



# PHOENIX LAW ENFORCEMENT ASSOCIATION

*The Professional Association of Phoenix Police Officers Since 1975*

## Press Release

September 13, 2016

Re: Arizona Supreme Court Ruling: William R. Cheatham and Marcus Huey v. Phoenix Law Enforcement Association

The Arizona Supreme Court issued its ruling today in the Cheatham/Huey v. Phoenix Law Enforcement Association case, which involved a challenge from conservative taxpayer groups to the practice of release time use by Phoenix Law Enforcement Association (PLEA) officers as part of administering their MOU with the City of Phoenix. PLEA was joined in their position by the National Association of Police Organizations (NAPO) along with several other organizations who filed legal briefs as an amicus curiae, or "friend of the court" in this case supporting PLEA and the use of release time. Judicial Watch out of Washington DC was also an integral part in supporting the position held by PLEA and the City of Phoenix by providing crucial support early on in the Superior and Appellate Court phases of the litigation. It was Judicial Watch attorney Paul Orfanedes who argued the case in the State Court of Appeals and PLEA attorney Mike Napier who made final arguments in front of the Arizona Supreme Court.

The challengers asserted that the provision and use of release time violated the Arizona state constitution's prohibition against gifts of public property or resources. Basically they were saying that the City allowing the use of release time by PLEA officers and representatives was a prohibited "gift".

The Arizona Supreme Court, in their ruling, overturned the prior ruling and injunction by the Maricopa County Superior Court and vacated the previous ruling handed down by the Arizona Court of Appeals.

In an extremely strong opinion, the Supreme Court disagreed, and upheld the provision and use of release time by PLEA officers. The court recognized the value to the public at large, and to the City of Phoenix itself, in having a smoothly running and well administered police department. The court affirmed that good labor relations are a valuable benefit to all citizens and to society as a whole, and that the value of good relations within the police labor sphere are significant and entitled to the protection of the law.

This is a huge win not only for PLEA and NAPO, but for officers across the country. Just about every state constitution has a so-called "gift clause" provision, and the legal challenge that had been filed in Arizona was being copied in other states. This strong decision by the Arizona Supreme Court will help police associations and unions across the country defend the legitimacy of release time, wherever it exists.