



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

602.246.7869 • fax 602.246.0226
www.azplea.com

Non-Profit Organization
United States Postage
PAID
Phoenix, Arizona
PERMIT NO. 787



PHOENIX LAW ENFORCEMENT ASSOCIATION

RECAP

The Official News-Magazine of the Phoenix Law Enforcement Association

azplea.com

July 2008



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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.

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AN OFFICER AND A GENTLEMAN

By Michelle Monaco, Vice-President



As I write this, Brian Miller #2177, is working his last day as a Phoenix police officer. Unlike Richard Gere in the 1982 movie, Brian truly was "An Officer and a Gentleman." For those of you who know Brian, I don't have to tell you what kind of guy he is. For those of you who never had the opportunity to meet or work with Brian, all I can say is, you really missed out.

Brian began his law enforcement career with the Chicago Police Department in 1961. He worked there for ten years and then began his career with the Phoenix Police Department in 1971 at the Tower Plaza station. He worked Tower Plaza from 1971 to 1975; from 1975 to 1990 he worked OCB (Intelligence) and Inspections (Internal Affairs); from 1990 to 2002 he worked Sky Harbor Precinct patrol, PDP/NET squad, and the bike squad; from 2002 to 2004 he worked the Crime Prevention Unit; and from 2004 to 2006, Brian worked full-time in the PLEA office. Brian served on the Honors Board, the PAS committee, and was on the CISM team.

I've known Brian for many years but only had the pleasure of working with him when he joined us in the PLEA office and before that as a PLEA rep. Brian is the epitome of what you want in an officer and a friend. His integrity is above question, his friendship is fierce and loyal, his work ethic is above reproach, and his personal philosophies and ethics are beyond compare. Whenever I needed something done or a project completed, Brian was one of my go-to guys. I always knew that whatever he took on would be completed, on-time, and very thoroughly. Brian always has a smile on his face, (especially lately as his DROP

date got closer) and is always willing to help. Upper management in the Department always remarked on how they enjoyed working with Brian on various issues. Not because Brian was a pushover, far from it, but because Brian always kept an open mind and was willing to listen and to compromise if needed.

Brian is also one of those guys who you know is going to enjoy their retirement. Brian and his wife, Elise, and the rest of his wonderful family are planning to enjoy traveling when he retires. He also plans to volunteer with PLEA and CISM.

Officer John Buckner will take over Brian's spot on the Board and Officer Bobby Palma will take over Brian's full-time release spot in the PLEA office.

Brian will be sorely missed by all those he worked with, especially those of us at the PLEA office. Brian, I will really miss you, good luck and God bless. Most of all, thank you for your companionship, friendship, and your wisdom. You truly are a gentleman and deserve to have a wonderful retirement after the dues you've paid. You've truly made a difference.



Good morning Chaplain...got a minute?

by Levi Bolton Jr - Trustee



Chaplains have been the spiritual companions of soldiers and men at sea dating back as early as 1917 when the first structured group of armed forces chaplains were forged to provide much needed spiritual assistance to the servicemen of the time. As you may have noticed, I said spiritual and not religious. Although chaplains are people of a faith community, their principal role then as it is today is to provide spiritual guidance and support in times of crisis and need. The men and women who serve our communities are members of still another type of armed forces...they are police officers. Regardless of their religious background or by which name they call their God or if they don't recognize one at all, each require the need for support at times in their careers. Many are unaware that most chaplains have extensive professional counseling backgrounds. I have enlisted the aid of Police Chaplains on many occasions and I could not have believed how significant the impact a chaplain can make upon a scene of utter disaster until Chaplains John Booth and Larry Demcher of Law Enforcement Ministries responded to New York and stood in rubble of the World Trade Center. Our chaplains tended to the needs of first responders, rescuers, and anyone else who was tasked with sifting through the aftermath of destruction that overwhelmed even those who traditionally are accustomed to seeing the worst that man can inflict upon himself. There may come a time in each of our lives when we too are overwhelmed,

and perhaps there is a source of comfort that you have either not yet considered or were fearful that reaching out to a chaplain would somehow conflict with your personal spiritual convictions. Chaplains are trained to work and counsel with persons of all faiths and believe it or not, persons of no faith. How you worship and if you worship is your business, providing a comforting ear and presence in times of need... is theirs.



Fallen HEROES



Phoenix Police Officer
Eric White #7275
August 28, 2004



Phoenix Police Officer
Jason Wolfe #7213
August 28, 2004

NEW MEMBERS

WELCOME

- Joe Hernandez
- Mark Liu
- Jason Madura
- Joshua Mesquita
- Kevin Murphy
- Alexander Rutz
- James Russ
- Miguel Seville
- Christopher Shreeve
- Michelle Syrek
- Brandan Turley
- Brian Veltman

Mark your day planner
and attend
the membership
meetings on the
last
Tuesday
of every month
at 7:30,
12:30, and 5:30.

No Confidence...Continues

Joe R. Clure

You may recall the article in the prior Recap advising that PLEA had submitted a complaint to the Management Audit Committee (MAC - a.k.a. Integrity Hotline Committee) regarding the concerns with the testimony of now Asst. Police Chief Louis at a recent hearing. I regret to inform you that the committee has communicated that they are not going to investigate the matter as they feel it is a "Labor/Management" issue. That response was not only disappointing but totally unacceptable as PLEA still believes that the complaint has considerable merit. At this time, PLEA has forwarded the complaint information to AZPOST (see mission and vision statement at www.azpost.state.az.us/) and the Maricopa County Attorney's Office Brady Law Enforcement Integrity Committee for their review.

LAW OFFICES OF MICHAEL NAPIER, P.C.

MICHAEL NAPIER has been representing Phoenix officers for over 30 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 officers in obtaining compensation for their injuries and losses.

JANET FELTZ has been an attorney for over 21 years. Most recently, Ms. Feltz has been administrative hearing officer in discipline hearings and other employment matters before boards and commissions.

ANTHONY CORY has focused his practice primarily on personal injury and wrongful death lawsuits in which he has served as plaintiff's counsel. He has experience in cases dealing with product liability, negligence, governmental claims and dram shop liability, to name a few.

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 our firm.

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

A Thank You to Buddy Stubbs



40th Anniversary of Buddy Stubbs Harley Davidson

Buddy Stubbs recently celebrated 40 years of service to the Harley Davidson faithful in and around Phoenix. A large portion of the proceeds from the celebration were donated to our T.A.P.S. charity. In addition Buddy made donations to the Police Explorers, The Phoenix Police Honor Guard, The Phoenix Police Honor Chorus, the Phoenix Police Museum, and the Phoenix Police Reserves program.

Congratulations Buddy Stubbs on your tremendous success over the years and our heartfelt thanks for your generous support of our officers.

Thank You

To: Jake and the PLEA Board

On behalf of those that participated in the 2006 Police Unity Tour we would like to thank you for your generous support in our efforts to raise funds for the National Law Enforcement Museum. This year we raised \$1 Million with officers from 21 States

Thanks

Matt Morgan Cathy Hawse Joe Roberts
Kim Baker Collette Reddy

Travel Policy

By Karen Lewsader, PLEA Representative

The recently revised Travel Policy in the City Administrative Regulations could actually hurt the Phoenix Police Department in more ways than one.

It is so difficult to travel that many of us have simply given up. I suppose this saves the City money in a way, because, on City business, we are not using our Blue Card allowance. But is it really saving the City money? Are we actually willing to sacrifice the training of our officers over an issue that really has nothing to do with us?

It has actually taken three months for my Blue Card reimbursement to come to me for this year's training. To add insult to injury, I forked out half of the seminar fee out of my own pocket for which I will not be reimbursed (the training was \$995.00).

In my position as a G.R.E.A.T. officer, I travel frequently, as do other members of my squad. When we travel we go as trainers. We train other agencies around the country and even outside of the United States. When we train, the Phoenix Police Department is compensated upwards of \$2000.00 per week and true costs, such as per diem, are grant funded. Nevertheless, we are still bound by the City travel policy.

Because this travel policy is so restrictive regarding per diem, etc., I have chosen to train on my own time, as an independent contractor. This means the department doesn't get a dime.

I have a medical concern that precludes me from traveling on



the City travel policy when per diem is indicated. For example, if a continental breakfast of coffee and Danish is provided, I am not given an allowance for breakfast. Because I cannot have sugar, I must pay for these meals out of my pocket without reimbursement. These expenses are incurred because the department requires me to travel in my position. Here's another scenario. It is imperative for me to eat five or six times per day however, I am reimbursed for only three times, despite the dollar amount.

These practices may or may not be legal but as for me, I will continue to travel as an independent contractor for the training I do.

THE UNTRUTHFULNESS PARADOX

"You Lie. You Die."

By Dale Norris

The current policy of "you lie - you die" has created a conundrum for officers and attorneys advising law enforcement officers.

When an agency takes a no tolerance policy against untruthfulness, it creates a situation where once an officer has been untruthful, he has no incentive to "come clean." By adverse selection, only officers willing to continue their deception remain as officers.

An attorney can advise the client of the consequences of telling the truth after a lie, but if the officer is not willing to voluntarily end his career, an attorney may give advice not to set the record straight. Thereafter, that attorney will not be able to represent the officer if he intends to lie again or at a hearing where he will testify untruthfully.

Throwing the Baby Out With the Bath Water:

With or without the current state of the law requiring disclosure of an officer's discipline for integrity issues, the community, the agency and peer officers want to weed out dishonest employees. But the present policy does not effectively accomplish this.

Not every employee who is untruthful is dishonest. People lie for many reasons, and everybody tells a lie at some time. A solution to the paradox requires that we are able to determine when a lie means the officer is dishonest and when it means he is human. And in a time when agencies cannot recruit and hire officers fast enough, nobody can afford to continue this "throw the baby out with the bath water" approach.

Problem is Driven by Legal Issues:

Much of this problem is fueled by prosecutors who do not want police witnesses who may be impeached on the stand. While this is understandable, it should not be the driving factor for personnel policies. Cases may be more difficult if an officer has a previous dishonestly allegation, but prosecuting agencies might attract better lawyers if they paid \$200,000.00 a year. Of course, that's not a fiscal reality, but soon, attracting qualified and desirable people willing to accept unreasonable demands on their conduct may not be a fiscal reality either.

Solution:

Not POST, nor any police agency or association has seriously studied a solution to this paradox. A real dialog among agencies and their officers must take place. Agencies must take responsibility and make every effort to establish an environment for honesty during investigations. If we learned anything from the Los Angeles Rampart investigation, it is that officers mirror the conduct of their superiors. If untruthfulness is a problem in an agency, look up the chain of command.

Just as important, peer officers cannot participate in or tolerate cover-ups or untruthfulness. Officers must know they can report had conduct without fear of reprisal or worry that the officer reported will not get a "fair shake."

Without dialog involving all sides, the problem will not be solved. Guaranteed!

A few things from the PLEA office

by R.C. John Jacobson, PLEA President

On July 4th an unveiling ceremony was held at the recently re-dedicated city swimming pool at Cactus Park. The pool was re-named the "David C. Uribe" swimming pool several months ago through the support and assistance of Councilman Dave Siebert and the board of the City Parks department. On this holiday the bronze bust of Dave Uribe was unveiled to a crowd of officers, family and friends. On July 4th each year PLEA will sponsor a free swim day at the David C. Uribe pool.

PLEA Charities. This is a new 501.c.3 charity that PLEA has established. It will encompass the "gift" portion of our current Health and Welfare program. It will also address a few of the "time-issues" things from our annual budget; programs like the Kids Street Park Christmas program and the free swim day mentioned above. Other programs that PLEA supports will be assisted as well. Our annual St. Mary's / Westside Food Bank drive and the T-shirts for the Special Olympics Torch Run are examples. We are also including a scholarship section in our IRS application. Soon you will learn how to become a Founding Member of our new "PLEA Charities".

NAPO: This month several PLEA Board members will attend the annual National Association of Police Organizations (NAPO) conference. PLEA holds a position on the National Board and a position as an area Vice-President on the Executive Board as well as several committee positions. The information we share with officers from around the nation helps us craft our national legislative priorities, TOP COPS sponsorships, pension and benefit issues and more. It is also an election year nationally for Congress and the Senate and NAPO's endorsements will be addressed.

Currently NAPO is working to secure passage of the H.E.L.P.S. Retirees Act attached to H.R. 2830, the Pension Overhaul bill. This Act would allow retired public safety officers to use up to \$3000 annually from their pension funds to pay for qualified health insurance premiums without taxing those distributions. (This, along with our MHP benefit and the city MHRP benefit will be a big help in covering the rising healthcare concerns for retirees)

Our supporters in Congress continue to try and find ways to increase the federal programs that fund the hiring of more police officers. There are no less than four bills in congress now that have amendments attached that would return the funding to the COPS program and the Byrne-Justice Assistance Grant (JAG) program.

PLEA Dues: Our dues assessment was not very structured when I first started in this office. There had been many years when PLEA did not raise dues. What we thought was a sound way to do business actually put us behind the eight-ball when it came to member benefits, programs, Rep training, etc. We embarked on a five year plan to bring us up to the national standard of 1% of top base pay. Well there is good news and bad. The good news is with the dues increase in September we will have reached the 1% figure. The bad news is - the national average is now about 1.75% of top base pay. There are no current plans to go above the 1% figure.

C.O.P.S. License Plate: At the Capitol this year PLEA / APA introduced a bill to create a new Arizona license plate for the Concerns of Police Survivors (C.O.P.S.). The bill passed. For each plate issued or renewed, AZ-COPS will receive \$17. C.O.P.S. is the primary funding source for the families of officers lost in the line of duty to attend National Police Memorial week in Washington DC and the related classes and seminars. There is a catch. PLEA - APA - COPS need to raise \$52,000 to cover the initial die and set-up expense. The money has to be in the state by December 31st. Want to help? Send your donation (COPS is a 501.c.3) to AZ Concerns of Police Survivors (note: License plate) through the PLEA office.

PLEA Family: Every week or so we get a call from a member who lets us know of an injury or illness or hardship that one of our own is going through. This information is very important to us. PLEA tries to make contact with all our officers that may experience some of life's difficulties. Our concern is we may miss someone. Because we can't be at all our different work locations all the time, we rely on you to notify the office when you learn that someone could use a hand or some cheering-up.

Rifles: A few weeks ago I sent a letter to Eric AC Mike Frazier about a private purchase program for department approved rifles. I noted the success we had with the private purchase program for shotguns and pointed to the need based on the amount of available rifles in patrol. What we learned from the first meeting is the current state of our rifle program is not great. We also discussed that the rifle training program needs some immediate and serious attention. PLEA will assist in addressing the current training program and continue to discuss the possibility of allowing officers to purchase a department approved rifle in the near future. Until then our recommendation is to not run out and buy something you can't carry.

Elections: It's that season again. The ones where the landscape becomes overwhelmed with colorful signs that scream "vote for me". I compare the season to a colonoscopy. You know you need it, but it doesn't lessen the pain in the "2%".

The Arizona Police Association (APA) and PLEA have sent hundreds of questionnaires to those candidates that have registered with the Secretary of State and qualified for the ballot. The responses have been graded and our endorsements are going out. PLEA / APA have never taken a "straight ticket" approach to endorsements, and this year is no different. We rely on "past performance" as an indicator of future support, and the responses to our questions. You will be able to see the PLEA / APA list of endorsements on the PLEA website.

NLEOM: If you have less than three years on the department you might not recall PLEA's commitment to the National Law Enforcement Officers Museum. In 2004 the PLEA Board of Trustees pledged \$100,000 to the Museum and became a "Founding Partner". This is a five year program where a once-a-year \$10 special assessment is added to the July dues deduction. The dues return to normal in August. PLEA will deliver our third \$25,000 check to Craig Floyd, the Executive Director of both the Museum

and the Law Enforcement Officers Memorial, at the NAPO conference this month. Because there are more than 2200 PLEA members, we generate more than \$2000 extra each year. This money becomes a Health and Welfare resource to assist family survivors with expenses incurred for the trip to the Memorial in May.

This is just a small sample of the things we address at the PLEA office. Drop by to learn more.

Stay Safe

"DON'T BE BAMBOOZLED, IT'S TIME FOR A REVIEW"

by Darvy Boyd

Lew Bolton came into the office the other day after just talking to a member who came in and headed from a Grand Jury summons. The officer had been involved in a use of force incident. A police report was written and submitted to the Grand Jury, which came back with a true bill for aggravated assault. In fact we had three officers in two separate incidents receive summons to appear in court as results of use of force. The good news is as PLEA members they have access to LDF (Legal Defense Fund) attorneys and at the time of the incident, criminal attorneys were provided immediately before any interview took place. Lew and I discussed the importance that our members be equipped to protect themselves when one is involved in an incident that has criminal ramifications.

PLEA has reps and attorneys to assist you with administrative and criminal investigations where you are the target. It's a fact of life for the working cop, so get over it. When you get involved in a situation where you become the target of an investigation either administratively and/or criminally you need to know what to do. When the bad guy on the street comes at you, you've been trained to protect yourself. It's no different when it's your sergeant, PSB or a criminal investigator who comes to talk to you. Know your rights and who you have to talk to.

For a refresher... if you are involved in an incident where a use of force is applied, you are probably going to be a target from two police groups. The first police group is going to be criminal investigators (cops) who are going to investigate the incident where you are going to be the subject of the investigation, the suspect! As a police officer/suspect/citizen you have constitutional rights just like everyone else. You have the right to remain silent, the right to speak to an attorney before you are questioned by police and the right to have an attorney present during questioning. It's called "Miranda Rights." Familiar? Don't let anyone "bamboozle" you into thinking that you have to talk to cops doing the criminal portion of the investigation. Also, remember that in this country you are innocent until proven guilty. Remember, I didn't say this department. FLASH! The Ops Order do not supersede your constitutional rights even though there are many managers amongst us that think they do. Call me stupid! Just remember the cops that are going to interview you are going to act like cops. They are going to do their job and use whatever tricks they have or techniques they've perfected to get to the truth on what happened. Their job is not to protect you. Members get mad when they get duped by the cops.

I tell them I would do the same to them, because you're the suspect and I'm the cop.

So remember, when you sit down to be interviewed, ask the person across from you one question. FOR THE PURPOSE OF THIS INTERVIEW ARE YOU THE COPS OR ARE YOU MY EMPLOYER? If the answer is "THE COPS" exercise your constitutional right to remain silent and contact an attorney. PLEA has phone numbers for criminal attorneys to assist you and they are on-call 24/7. Just call the PLEA office at 246-7869. After hours you can call the front desk or radio supervisor for the PLEA on-call person. Like I've told you in past articles, put the numbers in your wallet just in case.

The second police group you are going to deal with are the administrative investigators, that being your supervisor or PSB. With this group you have to talk with them or you could be fired. Right, Mark Spencer? But with this group you have contractual rights outlined in the MOU, your contract. Before you are interviewed you have the right to contact a PLEA rep. You have the right to have a PLEA rep with you before anyone talks to you. You have the right to an NOI, which outlines the reported misconduct against you. You have the right for the interview to be tape recorded, which is critical. It keeps the record accurate and the interviewer honest as to what they ask, but more importantly what you answer. Before any interview, especially with a concurrent criminal investigation, make sure you read on tape or write on your memo your Garrity Rights.

Mark Spencer, as Grievance Chairman and I as Vice Grievance Chairman, are here to protect you. But we, along with the rest of the board and reps, can't always be there from the get-go. So you need to learn how to protect yourself until we arrive. Don't be "bamboozled" by the cops that you have to talk to them now because "the bad guy may get away" or they'll only have "one side of the story, thus you may go to jail". Dale Norris always told me that you're innocent until proven guilty so I don't have to talk. Also don't be "bamboozled" by management, when they tell you that you don't need a rep because it's "no big deal" or worse yet "if you get PLEA involved, then we have to take this all the way!" Please call me when that (mis)statement is made.

So just remember that you have both constitutional rights and contractual rights and you clearly can and should exercise them without hesitation or embarrassment. Like I tell my peers in DCU, "Don't let them BAMBOOZLE you!"