

The Voice of Arizona Law Enforcement

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New Year, New President, New Legislative Committee, Renewed Commitment to You

***By Matt Knowles
Legislative Director***

December 14, 2002, marked a new beginning for AZCOPS members like you and me.

Officer Jim Parks of the Tucson Police Officers Association took the helm as our new AZCOPS President. One of his first official acts was to bring before the AZCOPS Board of Directors the concept of a five-member Legislative Committee. The Board, which is made up of one leader from each of the 61 AZCOPS affiliates, enthusiastically endorsed the committee, naming me as its director.

I am humbled by their confidence in me, and look forward to working with the other committee members to secure our rightful place at the Arizona political roundtable.

In years past, AZCOPS delivered its message to the state legislature with the help of a local Communications Workers of America (CWA) lobbyist. Although we appreciate help we have received from the state CWA, your Board of Directors voted to invoke our right to self determination by creating a Legislative Committee of, by, and for our public safety members.

This Legislative Committee is one part of a three-pronged trident that will thrust us on to the Arizona political scene.

The two other prongs, an AZCOPS Political Action Committee fund and an AZCOPS Public Relations Committee, will be formed once the Legislative Committee has established itself.

Matt Knowles, Legislative Director

While local AZCOPS leaders can and should be in communications with their respective local governments, we need a legislative Committee to offer state-level input on issues like wages, benefits, and working conditions; issues which are ultimately decided by our elected leaders.

We won't need to shout in order for our state legislators to hear us because we have a lot to offer them; a 5,000-strong army of AZCOPS members who will vote, canvass neighborhoods, staff phone banks, install campaign signs,

contribute campaign money, etc.

All of us have important ideas on what should be accomplished during the upcoming legislative session. But since we are starting anew, we must focus our energy on one or two major issues rather than dividing our attention on a dozen or more extraneous issues. The thrust of our committee this year will be Meet and Confer (collective bargaining) for all public safety employees.

Many of you are frustrated by how you are treated by your public safety employer. Meet and Confer will address most of these complaints because it will mandate input and buy-in on how best to serve the tax-paying customer from the men and women who actually provide the service.

Politics, Like most human endeavors, is accomplished by personal relationships with other people. This means that the Legislative Committee has a long road ahead of us if we are to secure the trust and cooperation of a majority of the 60 State Representatives and 30 Senators, as well as the Governor. It will take us years to accomplish all that we hope to, but AZCOPS is here for the long haul.

I welcome your input and I'm counting on your support. •

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President's Message *by Jim Parks*

Unity, Commitment to Serving the Interests of Our Members Still Main AZCOPS Goals

Chuck Foy resigned as the President of AZCOPS during our Board of Directors meeting on Dec. 14, 2002. AZCOPS would like to acknowledge the extensive time and efforts that Chuck made on behalf of Arizona law enforcement officers, and wish him well in whatever he now undertakes.

Be assured that the philosophy of AZCOPS will not change. Our number one priority has always been, and will continue to be, the members of this organization. Without you, AZCOPS would not be where it is today.

Our number one goal, as it has been from the day that we opened our doors for business, is for every officer in this state to have the right to Meet and Confer with their employer over economic benefits and job rights. Until the day comes when Meet and Confer covers the entire state, AZCOPS will keep fighting for that right.

We have some exciting news from the legislative front. Matt Knowles, the President of the Phoenix Police Sergeants and Lieutenants Association, is our new Legislative Director.

In the near future, Matt will be recruiting individuals to sit on the Legislative Committee. We will be looking for between five and seven volunteers who are as eager as Matt to assist in promo-

Jim Parks, President

ting our legislation goals and conducting political screenings of candidates. We need to move forward and become a driving force for our legislative agenda. This can only happen if we all work together as a team. If you are interested in sitting on the committee, please contact Matt Knowles or me.

Martin Bihn, our General Counsel, will continue to maintain the high quality of the AZCOPS Legal Plan and find ways to keep down the cost of our legal services. We have the finest legal assistance plan in Arizona and will continue to find ways to bring better legal services to our members.

Also, leaders should remember that if there is any critical incident that our members become involved in that requires immediate action, you have the authority to contact your attorney.

I hope each and every one of you are as excited as the AZCOPS leadership is to move forward. We will continue to grow at the same incredible rate that we have for the past five years. I have nothing but confidence in the abilities of the Board of Directors and the Executive Board in leading this great organization into the future.

Please join me in welcoming Chris Starr to the Executive Board as the interim Vice President of AZCOPS Local 7077. Chris was appointed to this position on December 19, 2002, and his appointment will expire on April 10, 2003. At that time, as approved by the Board of Directors, a new member will be appointed.

If there are any questions you may have, the easiest way to contact me is through my pager at 520-793-6974.

AZCOPS Speaks is the official publication of the Arizona Conference of Police and Sheriffs, Local 7077, which determines its entire content, and is published quarterly. Comments or correspondence should be addressed to AZCOPS, Local 7077, 606 South Plumer Ave., Tucson, AZ 85719. Stories submitted for publication become the property of AZCOPS, Local 7077, and may be edited for clarity and content. Stories and/or photos may be submitted for publication to the above address. Photos submitted will be kept by AZCOPS, Local 7077, unless their return is requested in writing at the time of submission.

In order to build an effective legislative program, AZCOPS needs the e-mail address for every member on the internet. You will receive vital legislative updates and information. Please send your e-mail address to PAC@AZCOPS.org after March 1. •

Know Your Legal Rights



AZCOPS Fight Wins Job Reinstatement For Joe Harvey, Founding Member of PCSDA

A Pima County Merit Board hearing officer has ruled that there was no cause for the 2001 termination of Deputy Joe Harvey, a founding member of the Pima County Deputy Sheriffs Association, and has ordered his reinstatement. The Board will now determine the amount of back pay to be awarded officer Harvey.

"I am so grateful for all the support given to me by (attorney) Mike Storie, AZCOPS, the Tucson POA, and our deputies association," Harvey said. "It is a great feeling to know that your labor organization will back you up when things get tough."

Harvey was fired for alleged use of excessive force on Dec. 28, 1999, on a prisoner who had attempted to run down one deputy, taken other deputies on a 14-mile chase, and refused to comply with officers' directions to place his hands in plain view. The suspect was ultimately subdued after a hard struggle.

When the prisoner started to pass out, Harvey had to slap him to obtain basic information and to determine whether he had taken any drugs, a recognized technique in this situation.

Harvey's version of these events was corroborated by several witnesses. And, a shooting review board subsequently cleared the officer of any wrongdoing. But the Sheriff's Department alleged that Harvey had slapped the suspect to obtain information about criminal activity, and subsequently terminated him on Sept. 25, 2001.

AZCOPS attorney Mike Storie stepped in to represent Harvey from the day of his suspension, Aug. 29, 2001, through

his termination and up to and including a subsequent 13-day hearing by the Pima County Merit Board early last year.

Particularly disturbing to Harvey and his fellow officers was the testimony by Pima County Sheriff Clarence Dupnik at that hearing.

When first asked by Board Member Leslie Lynch whether he wouldn't expect deputies to be truthful when giving statements on the night of the incident, Dupnik replied, "Yes Ma'am."

But Lynch noted that he had said "not necessarily" when previously asked that question. "Could you explain that?" she asked the sheriff.

Dupnik said that, from his experience, "there is a serious issue of dishonesty or incriminality (sic); deputies are very reluctant...to say anything that would injure one of their peers. So, conse-

quently, they're normally not very forthcoming..." The sheriff added, "And, from personal experience, I can tell you that there's a lot of misconduct that goes on that's not reported."

Reaction to Dupnik's testimony by TPOA Vice President Jim Parks, now president of AZCOPS, was quick and unvarnished.

"This testimony is extraordinarily insulting to every law enforcement officer in Arizona. You would think that the chief law enforcement officer of the second biggest county in Arizona would not stoop so low as to typecast all cops as being dishonest and, apparently, criminals. That statement is an unbelievable insult to our profession, and the Sheriff should hide his head in shame," Parks said.

Harvey, who is expected to be back on the job by next month, should receive an estimated 18 months of back pay. •

Seven New Associations in Past Three Months

*By Staff Rep. Tim Clark
Organizing Director*

A record-setting organizing pace over the past three months has added seven new associations to AZCOPS, bringing to 61 the number of statewide affiliates.

The latest groups to form and affiliate are: Pima Juvenile Corrections Association (State Department of Juvenile Corrections), Coconino Sheriffs Association, Maricopa Juvenile Corrections Association, Payson Police Officers Association, Pinetop-Lakeside Police Officers Association, Santa Cruz County Deputies Association, and Show Low Police Officers Association.

In all, more than 100 new officers have joined AZCOPS.

Perhaps even more important than the numbers is the network of AZCOPS associations being created within each Arizona county, bringing solidarity and strength to officers in each area. These seven new associations create three more counties with multiple AZCOPS affiliates.

The employment and geographic diversity of these associations again shows the AZCOPS legal plan, newly improved legislative program and record of supporting it members attracts officers from throughout the state. •



January Board Members Meeting

Legislative, Charities Committees Established To Broaden The Scope of AZCOPS Throughout State

For the first time, a Legislative Committee composed of association leaders from across Arizona will spearhead a broadened political action program by AZCOPS.

Also formed at the January meeting of the Board of Directors was the Charities Committee, which will coordinate the union's charitable activities.

"This is an effort by the Board not just to better promote these vital activities, but to encourage the active involvement and support by our local associations in the affairs of this union," President Jim Parks said.

Named to chair the Legislative Committee was Matt Knowles, President of the Phoenix Police Sergeants and Lieutenants Association. Serving with him will be Rich Anemone of TPOA, James Baribault of MCPOA and AZCOPS Secretary, Tom Riccobono of Corrections, Pat Kief of PPOA, and Jack Berry of YCPA.

"I intend to meet this legislative session with all 30 State Senators and 60 State Representatives," Knowles said in accepting the chairmanship of the Legislative Committee. He also proposed that AZCOPS compile a statewide e-mail list for marshaling its members for support of key legislation (see Page 2).

Selected as Chairman of the Charities Committee was Rich Anemone, President of TPOA. Serving with him will be Joe Masella of Corrections, Mike Thomas of NPOA, Floyd Wilkes of PCDSA, Preston Glodo of YPSA, Chris Starr of Corrections, Pat Kief of PPOA, Alan Palomino of MCPOA, and Darius Taylor of POSA.

"We need an expanded, more coordinated program for our charitable

work," said Chairman Anemone, a founder TPOA's Shop With A Cop program conducted each Christmas.

Anemone introduced Pete Dell-Olio and Les Travis of P.F.R. Promotions, the firm TPOA has contracted with the last two years to help promote and raise funds for its Shop With A Cop program.

"We have been very successful in these last two years in expanding and promoting our Shop With A Cop program with the help of P.F.R.," Anemone said. He also urged AZCOPS to ultimately consider setting up a charitable foundation through which to work, part of which could involve support of members and their families during periods of crisis or hardship.

Both P.F.R. representatives gave presentations, saying that, if approved and contracted by the Board, the company's services would be available to every association in the state for local programs and fund raising. They would conduct telephone solicitations of local businesses only, not residents, and would help associations promote its local programs.

The proceeds from these fund raising efforts will be used to establish programs that benefit the members of AZCOPS and their families, as well as programs for the communities in which our members serve.

The Board approved a contract with P.F.R. Promotions, with a review of the agreement each year. •

Parks Welcomes New Association Presidents Elected Across Arizona

New to the position himself, AZCOPS President Jim Parks made a special point at the January Board of Directors meeting to congratulate recently elected association presidents for their dedication to serving the needs of the union's membership.

"In recent months new leaders have emerged in several of our associations throughout the state. I applaud the dedication and commitment these fine officers represent and welcome them into the leadership of AZCOPS," Parks said.

Most of these new presidents now represent their local associations on the AZCOPS Board of Directors. Many were at the January Board meeting in Bullhead City.

These newly-elected presidents are: Joe Masella, Arizona Correctional Peace Officers Association; John Stair, Arizona Probation Officers Association; Jon Meck, Gilbert Police Officers Association; Don Burkhardt, Maricopa County Deputies Association; and Amy Sloane, Oro Valley Police Officers Association.

Also, Alex Salcido, Pima County Attorney Criminal Investigators Association; Jim Hill, Police Officers of Scottsdale Association; Tony Venditto, Sierra Vista Police Officers Association; Joel Saucedo, Somerton Police Officers Association; Neil Gang, Surprise Police Officers Association; Preston Glodo, Yavapai Public Safety Association; and James Carr, Yuma County Deputy Sheriffs Association. •



Protecting Your Legal Rights



Correctional Officer Derrick Allen Cleared of Charges, Reinstatement Ordered With Payment of Full Back Pay

**By Martin Bihn
General Counsel**

We are pleased to update you on the continuing saga of Correctional Officer Derrick Allen. You will recall that Allen was falsely accused of misconduct by an inmate in the Perryville complex. After receiving the false accusations, the Arizona Department of Corrections (ADC) engaged in probably the worst investigation in its history — the investigator failed to interview ADC staff, relied solely on the uncorroborated statements of an inmate, and then hid evidence that clearly showed the inmate to be a liar.

When the Maricopa County Attorney's office refused to file charges (because of the shoddy investigation) ADC turned to the AG's office, which obtained an indictment on nine felony counts. ADC then immediately fired Allen.

AZCOPS legal jumped into both the criminal and administrative cases. We demanded an immediate hearing in front of the State Personnel Board. Our demand caught both ADC and the AG's office by surprise.

In an unusual move, the prosecutor in the criminal case sat in and observed the entire Personnel Board hearing. The prosecutor got an eye full. She watched as ADC's investigator admitted that his report was misleading, that he failed to interview the ADC employees whose testimony would exonerate Allen, and was shown to have generally failed to follow even the most basic investigative procedures.

Later, the inmate who made the false accusations was called to the stand and she promptly took the fifth

(amendment), refusing to answer any questions for fear of incriminating herself.

A parade of correctional officers also testified that, given the staffing levels and unit procedures, it was impossible for the inmate's claim to be true. Finally, even the accuser's cellmate testified that the accuser was a known liar, had lied before, and had fabricated her claims against CO Allen.

The Hearing Officer found that the accuser was an unmitigated liar, that no evidence existed to support the termination and he recommended reinstatement with all back pay and benefits.

The Personnel Board agreed and ordered Allen back to work. ADC initially hesitated, and then put Allen back to work with full back pay. After some more prodding by the AZCOPS legal, ADC reinstated Allen's sick time and leave balances.

Based on the Personnel Board hearing, the AG's office agreed to remand the indictment to the grand jury. The AG never presented the case to the grand jury again, and as of January 1, 2003, time to re-present the case has expired. Allen has been cleared on all counts.

When all was said and done, the legal fees and expenses incurred in vindicating CO Allen in the criminal and administrative cases exceeded \$35,000.

Allen's case has already had a dramatic impact upon ADC. After reading about the inmate's accusations against Allen in the newspaper, another inmate made similar allegations against a different correctional officer. ADC's crack investigations unit sprang into action, looked into the matter and convinced the AG to indict this CO as well. AZ-

COPS legal gave notice that it was defending the criminal matter and would be demanding an immediate Personnel Board hearing when ADC dismissed the correctional officer.

In response, ADC advised us that it would not dismiss the officer (in spite of the felony indictment), but would simply reassign him until the criminal matter was resolved. Clearly, ADC did not want its criminal case against the correctional officer dismantled at a Personnel Board hearing, so this officer continues to go to work every day.

Our review of the criminal investigation in this case has revealed the usual gaping holes and shoddy investigative work we have come to expect from ADC. We firmly believe that, like Correctional Officer Allen, this officer is absolutely innocent and that AZCOPS will clear his name. •

PPOA Officer Waits For Appeal Decision

As *AZCOPS Speaks* goes to press, a decision is expected on the appeal of Officer Norman Brice. He was demoted by the Peoria Police Chief after a Maricopa County Attorney's office investigation found in May 2002 that Brice's actions in a November 2001 shooting were fully justified. Nonetheless, the chief failed to make public the County Attorney's decision and demoted Brice to a non-certified aide's position. AZCOPS then appealed.

In a December 2002 appeal hearing, training officers testified that Brice followed the department's "use of force" policy, which is the same as state law.

The full Norm Brice story is posted at

Arizona Conference of Police and Sheriffs, Local 7077



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