significant exposure. The law is poorly written and does not protect us. The law protects the city from paying these claims while our families suffer exposure to MRSA. You can be exposed to MRSA and actually have colonies of MRSA bacteria living on your skin up to six months before suffering from an obvious outbreak. Moreover, even though you may have colonies living on your skin, it is not always initially diagnosed within the 2-10 days period required, even when cultures are done.

If you suspect you have been exposed to MRSA:

• You must fill out an exposure form as soon as possible after making skin to skin contact with someone you suspect has MRSA. You only have ten calendar days to fill out an exposure form or it will not be covered under industrial insurance.
• You must see a doctor within 2 – 10 days following a significant exposure. PLEA recommends going to Concentra; they have the contract with the city so if anything does go wrong or if it turns out not to be MRSA they will not personally bill you like your private doctor or urgent care will. The city will absorb the costs if you go to Concentra regardless of the final outcome.
• You must have the Concentra doctor test the exposure for MRSA (the city will pay for this). Make sure the doctor does a culture and if the doctor refuses, document the reasons why. There are different types of staph infections, in order for the city to provide coverage you must prove exposure directly related to work. Unless there is proof that it is MRSA the city may not cover the exposure.

Taking the above steps will increase the likelihood that exposure to MRSA will be covered under industrial insurance. Failure to follow the above steps will very likely result in the city not covering you because the law is written to protect them and not us. The good news is that even if it turns out not to be MRSA the city will cover your initial Concentra visit and your health insurance will pay for the treatment.

If you have any questions, do not hesitate to call the PLEA office. Make sure you protect yourself by wearing gloves and practicing good hygiene to reduce the risk of a MRSA exposure.
At the time of this writing, it’s been eight months since the untimely murder of Officer Nick Ertle. Nick’s murder combined with a survey of PLEA membership were some of the serious issues that caused PLEA to push for a policy change of Operations Order 1.4. PLEA felt that the policy dealing with illegal immigration is overly restrictive. On May 21st the department held a press conference to announce the implementation of the revised immigration policy.

When this issue first began to heat up, it didn’t take long for sides to be taken in the community be it law enforcement, politicians, activist groups or the media. Your association, based on survey input, made a conscious decision to get out in front of the issue. After pressing police management for a policy change and receiving what most would consider a disinterested response, the decision was made to hold a press conference to state our position, make the public aware of the flawed policy that was in place, and let not only our members but the public know that the current PPD Immigration policy was unacceptable.

On the same day that PLEA had its press conference, Public Safety Manager Harris and several other valley chiefs of police held their own press conference. The resounding message: “We don’t have the time or resources to commit to conducting routine immigration enforcement.”

PLEA found this to be a rather curious statement having never asked or advocated our of the ability to make a call to ICE in those instances where they would have reason to believe a person was in the country illegally.

Public Safety Manager Harris cited 750,000 calls for service per year and said that there would be no way to keep up with demand if officers were saddled with the additional burden of conducting routine immigration enforcement.

A question that needs to be asked is how much time is already being spent on other calls citywide generated by illegal aliens? Patrol officers already have to deal with a myriad of crimes on a daily basis that are tied to illegal immigration. False ID and identity theft, drug smuggling, drop houses, traffic accidents, and stolen vehicles to name a few.

On April 23, I along with PLEA Representative Will Buividas attended a kidnapping seminar hosted by the local FBI field office here in Phoenix. This was a one day seminar that was open to agencies from across the Valley. Of particular interest was a two hour block of instruction taught by Phoenix robbery sergeants Phil Roberts and Alex Ortiz, both of whom did an excellent and professional job of representing the PPD with an informative presentation.

Without divulging sensitive information, some of the statistics and information that came out of this particular training session were as follows:

- Phoenix now holds the dubious honor of being the kidnap capital of the U.S. In the past year there were 359 kidnappings that occurred in Phoenix and every one of them was tied to illegal immigration in one way or another. It is estimated that only 1/3 of the total kidnappings that occur are actually reported.

- Kidnappings and especially kidnap/extortion scams involving illegal aliens are so numerous in Phoenix that the Phoenix Police Department has become the ‘national experts’ in how to properly handle these types of cases. Agencies from around the country seek our detectives out for advice in dealing with these situations.

- Phoenix has not had one ‘legitimate’ kidnapping case. These are cases that investigators refer to as “Chelsea Clinton” cases, a term used to describe a truly innocent victim that is kidnapped for ransom or other purposes.

- The resources required to handle these cases are immense. The crime of kidnap is unique in that the suspect drives the train and calls the shots. Law enforcement is reactionary.

- A money drop on just one case can take upwards of 50-60 officers to include assets from SAU, K-9, Air Support, Robbery detectives, surveillance officers, patrol officers, along with officers needed to run specialized surveillance equipment. In many cases many of the officers involved are on overtime.

More than one person has told PLEA that the Violent Crimes Bureau has exceeded their overtime budget by 250-300% in the past fiscal year. VCB is well on track to see the same result in the next fiscal year unless something is done to bring this epidemic under control. The Violent Crimes Bureau added a third robbery squad simply to keep pace with the never-ending string of kidnappings generated by the illegal immigrant community. I’m sure there are many who will say that this is just the cost of doing business. I disagree, it doesn’t have to be this way.

The bottom line is this: politicians and upper level police managers can cry the blues about not having the resources to tackle the problem but it doesn’t change the fact that we either pay for it on the front end or pay for it on the back end. Right now we are paying heavily on the back end because we’ve refused to be proactive on the front end. Our officers and our communities pay a heavy price for this lack of action. A proactive approach on the front end with regard to illegal immigration just might have the desired effect of reducing those 750,000 calls for service.

PLEA feels that the revised immigration policy, while not being all that we asked for, is clearly a pro-active step. It will give street level officers more discretion in those situations when they come into contact with persons believed to be in the country illegally.
Membership meetings in June will be on the 24th, at 7:30, 12:00, and 5:30.
The next board meeting is on June 21, 2008 and members can attend at 8:30 am.

Welcome New Members

Gary Adams    Monica Adams    Robert Adrion
Anthony Barreda  Alaa Bartley  Philip Belsterling
Peter Best  Joshua Book  Adam Brooks
Nektarios Chondropoulos  Lamont Cox  Edward Dijer
Daniel Dolego  Luis Eriguchi  Gregory Golisch
Matthew Graber  Adam Harness  Jeffrey Jones
Joseph Kapla  Jeremy King  Scott Kunz
Timothy Lynch  Emilio Martinez  Jeffrey Miel
Agnes Milbourn  Ryan Miller  Philip Morici
David Odisho  Michael Ojeda  Jeffrey Pluta
Daryl Raez  Jacob Rasmussen  Mark Rine
Shannon Robaska  Ernesto Rocha  Jaime Robles
Thomas Romano  Jeremy Rose  Chad Ryan
Jose Sandoval  David Schleifer  Elizabeth Schmidt
Sebastian Stoicescu  Jeffrey Starks  Christin Sterlin
Alicia Strnad  Chris Tiona  Wilmer Tinoco
Isaac Wells  Andrea Williams  Brandy Willingham
Brian Wood  James Wren  Benjamin Zamora
Joel Zemaitis

Yvonne Bridges, resident of Duppa Villa Public Housing Project received a new television from Best Buy Paradise Valley. The television was delivered by PLEA Representative Kylie Ryberg and PLEA member Scott Sefranka of the 51B squad who also contributed to its at-cost purchase.

Michael Napier has been representing Phoenix officers for over 32 years. Mr. Napier is one of the most experience 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 Schechterle.

John Commerford was a partner in two firms which practiced in personal injury litigation before joining the firm. His experience is in cases dealing with product liability, nursing homes, dram shop liability, medical malpractice and governmental claims, to name a few. He has also practiced in developer rights and employment.

Kathryn Baille 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.

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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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