



RECAP

Use of Force. New Trends - Serious Concerns

by Ken Crane,
PLEA Vice President/Grievance Chair

Use of force... It's one of those dynamics that just goes with the territory in law enforcement. In the majority of cases, force applied in arrest situations is minimal and of no consequence. Other times it can look pretty violent and ugly no matter how justified. It's kind of like the old saying about sausage: we all like to eat it; we just don't want to know how it's made. We've also heard the phrase about whether or not something will pass the headline test. Many times, no matter how justified, the force used just doesn't play out well on the six o'clock news and the officer(s) and agency involved become the new whipping boys of the media for days or weeks on end as the incident gets tried in the court of public opinion. One of my former supervisors used to describe police work by referring to it as "a full contact sport."

My purpose in authoring this article isn't to preach against getting overzealous or caution against loss of control in a use of force situation. While sound advice, my concerns are coming from an entirely different perspective at this point in time. Review boards consisting of managers, civilians, and peer officers operating in a stress free, sterile environment will analyze an officers actions months after the incident in order to pass judgment. It's a process that can often seem unfair when the involved officer had to make split second decisions while operating under extreme stress, possibly under conditions of limited visibility and minimal information. The system, for all its foibles, works pretty well most of the time. Noted police psychologist Alexis Artwohl, who serves as a behavioral consultant to law enforcement, says it best: *"Police officers have a very unique job. They go out and risk their lives doing it, and after they have done it, and done it well, they have now become a de-facto suspect in a felony crime."*

Artwohl enumerates some of the myths and misconceptions that officers are often subjected to by citizens and police administrators in a post use of force situation:

1. An expectation that these [use of force] events will defy laws of physics.
2. Expecting the officer[s] to defy the limits of human performance.



3. Expectations that they will have perfect memory and make perfect decisions when the research clearly shows human beings are not capable of either of these things.
4. That the training and judging of police officers is frequently based on myths, assumptions and personal opinions that may not necessarily be true.

As PLEA's Grievance Chair I get to see most every grievance and investigation that comes through our office and can tell you that I, along with others in the grievance camp are seeing a disturbing trend with use of force cases that correlates directly with the arrival of our new Chief.

Shortly after his arrival, PLEA met with him to discuss issues surrounding two use of force cases. One involved the use of lethal force and the other involved only physical force. Both had received media exposure, had been talked about around the department, and discussed in the "court of public opinion." As is often the case in the law enforcement community, there was also no shortage of personal opinions from both sides of the fence with regard to whether the force applied and tactics used were appropriate.

In the first situation, involving the use of physical force that occurred on Jan. 25, 2011. The officer responded to a call of a combative subject at a school and ultimately delivered an impact push to an intoxicated female student, which caused her to fall to the ground. She had been physically fighting with school administrators and her own mother just prior to the arrival of the police. The portion of the incident in question, which occurred outdoors in the parking lot, was video recorded by a person with a cell phone and was eventually placed on YouTube several months after the incident actually occurred. The video clip promptly began picking up steam in "the court of public opinion." The problem here is that a film clip rarely tells the whole story and viewers will tend to fill in the gaps on their own. An interesting side note to this is that the incident came to light only after the video was circulated on YouTube. The suspect didn't complain, school officials didn't complain, and the suspect's own parent who was on scene didn't complain.

Continued on page 2.

Continued from page 1.

Next began the blogging and bashing by persons who had only a portion of the story, little to no knowledge of state law, police department use of force policies or how officers are trained to react. When the officer was interviewed and gave his explanation for what he did, combined with our departmental policy on use of force, the picture became much clearer. In fact, use of force experts at the departments Tactical Training Detail who evaluated and reviewed the incident stated they were of the opinion that the force applied was in policy. A former PPD Commander, overseeing the academy at the time, [now employed with the City of San Bernardino] disagreed with the assessment of his own experts and authored his own memo saying he had spoken with “other experts” [no mention of who these “other experts” might be] and that he disagreed and felt the force was out of policy.

Our new Chief clearly had problems with the impact push. He told us he had watched the video several times and seemed to be caught up with the fact that the suspect had been knocked off her feet when the officer struck her (that’s probably why its called an impact push). The suspect was walking away from the scene when the officers arrived. The officer, in his interview, articulated that his intent was to grab the suspect and that as he ran up to her she turned with arms raised and fists clenched. A slow motion review of the video revealed the officers recollection to be accurate. As he ran up to her, his arms were out with hands open as if attempting to grab on to her. As he got closer, she twisted her torso, lifted her arms and clenched her fists. The officer perceived the threat and immediately transitioned to an impact push.

We actually showed the Chief some color 8 X 10 freeze frame photos lifted directly from the video that showed the suspect turning towards the officer with her arms raised and fists clenched. We showed these same photos during the IRP process to explain why the officer’s application of force was justified. The PSB Commander seemed to feel they were irrelevant and wanted to discount them. He told us PSB was going to look at the video in its totality and not individual freeze frame sections. When ridiculous statements such as these are made it does nothing more than confirm that PSB isn’t really interested in certain pieces of evidence being presented, no matter how valid, if it doesn’t square with their pre-determined outcome. PLEA felt this evidence was extremely important since it corroborated the officer’s account of what happened and what he had seen just prior to the application of force. To the casual viewer watching the video at normal speed it appeared as if the officer had simply run up from behind with the intent of knocking the suspect to the ground.

In the second situation involving a lethal force incident that occurred on June 14, 2011, the officer shot a female suspect through a window on a hostage barricade. The suspect who was shot turned out to be the quasi-victim. It was later determined that the suspect and her girlfriend were playing games with the police by switching clothes and altering hairstyles etc. The suspect was armed and had demonstrated her willingness to use force by firing her handgun twice during the stand-off with police. In the ensuing on-scene investigation, the officer was essentially given a “thumbs up” by criminal investigators as well as an on scene representative from the County Attorney’s office indicating they had no problem with the shooting. Nine months later, February 2012, a use of force board convened to review the incident and the officer was found “in policy” by the board.

Not too long after the Use of Force board, we heard rumblings through the department rumor mill that police management was looking to reverse the Use of Force Board recommendation on the incident. A decision on the incident was delayed until the arrival of Chief Garcia.

PLEA had meetings with the Chief on June 15th and July 3rd to discuss a variety of issues. Both times the barricade incident was briefly discussed and both times the Chief gave no indication a decision had been made. During the second meeting on July 3rd, he told PLEA Board members Joe Clure and Will Buividas to have me call his secretary to set a meeting to discuss the issue, again indicating he had not yet decided.

After a long July 4th weekend my plan was to call the Chief’s secretary the following Monday, July 9th. That Monday morning, I received a call from the involved officer who informed me he had just received a letter served on him by his chain of command from the Chief informing him that his use of force was out of policy. I made it a point to call the Chief’s secretary to get an appointment on his calendar. An appointment was set for the following Monday, July 16th. The officer provided me with a copy of the letter he had been served and I noticed it was dated **May 23, 2012**. This was one week after the Chief was sworn in and prior to the two meetings where indications were given that he hadn’t made up his mind.

Fast forward to July 16, 2012. Jerry Gannon and I met with Chief Garcia for the express purpose of discussing the two use of force incidents. It was at this meeting that we began to get a glimpse

into the thought processes of the new Chief with regard to use of force issues. Prior to his arrival in Phoenix, I had heard that the Chief was a firearms guy and had even done some competitive shooting. This gave me a sense of relief since folks with this type of background tend to understand use of force dynamics pretty well. My relief was short lived.

The Chief told us that the Tactical Training Detail should not be rendering opinions on whether an officer’s use of force is in or out of policy. He stated that the right to make a determination on whether an officers force is in or out of policy should be reserved to him exclusively and that the Tactical Training Detail should only determine whether or not the officer used a departmentally approved tactic or technique. The Chief also went on to tell us that we teach “distraction blows” at the academy.

All of this was a bit concerning. The Chief was correct on one point; as the head of the organization he does have the ultimate say and the right to overrule decisions with regard to disciplinary and use of force matters. However, this should only be done after careful consideration backed by sound evidence indicating the prior recommendation given by the DRB and or the UFB were incorrect. This also raises the question; why have a resource like a Tactical Training Detail with expert knowledge if you aren’t willing to solicit their opinion? Distraction blows? We apply and escalate force because there is a legitimate reason and or articulable threat to be able to do so based on the provisions of state law or department policy. In my 24 years on this department I’ve never heard of or been trained that we have a law, policy or methodology that addresses or advocates the use of “distraction blows.” What this does call to mind is all of the recent cases where we have seen officers disciplined for striking subjects for what they perceived to be legitimate reasons, including an officer who recently got an 8-hour suspension for striking a suspect who spit in his face.



I can only imagine what the DRB would have said if any of these officers had claimed they were simply administering a “distraction blow.”

At our July 16 meeting, the Chief led off by stating it was his belief that the officer involved in the lethal force incident had an accidental discharge. I found this statement by the Chief to be nothing short of astounding as there was nothing in the criminal investigation, internal investigation, or Use of Force Board hearing that would indicate this was the case. Information contained in the reports and interviews as well as the officer’s statements at the Use of Force board indicated he had pulled the trigger with deliberate intent.

The Chief then dropped this bombshell: in a use of force situation there are only three entities that will ultimately determine whether an officers use of force is in policy: the media, the citizens and the Police Chief. Neither Jerry Gannon nor I are usually at a loss for words, but I think this statement equally dumbfounded both of us. So much for minor stuff like state law, department policy, Supreme Court case law, criminal investigations, internal investigations, and use of force review boards, all entities that are supposed to be used in determining whether an officer’s force is in policy.

I showed the Chief a copy of the dated memo served on the officer with the other key dates written in. I laid out the time line and asked if a decision had been made on May 23, why he led us to believe, in two separate meetings held on later dates that he hadn’t made a decision? The question was legitimate and it certainly wasn’t my intent to play the gotcha game. I figured he would have some sort of plausible explanation for us, but after pondering the information for a moment he said: “Ken, if this is the way we’re gonna do business I’m just not gonna talk to you guys anymore.” “Are you trying to tell me that every time we sit down over a cup of coffee that it’s some type of official meeting?”

This was the third time in the meeting that we were floored by the Chiefs response. My viewpoint on this was twofold. First, that if anyone has the gall to ask the Chief a hard question or do anything that might remotely put him on the spot; his solution is to threaten to cut off future communications. Second, it would seem that according to him, there are now “official” meetings and “un-official” meetings. My take in this part of his comment is that if it’s an “official meeting” that we need to be truthful in our dealings with one another but that if it’s an “un-official” meeting both sides have a green light to blow sunshine up each other’s backside. There is only one word for comments such as these made by the chief executive of the organization. **UNREAL.**

In the memo to the officer, the Chief listed three reasons that he was finding the officer out of policy. I pointed out to the Chief that the reasons listed weren’t actual policy violations and that one of the reasons listed didn’t even make sense. It seemed the Chief had merely come up with arbitrary reasons not grounded in fact for justification to find the officer out of policy. He also seemed to have forgotten that, per Supreme Court case law, police use of force is judged using the “reasonable officer” standard combined with what the officer knew at the time force was applied and not what became known after the fact.

I personally cannot recall a time on our department when a Use of Force Board found an officer in policy where the Chief then reversed the board. The reason reversals on UFB recommendations are almost non-existent is that the facts of the case are reviewed by a panel consisting of an Asst. Chief, two Commanders, peer officers, citizens and police department subject matter experts. PSB is on hand to present the case to the board and the involved officers are also on hand to recount to the board what happened in their own words and to answer questions. Most Chiefs aren’t going to go down the path of reversing a decision made by a panel with this many people and this level of expertise that has reviewed the case in depth. To reverse a decision in this manner without factual basis is unconscionable

RECAP PAGE 3

and nothing less than an indictment against the process itself.

These two use of force cases represent only a fraction of our concerns. The following list summarizes our concerns based on recent and or continuing trends:

- **DRB recommendations are being routinely overturned in favor of higher discipline.**
- **Use of Force board recommendations being reversed.**
- **Regardless of whether force used is legal and in policy, apparently citizens, the media and the Chief will ultimately determine your fate.**
- **We’ve been told the new viewpoint with regard to DRBs that if an officer goes before the DRB they will receive a suspension. Apparently the board can no longer decide that a given case doesn’t warrant a suspension and recommend that it be sent back to the officers chain of command for a written reprimand.**
- **The fact that PLEA has actually seen a trend in increased discipline for same or similar misconduct depending on the amount of media exposure.**
- **The arbitrary use of ‘causing major impact to the department’ which is a vague, grey, subjectively applied standard at best.**

Police management and city government expect you to go out on the street and put it all on the line daily and most of us don’t have a problem with that. It’s why we became cops in the first place. We all knew we weren’t going to get rich doing this job and we knew going in that it was a high-risk profession. Most of us signed up because we wanted something more exciting than the typical 9-5 office grind. We also did it out of a desire to serve our fellow man. As cops we are the sheepdogs protecting the sheep, keeping the wolves at bay. We take care of the unpleasant tasks that the vast majority of society just can’t handle. It takes a unique cat with unique DNA to do the job. Noted author George Orwell summed it up best with his famous quote:

“People sleep peaceably in their beds at night only because rough men stand ready to do violence on their behalf.”

I challenge anyone to tell me what other career professional out there, other than a military soldier in combat, starts their day walking out the door locked and loaded with 40 rounds of live ammo knowing, that in the course of their work day, they may have to make a split second decision resulting in the death of a human being, a fellow American citizen no less, and, knowing that in a dicey situation you could be the one in a body bag before the end of your shift.

The least an officer can expect if they have to use force is that their management team will have their back. On that topic, let’s be clear. When I say, “have their back” I’m not talking about engaging in a cover up. I am talking about treating the involved officers, even those accused of criminal conduct, professionally and with dignity and compassion regardless of how controversial. I’m talking about not fanning the flames by “throwing officers under the bus” because it is the politically expedient thing to do. It also means doing complete, thorough, accurate and UNBIASED investigations without high-ranking police officials or politicians trying to insert themselves into, or exerting influence over the process.

What we have seen in the last several years seems to indicate police management isn’t necessarily interested in due process, fairness, or the basic judicial concept of “innocent until proven guilty.” Unfortunately, police administrators are politicians who work for other politicians. They will sometimes cave to political pressure or their own biased opinions, formed in the heat of the moment, before all the facts are known. Oftentimes, they will react out of a sense of doing what’s politically expedient to protect themselves, the department or the city. In many cases, police administrators won’t hesitate to look for a scapegoat at the lowest level if they believe it will keep politicians and citizen groups off their backs.

Continued on page 4.

Continued from pg. 3

These are definitely concerning times in our organization. It can be hard to stay motivated, have high morale, and “put it all on the line” daily when one unintended misstep can make you the next casualty of your own department. My advice to my fellow officers who work the street is to do what you can to minimize your exposure to use of force incidents. Some may interpret this as minimizing OV work or not going code-6 unless absolutely necessary. Everybody will have to apply his or her own interpretation on how to minimize risk. This can be difficult when balancing personal safety and career survival against unnecessary exposure while still serving the community. This is made more difficult considering the current push department wide for officers to increase recap numbers. The one thing that cannot be sacrificed is answering the calls to serve the citizens we are sworn to protect and making backups for your fellow officers.

Although lengthy, the purpose of this article is to keep you informed and up to date on some of PLEA’s issues and concerns

with trends on use of force. Some of the things mentioned are my opinions based on my training, experience, observations and my current position as PLEA’s VP and Grievance Chair. I’m sure some in management might disagree with some of my viewpoints and perspectives and that is certainly their prerogative. For the officers reading this you are smart enough to draw your own conclusions.

If you find yourself involved in a use of force incident, call PLEA immediately.

IT IS OUR STRONG RECOMMENDATION THAT YOU DO NOT GIVE STATEMENTS TO CRIMINAL INVESTIGATORS UNTIL YOU HAVE FIRST CONSULTED WITH AN ATTORNEY.

A portion of your monthly PLEA dues goes for legal coverage. **USE IT!**

Stay safe, keep your powder dry, and watch your six.

Fallen Heroes

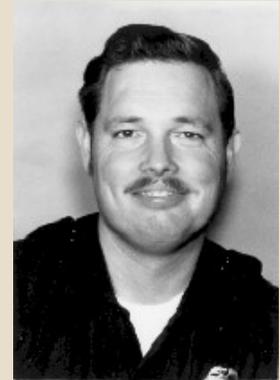
Phoenix Police Officers



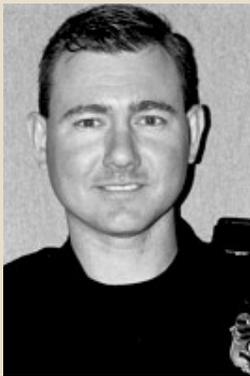
Quincy Haywood
November 22, 1971



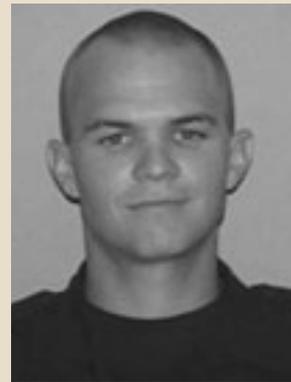
Mike Henschmeyer
November 2, 1973



John Robertson
November 19, 1984



Goelet Beuf
November 1, 1999



Paul Salmon
November 29, 2005



EMPLOYEE APPRECIATION EVENT

DATE: WEDNESDAY, DEC. 12TH

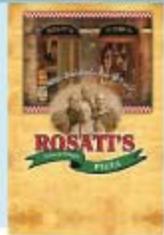
TIME: 8-3PM

LOCATION: PLEA OFFICE

Exclusive Discounts of 70-90% OFF!

*CATALOG AVAILABLE UPON REQUEST!

Pre-Orders Recommended, Limited Availability!



ROSATTI'S PIZZA

- 2 Free Pizzas
- 9 Buy One Get One Free Pizzas
- 50% Off Total Food Bill

\$150.00 Value for **\$11.00**



SPEED STREET RACETRACK

- 8 Buy One Get One Free Admissions

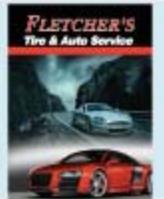
\$200.00 Value for **\$11.00**



SEA LIFE AQUARIUM

- 2x FREE Child Admissions
- 2x Buy One Get One Free General Admissions
- 2x Buy One Get One Free Child Admissions

\$120.00 Value for **\$11.00**



FLETCHER'S TIRE & AUTO SERVICE

- 3 Free Oil Changes
- 3x 50% Off Oil Changes
- Vehicle Inspection & Tire Rotation included

\$120.00 Value for **\$31.00**



ARIZONA WELLNESS

- 3x Free 30. Min Massages
- 3x 50% Off Any Massage
- Free Chiropractic Exam

\$400.00 Value for **\$30.00**



AHWATUKEE COUNTRY CLUB

- 4 Free Green Fees
- 3 Buy One Get One Weekend
- 3 Buy One Get One Weekday Green Fees

\$350.00 Value for **\$40.00**



TEMPE PAINTBALL

- 10 Free Admissions w/ Gear
- 2 Buy One Get One Free Admissions w/ Gear

\$400.00 Value for **\$30.00**



DANNY'S FAMILY CAR WASH

- 9x Free Car Washes
- 25% Off Any Detailing Package
- 10% Off Any Oil Change Service
- 50% Off Detail
- ANF MORE!

\$220.00 Value for **\$25.00**



PALM SPRINGS RIVIERA

- 2x \$159 Weekend Room Rates
- 2x \$99 Preferred Room Rates
- 20% Off Spa Services
- \$10 Off Resort Fee

\$390.00 Value for **\$25.00**

For More Information, Call/Text
ASHLEY WALLACE @ 760.408.2660 or
Ashley.Wallace@PhxEventsInc.com

Exclusive Discounts on Entertainment,
Restaurants, Spas, Sports, Car Care, Family Fun
and Many More!!!

*CASH, CHECK & CREDIT ACCEPTED!

Forms of Payment:



BENEFITS TO MEMBERS

Aflac Rep, Debby Tornberg,
is available to meet
with members at a place and time
convenient to them.

She can be reached at 602.214.4686.

Nationwide Retirement Due to Thanksgiving Solutions Representative

Jared Williams will be at the PLEA Office on the
5th Thursday, 11/29/12.
9:00 AM until 3:00 PM
to assist members with their accounts. Jared can also be
reached at 602-266-2733, extension 1168.

Hester, Heitel & Associates Exclusive

offers all forms of insurance to
PLEA Members,
including Homeowners, Auto,
Motorcycle, Life, Health and Business.
Please call Mark or Pat at 602.230.7726

Dillard's

WHO: Special discounts for Active PLEA Members, their spouses and any dependent living in same household.

WHAT: 20% discount on merchandise; 10% discount on appliances and furniture.

WHERE: Dillard's Department Stores.

WHEN: November 28th and 29th.

HOW: Pay with cash, Dillard's charge card or other major credit cards; save your receipts and submit them to the Customer Service Department along with your PLEA Membership Card.

Appropriate discounts will be deducted from your purchase, excluding sales tax.

Note: *Discounts not eligible on gift certificates, travel services, alterations, gift wrap, fine jewelry repair, delivery charges or at clearance centers.*

Style versus Function and

by Franklin R. Marino
PLEA Secretary

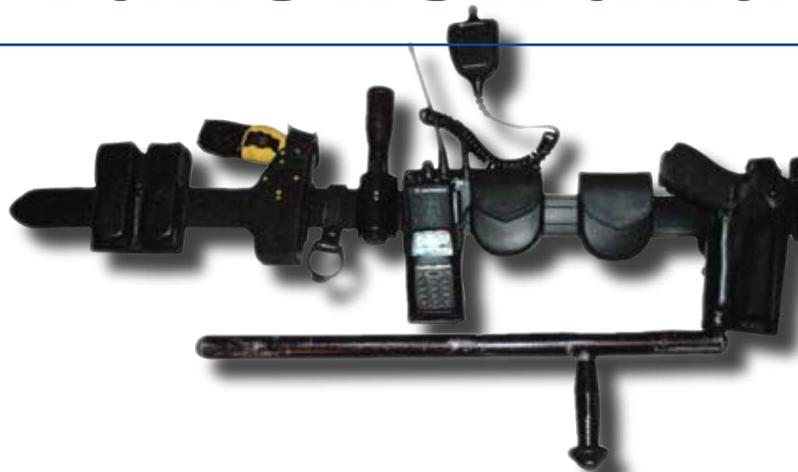
In the first week of October, where all officers were required to wear the Class C Uniform, the phones at the PLEA office were ringing off the hook. Cell phones of the five Board Members who were working in the office buzzed as calls, text messages, and emails flooded our inboxes. Many of the calls involved a common complaint; OFFICER SAFETY. When attending the Phoenix Regional Police Academy, going through Field Training as an Officer in Training, training OITs as a Field Training Officer for five and a half years, and every time I've attended training related to working as a Patrol Officer, officer safety was the number one priority for ALL Officers.

As a Patrol Officer, I exercised *my choice* to wear the optional Class D Uniform for the last nine plus years I worked in Patrol before moving to the PLEA Office in August 2011. I continued to wear it while working off-duty and I wore it for my 2 week stint in Patrol during the Goldwater Injunction this past June. As many of my peers, including those of us with prior Military service, who sat in grievance meetings with Chief Garcia stated, while we agree that the Class C is a sharp looking uniform, it is our *opinion* that the Class D is a more practical and comfortable work uniform for the day to day duties of a street cop. I also believe that when approximately 60-70 percent of officers working in a uniformed capacity, the vast majority of who *didn't* file a grievance, wear the Class D uniform, it speaks volumes of what their opinion on the choice of uniform is.

Getting back to Officer Safety, I learned early on in my career before I had even graduated from the Academy, that my issued "parade belt" with a holster, magazine carrier, pepper spray carrier, and single handcuff case was not going to work well and I quickly added an expandable baton holder and a flashlight ring. When I was an OIT working second shift in Central City Precinct, I added a radio D-ring carrier and my FTO helped me to rearrange my gunbelt so I would have better access to the items I used most frequently. When I was an FTO, I did the same thing with my OITs. I also made a decision to carry a second firearm as a backup and initially wore a Glock 19 on my ankle until they introduced the Model 26 and transitioned to a Model 27 after the Department phased out the 9mm.

Before the end of my probationary year after picking up "tuner tips" from my peers, I ditched my Department issued "widow-maker" holster and purchased a Level 2 retention holster for my duty weapon. As time went by, I added a second handcuff case along with a Surefire Combat Light, which was smaller and more practical for certain applications than my full-sized re-chargeable Mag Light, which I still carried on the back of my gunbelt. Fast forward a few years and I added a Department mandated Taser to my gunbelt. Keep in mind, that I regularly used the vast majority of these items and like all of us, developed muscle memory skills to access them without looking.

As technology evolved and improved, I added a weapon light to my handgun, then purchased a Glock 21C (.45 ACP) to replace my Department issued Glock 22. (.40 S&W) I transitioned to a side handle baton and eliminated my Mag light. Instead, I chose two different Surefire flashlights, one as a primary, and the second as a backup. By this time I made the decision to wear the Class D uniform, however, instead of using my Department issued gunbelt,



I purchased a complete lightweight duty belt with all the accoutrements. In the event I had to wear my Class C uniform, this allowed me to have everything I would normally carry on the street at the ready, whether I was attending a selection board, an award ceremony, Disciplinary Review Board (as a PLEA Rep) or unfortunately, attending a funeral for a fallen officer. My mindset has always been that as a uniformed officer, I am still obligated to take action when necessary and want access to the equipment I normally have on my gun belt during a duty shift to be able to resolve the situation quickly and safely. Additionally, it includes wearing my ballistic vest, which I have worn since the first day I hit the street will continue to wear any time I put my uniform on.

As time progressed, I ultimately opted for an outer vest carrier and immediately moved the Taser off my gunbelt to the vest, which freed up room on my gunbelt and made things more comfortable. However, I stepped backwards for a brief period of time and switched back to an internal vest. I transitioned back to an outer vest carrier again because of discomfort issues related to heat, including repeated cases of a nasty heat rash, and this time, in addition to the Taser, I moved my radio off my gunbelt to the vest and used this configuration until September 30, 2012.

In the span of approximately 18 years, we all have seen numerous changes in how police work is done, including technology's role in improving the ability to do our jobs more efficiently and safely. This includes the evolution in uniforms, footwear, duty gear, ballistic vests, flashlights, communications equipment, vehicles, and firearms. The cold hard fact is that police work is more complex and challenging than it ever has been and will continue to be a challenge as we move towards the future. Throughout these changes, the basics of police work remain the same, including the concept and practice of OFFICER SAFETY.

By eliminating the Class D Uniform option and transitioning the entire Department back to the Class C Uniform, with no provisions to carry equipment on the outer vest carrier, we are now proceeding down a slippery slope, with smaller statured, particularly, female Officers, who are now forced to carry all of their tools on their gun belts. This is further compounded by involving the Industrial Hygienist, who obviously has been given direction and marching orders from above. Officers are now being told what items they don't need to carry. I'm sorry, but shouldn't a Patrol Officer, as the one who goes out on the street every day to face the dangers of police work, decide what equipment they need and don't need, instead of someone pushing a predetermined agenda from people who spend the majority of their workday behind a desk in a climate controlled building?

Safety in the Real World

Officers who have made appointments to see if they qualify for a lightweight gun belt have been told they:

- 
- **Only need one set of handcuffs**
 - **Don't need a flashlight**
 - **Don't need a baton**
 - **Shouldn't carry a Taser on their gun belt**
 - **Should carry their Taser in their hand when entering a building**
 - **Should carry a smaller duty weapon**
 - ◆ **Compact or subcompact instead of full size**
 - ◆ **.40 instead of a .45**

This raises yet another question; If the City doesn't have a smaller handgun to issue do I now have to incur additional expense in purchasing a new handgun and, if I get a Doctor's note for a smaller handgun, will the City buy it for me?

A bigger concern is that with the Class D Uniform, wearing a ballistic vest was mandatory, where now, I have spoken with many officers who are foregoing wearing their vests simply because they are uncomfortable because there is no way to cool down once you begin perspiring and their tee shirts, even the moisture wicking types, becomes soaked with sweat.

I know that I will get arguments from the other side including purists, about how we did the job with Class C uniforms before and I agree, but does that mean we should go back to revolvers with dump pouches, call boxes, vehicle only radios, and a host of

other past practices that have either gone by the wayside or have been replaced by modern technology and practices.

The uniform grievance is not over yet. We are moving to Level 4 which entails taking the matter before an independent arbitrator for a final recommendation. In a separate yet related action, PLEA has also filed an Unfair Labor Practice (ULP) against the city with the PERB Board. This will address what we believe to be a failure on the City's part to meet with PLEA on a topic of mandatory bargaining, not to mention the additional costs officers were saddled with as a result of the Chiefs ill-advised decision.

For those of you in the trenches known as Patrol, regardless of the direction you have been given with regard to what equipment you have been told to carry or not carry, stick to your training, trust your gut, wait for your backup, and STAY SAFE!

*Membership meetings are the last
Tuesday of each month 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.*

LAW OFFICES OF MICHAEL NAPIER, P.C.

MICHAEL NAPIER has been representing Phoenix officers for over 36 years. Mr. Napier is one of the most experienced labor and personal injury attorneys in Arizona. Mr. Napier has represented hundreds 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.

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.

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.

JAMES P. ABDO was born in Omaha, Nebraska. He earned his undergraduate degree from the University of Rochester in 1984 and his Juris Doctorate from the College of Law at Arizona State University in 1991. Mr. Abdo served as an Assistant Attorney General for Arizona before entering private practice as a partner at two major Phoenix law firms, where his practice focused on commercial litigation of all types. He has extensive experience both representing government bodies appearing before numerous state, county and city agencies in numerous licensing, procurement and labor/employment matters. His practice also includes the formation, counseling and representation of business entities, the drafting of a wide variety of real estate and other contract documents in addition to litigating disputes arising out of contracts.

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.

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

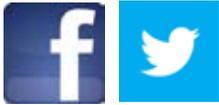


PHOENIX LAW ENFORCEMENT ASSOCIATION
 1102 WEST ADAMS STREET
 PHOENIX, ARIZONA 85007

Return Service Requested

NONPROFIT ORG
 US POSTAGE
 PAID
 PHOENIX, ARIZONA
 PERMIT NO. 787

602.246.7869 • fax 602.246.0226
 www.azplea.com



Like us on Facebook and Follow us on Twitter



Representation Committee

Chairperson

Ken Crane



Vice Chairperson

Jerry Gannon

Representatives

Ken Barton • Yvette Bro • Brent Bundy
 Ryan Clark • Dave Dehority • Frank Duran
 Bob Furneaux • Greg Gibbs
 Bret Glidewell • Eric Gunnels • Bryan Hanania
 Barry Jacobs • Bertie James • Risto Keranen
 Darrell Kriplean • Lorenzo Mares • Travis Morrison
 Greg Myracle • Anthony Navas • Ernie Romero
 Desiree Sanchez • Steven Perrotta • Scott Sayban
 Scott Sefranka • Rick Simonick • Dennis Smith •
 Kevin Smith • Rusty Stuart • Jeff Tobey • Brian Walsh
 Mike Walsh • Rob Warren • Tim Wheeler
 Valerie Whitchurch • 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.

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.

The Board Of Trustees

Frank Smith..... Chairman of the Board
 Joe Clure President
 Ken Crane Vice President
 Will Buividas.....Treasurer/Chief Negotiator
 Frank Marino Secretary
 Tim Baiardi.....Trustee/Representation
 Bill Galus.....Trustee/Representation
 Jerry GannonTrustee/Representation
 Mike London.....Trustee/Representation
 Toby Sexton.....Trustee/Representation
 Tom Tardy.....Trustee/Representation

PLEA Legal Resources

Michael Napier Legal Counsel
 Anthony Coury Legal Counsel
 Kathryn Baillie Legal Counsel
 James Abdo Legal Counsel
 (602) 248-9107
 www.napierlawfirm.com

Legislative Liaisons

Levi BoltonLobbyist
 Williams & AssociatesLobbyist

The PLEA Office Staff

Leigh Ann Bennett Office Manager
 JoAnn Gothard Membership Services
 Debbie Webster Membership Services
 Melissa Sayban Membership Services
 Kenia Buckner Membership Services

The RECAP Staff

Frank Marino Editor
 Bill Steele Publisher