



RECAP

The Official News-Magazine of the Phoenix Law Enforcement Association

The President's Message

By Jake Jacobsen, PLEA President



eral days a week at the PLEA office while on the extended temporary assignment to the Legal Unit.

Director Richard asked if PLEA would agree to have Levi available to address "Brady" list issues for supervisors and non-sworn staff. Because "Brady" list placement knows no rank, we agreed. Levi Bolton is avail-

able to assist any Department employee with a "Brady" appeal if they should receive one. Please contact him through the PLEA office.

What's being seen is unprecedented anywhere in the country - it's a partnership between Labor and Management. We understand that to be effective, we must be proactive. PLEA is committed to the Interest Based Relations process. This is just one success story. A need was identified, solutions were

discussed, and a plan was put together and implemented. Your Association will not accept "no" as a response but will ask "how do we get there from here?" •

Brady Problem, Partnership Solution

The problem is Brady. Not the "gun control" Brady, not the "Here's the story of a man named Brady" television show, but Brady v. Maryland, the 1963 U.S. Supreme Court case. In a nutshell, the "Brady" decision dealt with an officer's administrative discipline or internal investigation history that had "veracity", "bias", or the ambiguous area of "moral turpitude" implications.

This is a very complex issue that has had no less than five related spin-off Supreme Court cases that all attempt to bring more clarity to the original case. Unfortunately, what has happened is a clouding of the issue through the vast interpretations from lower courts, prosecutors, defense attorneys, and law enforcement departments.

Addressing placement on a "Brady" list by the County Attorney's office is no small matter. It takes an in-depth knowledge of case law and an equally in-depth knowledge of our Department's policies, both past and present. Fortunately, we have the right person for this daunting task. Officer Levi Bolton, a PLEA Board Member, devours case law like you and I go through the Sunday comics. Many of us have hobbies; Levi's "hobby" is any case law that could have an effect on your career. We know it and the Department knows it, and after several meetings with the new County Attorney and his staff, they now know it too.

The solution is a partnership. The relationship built over the years between PLEA and the Department was strained for a time. Now the rebuilding has begun. Through the Interest Based Relations (IBR) training that PLEA's Board of Trustees and the Department's Executive Staff went through in December, we're diligently working to improve the way we do business together.

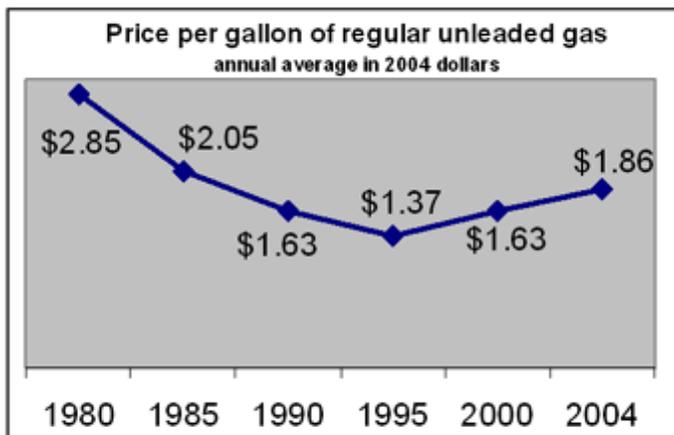
At a January meeting with Director Gerald Richard, Lt. Eric Edwards, County Attorney Liaison Bill Amato, PLEA Executive Board members Michelle Monaco, Joe Clure, and me, along with trustee, Levi Bolton, an idea was pitched. PLEA proposed that Levi be brought in to deal with the many "Brady" list placements. Currently, the County Attorney has reviewed the files of approximately 350 sworn police personnel with 170 being placed on the "Brady" list. Levi will work in concert with the Department's legal staff and the County Attorney's liaison to craft appeal letters on behalf of our officers. To address the privacy concerns, we suggested that Levi be allowed to work sev-

"This is a very complex issue that has had no less than five related spin-off Supreme Court cases that all attempt to bring more clarity to the original case. Unfortunately, what has happened is a clouding of the issue..."

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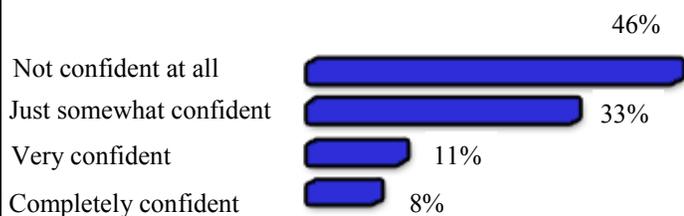
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Facts From All Over



Source: U.S. Energy Information Administration

Question: How confident are you that Social Security will provide retirement benefits when you reach retirement age?



Note: Sample is non-retired people.

Source: Hart Research/Public Opinion Strategies for NBC News/*Wall Street Journal*, December 2004

Motorized Skateboard/Play Vehicle Ban



A high level of complaints received by the Phoenix Police Department and other branches of City Government are due to Motorized Skateboards and play vehicles.

Phoenix is not the first City in Arizona to ban motorized skateboards/play vehicles from operation on public right-of-ways. Tucson adopted a ban in May of 2004 and has seen a tremendous decrease in complaints and actual violations in the City limits. Many cities throughout the United States have adopted similar bans for one simple reason, safety.



- Provo, Utah did away with a longstanding law that prohibited owning a dog and a cat at the same time.

- The annual report from the European Monitoring Center for Drugs and Drug Addictions found that about 20 percent of adult Europeans have tried marijuana at least once in their lives.

Roughly 15 percent of E.U. teenagers aged 15 to 16 are heavy marijuana users, using the drug 40 or more times a year.

- Roughly 90 percent of American soldiers shot or hit by bombs in Iraq have survived, the *Washington Post* reported. During the Vietnam War, the figure was 75 percent.

Source: The American Enterprise, March 2005

Was City of Phoenix water safe? Yes.

All biological tests for water safety conducted during this incident were negative, confirming that the water was safe.



Could this incident have been prevented? We believe, yes, based on a majority of interviews.

Many factors, from plant design to turbid, difficult-to-treat water, contributed to this incident. At this same time, the Auditor's report identifies that many individuals interviewed believe that earlier intervention could have prevented the incident from escalating to this level.

Was communication handled appropriately and effectively? No.

Communication timelines show that critical communication requirements, including those with key City officials, as well as County regulatory officials, were not followed; and that improvements are needed.

Are improvements needed in our emergency response preparedness? Yes.

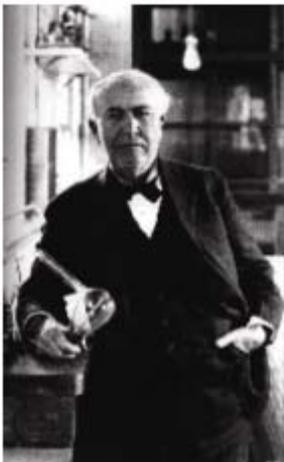
Improvements are needed at all levels, internally and externally.

Source: Management Summary of Val Vista Water Treatment Plant Incident Audit - February 15, 2005

Let There Be Light!

Mark Spencer

Historians tell us that Thomas Edison believed it would take a matter of a few weeks to invent the light bulb. In reality, it took him almost two years of failed attempts, new discoveries and trial products before the lights came on successfully. He tried over 6,000 different carbonized plant fibers, looking for a carbon filament for his light bulb. By focusing on and inventing a whole lighting system rather than just a single light bulb, Edison succeeded where others had failed. Edison chose to look at the big picture and created a lighting system including wiring, plugs, connectors, etc., to operate more than one light bulb at once. He wound up fighting other inventors in courts around the world and struggled for years to claim his rightful title of inventor of the light bulb, possibly his most popular invention.



Some of the old rules and regulations imposed by the past management team were about as bright as a rejected Edison bulb. They cast a dark shadow of doubt and disparate treatment over the Department. Because of this, I specifically highlighted in a past "Recap" article the different standards and slow Department response to veracity issues as addressed in policy. Year after year (longer than it took Edison) it was frustrating that the prior "truthfulness" policy under Chief Hurtt's regime provided immunity and cover to supervisors that weren't afforded to rank and file. A past example of untruthfulness in the old policy was "Employee initiated statements to supervisors." Under this policy a supervisor could lie to an officer and not be held accountable, but a subordinate would always be held accountable to a manager. The disparity of this policy seemed to elude the old management team like a light switch in a dark and unfamiliar room.

Through the implementation of a policy revision requested by your Association, equality has been illuminated and a disparate rule has been eliminated. Outdated and unreasonable rules are being replaced with refreshingly new standards. It took two years to remove two words (TO SUPERVISORS) from the old policy in order to level the playing field and turn on the lights. Policy is now bright and clear - everyone is bound by truth. The revised example in the new policy revision now reads:

"Employee initiated statements"

Under this new example of truthfulness, employees include subordinates and supervisors, unit members and managers, beat cops and bureau commanders. Shadows for none, light for all.

Thomas Edison said, "Genius is 1% inspiration and 99% perspiration." It takes work to make things work. Actions can speak louder than words and conduct often means more than comments. Like other positive decisions from the 4th floor, this policy revision from Chief Harris brings up the house lights. It's like a successful Edison light bulb that has been long overdue for Phoenix Police Officers. Hopefully this revision is an encouragement to officers and detectives that are used to operating in the spotlight and under the microscope.

What's that I see at the end of the tunnel? LIGHT! ●

Good of the Department

Brian A. Miller

We all know what "Good of The Department" means. In this instance I am not referring to a transfer but an actual for the "Good of The Department". Recently I had an occasion to meet with Commander Montgomery and Lieutenant Eidson at the Cactus Park Precinct. The purpose of our meeting was to help an employee become more successful at their job. Applying some of the Interest Based Relations (IBR) process to this situation we were able to come up with a plan that was acceptable to the officer and supervisors. Commander Montgomery activated the plan immediately. Now it's up to the officer to see how effective this plan works. Only time will tell.

Commander Montgomery, thank you for your compassion, understanding and the chance to succeed. You have applied a new meaning to, "Good of The Department". ●

Dear PLEA –

I'm so grateful that you showed up the night my guys were involved in the 998. Your knowledge and support meant a lot to them and to me also. Thank you so much for speaking with my officers and making a difficult time much easier on them. I know they are appreciative of all that you did for them. Thank you for everything that you do! It does not go unnoticed!

Sincerely,
Sgt. R

PLEA Mission Statement

To promote the positive role of the police profession.

To protect and secure members' rights and benefits through effective representation and professional relationships with the community and local, state, and national governments.

This article is for those of you sitting in your recliner having a snack before dinner while reading the Recap. It's also for those of you who have suffered some sort of injury or illness that limits your ability to work out and stay in shape.

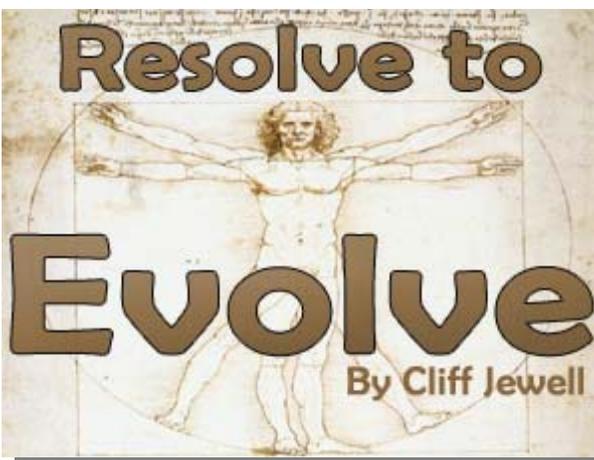
Twelve years ago I was diagnosed with rheumatoid arthritis. After years of complaints to CIGNA that I had some sort of medical problem, they finally referred me to an arthritis specialist. My condition affected my knees, hips, hands and elbows causing daily pain. My Specialist quickly diagnosed RA and put me on several medications. Although better, I continued to have, at times, severe joint pain. I was told to limit my physical activity to swimming and light walking. I don't know about you, but, I'm not getting in my pool except for May through September! So for the last twelve years I gave the Academy a note and watched as everyone else did PT at module.

I'm really not sure whether it's old age (I'm 51) or the lack of working out which has caused my body parts to sag and move south (and I'm not talking about the good parts), but it was time to do something about it. Not to mention my energy level sucks.

Along comes Bob Mathews and his fitness center called **PERFECT BODY SYSTEM**. This is not your "run of the mill" gym/meat market. Bob's center features a low impact work out on Free Motion machines. The workout, for me, is three days a week. This consists of a one-on-one, twenty-seven minute, kick-your-butt workout with a personal trainer. That's right, one-on-one with a personal trainer! After the workout, massage therapists will give you a deep muscle massage if you can stand it!

As of this writing I have been going three times a week for two and a half months. I've lost two pant sizes and now weigh two pounds less than when I graduated from the academy in 1979. I can't begin to tell you the exquisite pleasure I get from finally being able to look down and see my toes! I had to buy new suit coats because my shoulders and arms have beefed up. My energy level has also increased and I've had ZERO joint pain!

I know cops are notoriously cheap so you probably want to know how many hundreds of dollars I've had to pay for this. **PERFECT BODY SYSTEM** is a licensed medical facility with a chiropractor on staff. If you, your spouse, or children have a medical necessity, the costs are covered 100% by CIGNA. Bob Mathews will waive your deductible (\$300.00) and your co-pay (\$10.00) for PLEA members and their family members.



“PERFECT BODY SYSTEM is a licensed medical facility with a chiropractor on staff. If you, your spouse, or children have a medical necessity, the costs are covered 100% by CIGNA.”

All you need to do is stop by; fill out the standard medical forms; and talk to the staff doctor. You don't even need a referral from your primary care doctor. Currently there is only one fitness center. Plans are to open a second center near the 101 Freeway and Tatum. A third is scheduled to open in August at the north-west corner of 59th Avenue and Union Hills. West Valley and East Valley locations are also being scouted.

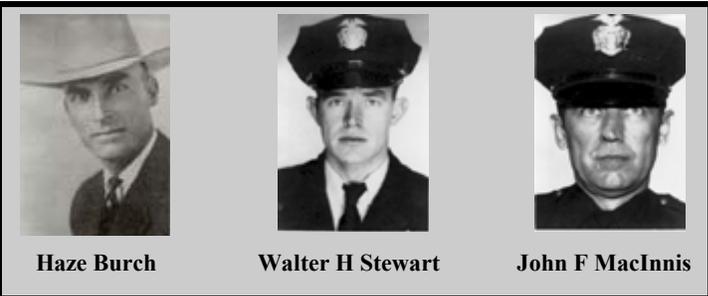
Please stop by **PERFECT BODY SYSTEM** at Park Central across the breezeway from the Good Egg. They're open from 0530-1900, seven days a week. They also offer circuit training for those of you who are in better shape.

I wanted to let everyone know about **PERFECT BODY SYSTEM** because it has been a great place to go for me and my wife. I have even passed up holdover overtime so I didn't miss my workout. Except for getting in shape, I'm not receiving any benefits from my

endorsement.

So take Bob Mathew's slogan and **“RESOLVE TO EVOLVE!”** •

Memorial in February



WELCOME New Members

- Christopher Barron
- Dawayne Cox
- Shawn Garman
- Kathleen Garza
- Gregory Headley
- Pricilla Hein
- Milo Kauffman
- Tyler Kipper
- Mario Lozoya

- William Milender
- Carl Ramirez
- Marc Rivers
- Ricardo Sanchez
- Audrey Santisi
- Brian Thatcher
- Lyman Thompson
- Warren Tittlemeir
- Amanda White

What We Do

Levi Bolton

In 1975 PLEA was started at a kitchen table with 7 members. In 2005 your Association will soon surpass a member role of 2200. The current support staff consists of five (5) front office employees, three (3) full-time and two (2) part-time. The contract allows for 35 unit members to be Association representatives. Currently there are 29 reps - 16 are carrying cases, 4 are new and just under half (12) of the reps come from patrol. The MOU allows for five (5) unit members to be assigned to the PLEA office and the PLEA bylaws allow for 11 board positions. PLEA's total team roster: forty-five (45). Compared to the Department's roster of 9 chiefs, 32 commanders, 92 lieutenants, 345 sergeants, and hundreds of support personnel, it's truly amazing what PLEA accomplishes with its small and effective team. Like you, it's important for me to know what's going on at PLEA and WHAT WE DO. I wanted to provide you with a listing of just some of the duties and responsibilities of the PLEA Board of Trustees, its member representatives, and its support staff. Each of the items listed below represent a personal commitment of one or more of PLEA's personnel.



Committees

PLEA has a representative on a vast number of committees which include:

PLEA Committees

- TAPS
- COPS
- Neighborhood Blockwatch Oversight Commission (Chair)

Departmental Committees

- IBR –Steering and working
- Transfer
- Uniform
- Matrix
- DAC
- PAS
- FTO
- Physical Fitness Board
- Firearms
- Negotiations
- Labor-Management
- Career Enhancement Point Committee
- Vehicle
- Workplace Violence
- Domestic Violence
- Issues
- Training Needs

City of Phoenix

- City of Phoenix Health Care Taskforce
- Incident Committee
- Development Advisory Board
- Honors Board
- Block Watch Advisory Board
- Neighborhood Watch Oversight Commission (Chair)
- 911 Memorial Commission
- City of Phoenix Public Safety Advisory Committee

(Continued on page 6)

Representation

- Approximately 8960 individual official administrative investigations since 1976 (based upon a yearly average of 320 files)
- An equal number of administration investigations were resolved informally
- Grievances – many of the member requests for assistance involve contract or issues of fairness.
- Criminal (PORAC/LDF –Legal Defense Fund)
- Civil Service (Law Offices of Mike Napier) – generally a rep is assigned to each of these cases.
- AZPOST Hearings (Offices of Mike Napier)
- Industrial Injury Claim appeals and re-openers (Mike Napier or PLEA's Chief Negotiator)
- Member Health & Welfare
- Member Benefits including Life and False Arrest Insurance
- Retirement recognition
- Ops revisions
- IRPs
- DRBs
- In-office assistance with questions
- CEP packet preparation
- Monthly Recap and azplea.com website
- Flash Faxes
- 24/7 Rep standby and callout
- Brady liaison and rebuttals

Supporting Vendors

Dickerson Orthodontics Offices in Chandler: 1200 W. Warner Rd 480-963-2535 and Gilbert: 2550 E. Guadalupe Rd. 480-558-4312	Bill Heady - Prudential Arizona Properties Cell: 623-680-6955 Bus: 623-298-2200 E-mail: bhhhh@aol.com 9051 W. Kelton Lane, Ste. 7 Peoria, AZ 85382
Hynes Painting 623-572-8043 Jim Hynes, Lic.# 119471	

What We Do

(Continued from page 5)

State of Arizona

- Industrial Commission
- Deferred Compensation Board
- Retirement Board

Legislative

- Political Action Committee Fund
- Petition signing
- Political fund raising events and rallies
- Full-time Lobbyist (*Brian Livingston*)

Legislative Initiatives

- DROP
- To-From Work Worker's Compensation Bill
- Retiree 2% Hold Harmless Bill
- Prop 301
- Transportation 2000
- New Bond Election
- Attorney General's Blue Ribbon Panel – Ford Crown Victoria
- National Right to Carry Firearms Bill
- Prohibited Possessor – illegal alien
- Retiree Health Care Bill
- Police Officer Jury Exemption Bill
- Police Officer Privacy Act (*sealing your records*)
- Salary Continuance – Military Deployment
- Residency Rule – elimination
- Republican National Committee - endorsements (*national law enforcement legislation*)
- Democratic National Committee - endorsements (*national law enforcement legislation*)
- Crime Retaliatory Bill
- Occupational Disease Bill – (*police officers added*)
- Police Protection Legislation
- Accidental Disability Retirement Repayment
- Catastrophic Disability Retirement Bill
- Health Insurance Portability Legislation
- Court Service Process Bill (*allows for civilians to do*)
- Out-of State Redemption (*public safety time transfer*)
- Worker's Compensation Survivor's Benefit
- DUI Legislation – (*Extreme DUI*)

Memberships

- National Association of Police Organizations – Executive Board Member
- Arizona Police Associations –APA
- Provided assistance to and/or assisted in the formation

of a majority of the Valley Police Associations

- Associated Highway Patrolmen of Arizona
- Chandler Law Enforcement Association
- Deputies Law Enforcement Association
- Gilbert Police Officers Association
- Glendale Law Enforcement Association
- Goodyear Police Officers Association
- Mesa Police Association
- PPSLA
- Surprise Police Employees Association
- Tempe Officers Association
- National Border Patrol Council AFGE #2544
- National Border Patrol Council AFGE #2595
- National Border Patrol Supervisors Association
- City of Peoria Police Supervisors
- 100 Club
- COPS
- National Law Enforcement Memorial

Community Goodwill

Sponsorships/Endowments/Donations

- Neighborhood Associations – Westwood/NAILEM
- St. Mary's Food Drive
- Christmas Toy Drive
- Pat Briggs Memorial Fund
- Kids' Street Park
- National Latino Peace Officer's Association
- National Black Police Officer's Association
- Law Enforcement Rodeo Association
- Homicide Investigator's Association
- Law Enforcement Ministries
- Arizona Peace Officer's Memorial
- Southwest Police Motorcycle Training Fund
- City of Heroes Memorial
- Parents of Murdered Children
- Arizona Special Olympics
- PLEA Charities

Contract Negotiations

- Bi-annual preparation and negotiation of the MOU
- Legal issues preparation and research
- National Market assessment
- Financial forecast seminars and data collection
- Review of City of Phoenix financial actuarial
- Oversight of existing contract for compliance

Training

- Career Survival – Post Academy Class instruction
- PLEA has sponsored, attended or provided training in

(Continued on page 7)

“Courage is resistance to fear, mastery of fear - not absence of fear.” - Mark Twain

LIABILITIES MANAGEMENT: USING DEBT TO HELP PROTECT AND GROW YOUR WEALTH

When many people hear “liabilities management” they think of managing excessive consumer debt or poor credit ratings. Others may think of corporate or institutional balance sheet management. However, for affluent investors, liabilities management can be an integral part of an overall financial plan. Since many investment brokerages now provide access to banking services, including lending, the value of borrowing strategies has come to the forefront.

The new meaning of liabilities management is based on the understanding that investors’ borrowing decisions will impact their financial plans and should be analyzed as carefully as investment decisions. In other words, proper liabilities management can help sophisticated investors put wealth-enhancing strategies to work to potentially improve cash flow, mitigate risk, and to help investors achieve objectives and maintain long-term investment strategies.

Liabilities management expertise is not new to our nation’s most experienced investors and those who manage their money. Savvy investment advisors realize that many clients maintain outside bank relationships to satisfy borrowing needs; and that to provide the best possible service to clients it is necessary to address and structure borrowing strategies to serve individual objectives.

What are some objectives that may be met with liabilities-management strategies?

Stay Invested—When in need of liquidity, an investor can either sell assets or borrow. With time in the market proven crucial to increased returns, borrowing can overcome the opportunity cost associated with interrupting investments. Many investors establish a line of credit to be prepared for unexpected expenses or investment opportunities.

Improve Cash Flow—Loan terms that made sense at the time a loan was established may not continue to make sense as financial circumstances evolve and change. A good example is when a mortgage is refinanced for a better rate or term, resulting in lower monthly payments. The difference in monthly cash flow can then be redirected.

Asset Diversification—Clients with concentrations of specific asset classes may consider borrowing to provide liquidity for diversification. This way the investor diversifies the portfolio and avoids selling assets, which could trigger tax consequences. Investors should be warned, however that while borrowing to diversify can be a successful strategy, it must be used with extreme caution due to the inherent risk of asset value fluctuations. (Note: Investors should consult their own tax advisors to address their own specific circumstances.)

Consult an investment professional who is trained in liabilities management to help you integrate your borrowing and investment decisions when developing and implementing a financial plan. As brokerages expand their breadth of services, you can reap the rewards by utilizing combinations of

“Proper liabilities management can help sophisticated investors put wealth-enhancing strategies to work to potentially improve cash flow”

services and expertise not historically available through an individual institution.

Borrowing involves risk and may not be suitable for everyone. Smith Barney is a division and service mark of Citigroup Global Markets Inc., member SIPC. ●

Thomas S. Jonovich
Second Vice President, Investments
The MJM Group, Smith Barney

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Phoenix, Arizona 85016
602-954-5707

Job Box and Market Place

Do you have a skill, talent, or trade outside of police work? Want to generate new customers or business? Call the PLEA office and add your name and skill to the “Job Box”. Do you need some help with a project? Call the office to find out if an officer has the expertise you need. The “Job Box” list will be published twice a year.

What We Do

(Continued from page 6)

the following areas:

- Use of Force
- Internal Affairs Investigation
- Officer Involved Shooting
- Racial Profiling / Biased Policing
- Legal Issues in Law Enforcement
- Employment Law
- How to Negotiate a Contract
- How to Run a Police/Fire Union
- Forming a Police Association
- AZPOST (SME subject matter expert)
- Officer Involved Shootings

The strength of PLEA lies in the voice, ideas, and support of you, the members coupled with the commitment of its team of trustees, reps, and office staff. It’s important that the breadth of issues that impact your career and family are continually and consistently addressed in a manner consistent with the professional and competent reputation earned by your Association. Just as PLEA knows what you do as officers and detectives on a daily basis is crucial and costly, I wanted to share with you a small picture of what we do in support of you, the members. ●

Phoenix Law Enforcement Association

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Phoenix, Arizona 85007
(602) 246-7869 — Fax (602) 246-0226

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Mailing Label Here

Membership Meetings
Last Tuesday of each month:
7:30 AM, 12:30 PM, 5:30 PM

Representation Committee

Chairperson **Vice Chairperson**
Michelle Monaco **Danny Boyd**

Representatives

Adam Applegate . Levi Bolton . John Buckner . Bob Furneaux
Josh Champion . Billy Coleman . Ken Crane
Sheldon Czegledi . David Dager
Bob Durka . Greg Gibbs . Ron Gomez . Cheryl Groshko
Bryan Hanania . Gary Hotchkiss . Barry Jacobs
Dave Kothe . Karen Lewsader . Nick Margiotta
Franklin Marino . Tom Marquez . John McTernan . Brian Miller
Darren Nielsen . Bob Palma . Steve Perrotta
Jerry Peterson . Dave Sampson . Toby Sexton
Annie Shumway . Frank Smith
Stu Sterling . Mark Spencer

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 and paperwork 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.

PLEA Board of Trustees

Jake Jacobsen - President
Michelle Monaco - Vice President
Joe Clure - Treasurer/Negotiator
Mark Spencer - Secretary/Membership
Levi Bolton – Trustee/Representation
Danny Boyd – Trustee/Representation
Ken Crane – Trustee/Representation
David Dager — Trustee/Representation
Brian Miller — Trustee/Representation
Steve Rackley — Chairman of the Board
Bruce Stallman—Trustee/Promotions

PLEA Legal Resources

Michael Napier — Legal Counsel
Dale F. Norris — Legal Counsel
(602) 248-9107
www.napierlawfirm.com

Brian Livingston — Legislative Liaison
www.azpolice.org

PLEA Office Staff

Arlene Venturini — Office Manager
Leigh Ann Bennett — Accounts Manager
JoAnn Gothard — Membership Services
Debbie Webster — Membership Services
Melissa Solimeno — Membership Services

The Monthly Recap Staff

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Mark Spencer — Editor
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