

AZCOPS

Arizona Conference of Police and Sheriffs

Local 7077



The Power of Arizona Public Safety Officers

AZCOPS SPEAKS

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A publication makeover will help tell the story of AZCOPS' growth and achievements for its members.

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- ★ Safford Police Officers Association

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AZCOPS legal team defends Yuma County detectives in civil rights lawsuit

When Yuma County officials refused to defend employees in a recent civil rights lawsuit, county detectives called AZCOPS for help.

The officers had just completed a successful investigation of a large-scale real estate fraud that led to the arrest of three suspects. The investigation found the suspects were selling residences at resort communities in the United States and Mexico promising construction would begin after they received a 50 percent down payment. The detectives found that the suspects had pocketed the down payment and construction was never started.

After his arrest, one of the suspects filed a lawsuit against the detectives, the County Sheriff, chief civil deputy and County Attorney claiming they had acted in their official capacity and "outside the scope" of their employment to deprive him of his civil rights.

When the County, which is self-insured, saw the allegations, the defendants were called to a meeting and informed they would have to hire and pay for their own lawyers.

While the Sheriff, his deputy and

the County Attorney scrambled to find attorneys who would represent them, the detectives called on AZCOPS.

"Our members first told us they were concerned for the fairness in the case because the suspect's lawyer was a close friend of the judge," said AZCOPS General Counsel Martin Bihn. "So, we pushed the Yuma County attorney to move the case to federal court in Phoenix."

Once the case got to federal court, AZCOPS attorneys filed an Answer on behalf of the Yuma County detectives and went to work on comprehensive discovery requests. Discovery and the deposition of the plaintiff would begin after a scheduling conference with the judge.

While AZCOPS legal team waited for the scheduling conference, it went "full bore on preparing our discovery requests and getting ready to take

plaintiff's deposition," said Bihn. "The Yuma County Attorney even forwarded us depositions of the plaintiff (from his bankruptcy case) to help us prepare and we looked forward to the input from our client detectives."

Then a week before the conference, AZCOPS received a notice from the court -- plaintiff had voluntarily dismissed his lawsuit. This plaintiff/criminal defendant who tried to use a federal court to accuse our members of misconduct and civil rights violations went out like a mouse and withdrew his own suit.

"Our thinking in these sorts of cases is that AZCOPS will defend them to the hilt and the only settlement that is acceptable is an unqualified dismissal," said Bihn. "We will not tolerate criminals using the civil courts to try to gain leverage against our members."

AZCOPS will go to any length to defend its members! With 30 lawyers positioned throughout Arizona and no limits on our legal plan, AZCOPS is always ready to respond.

Let us thank our officers as we offer condolences

Editor's Note: The following article was first printed as a guest editorial in the Arizona Daily Star on June 4th, following the shooting death of Tucson Police Officer Erik Hite and the shootings of two deputy sheriffs. It is reprinted here with permission.

**By MIKE STORIE
AZCOPS Attorney**

Like so many other Tucsonans this week, my peaceful Sunday afternoon was suddenly rocked by the dreaded news that three officers had been shot, one mortally.

I routinely receive news of these officer-involved shootings as I represent officers throughout the state on

behalf of their respective associations. In this case rather than legal help, the officers required desperate medical assistance.

Through my involvement in these critical incidents over the years, I have been privy to the perils that officers face every day and the near misses that never merit media attention.

It is truly a miracle that more officers are not killed by the maniacs who either choose suicide by cop as a cowardly death choice or those who lie in wait of officers during escape attempts.

Yet these brave men and women put on the uniform every day, kiss their



**Tucson Police Officer Erik Hite
End of Watch: June 2, 2008**

loved ones goodbye and consider it a good day when they are able to return and kiss them once again.

What should be apparent to even the most skeptical citizen or politician in this town is that the bad guys are much more dangerous than ever before and are perfectly willing to engage in

See REMEMBERING, Page 3



From the President

Improving communication tools will open more doors for AZCOPS

AZCOPS has a new look! As you can see, we have redesigned our newsletter and are updating the way we provide news and general information to our membership.

Recently, we interviewed three media/public relations businesses to assist us in boosting our ability to inform our membership, non-members (a.k.a. soon to be members) and the public. After careful review, we selected Media & Political Strategies, Inc. (MPS), a company that specializes in the production of print publications, web sites, and political direct mail for law enforcement and other public safety unions.

We began working with MPS to improve our communications program earlier this summer because we realized we needed to invest in tools that will not only help us grow our membership, but also educate the media, the general public, and political leaders and decision-makers at all levels of government about the mission of AZCOPS.

Why is this so important? Think about this for a minute. When the general public thinks of a police union, which one comes to mind? Yes, the FOP. It is recognized because it has been around for so long that people associate that acronym with police.

But for those of us working in Arizona public safety jobs, we know FOP isn't the best union. The truth is AZCOPS does more to represent its members than FOP or any other organization.

One of the major differences between FOP and AZCOPS is our diversity. Our members encompass ALL of public safety. We are police officers, sheriff's deputies, correctional and detention officers, and probation officers. AZCOPS stands for all, not just one!

Another difference is that neither

the FOP nor the Arizona Police Association (APA) offers legal representation that compares to AZCOPS' Legal Plan. Our comprehensive plan is administered and controlled by AZCOPS, unlike the FOP or APA plans, and it is available to our members at NO EXTRA COST.

Truly believing and adhering to our philosophy is the reason we are the fastest growing public safety union in the nation. Our goal is to use any and all means necessary to make AZCOPS a household name in the State of Arizona. We are looking forward to working with MPS to help us accomplish this goal.

A Decade of Growth and Professional Service

AZCOPS was born in 1997 and in 11 short years, we have made significant progress. What started with just two affiliates -- Tucson POA and Peoria POA -- has quickly evolved to 85 affiliates and 9,000 members stretching from Kingman to Douglas and from Holbrook to Yuma. (See our list of affiliated groups on Page 11.)

To better serve the needs of a growing membership, AZCOPS has an office in Tucson and an office on Central Avenue just north of downtown Phoenix. AZCOPS also has two full-time attorneys -- Martin Bihn in Phoenix who serves as our General Counsel, and Mike Storie in Tucson -- and more than 30 attorneys statewide ready to respond to critical situations involving our members.

AZCOPS has a full-time lobbyist, Luis Ebratt (a retired Maricopa County probation supervisor), who has worked incredibly hard at the State Capitol lobbying for legislation that supports our causes and working with lawmakers to help those bills become law.

And of course, let's not forget AZCOPS Office Manager Anamarie Daniels for her professionalism and

attention to detail; and Chief of Staff Tim Clark and Organizer Chris Currie for their strong commitment and dedication to recruiting new members into our organization.

As you can see, AZCOPS is dedicated, relentless and committed to providing the best legal assistance and service to our membership. AZCOPS truly is "The Power of Arizona Public Safety Officers."

7th Annual AZCOPS Convention

The 7th Annual AZCOPS Convention is right around the corner, Oct. 24-25 in Laughlin, Nevada. This year, the convention will be held at the newly remodeled Aquarius Casino & Resort (formerly the Flamingo Casino). We are extremely excited about this year's convention agenda and the nationally recognized guest speakers who will be attending.

Ron DeLord, executive director of the Combined Law Enforcement Associations of Texas (CLEAT), will be speaking on the "Power, Politics and Confrontation Involving Public Safety Unions." Ron has co-authored three books related to unions vs. management and has a plethora of invaluable information for all of our leaders to hear. I have attended Ron's training through the Police & Fire Labor Institute and every time I participate, I come away with new goals and ideas. (See www.policeandfirelabor.com.)

Labor Attorney Mark Makler of Oregon will give a presentation of "Common Mistakes that Will Get You Fired" and issues related to EEOC and other federal laws pertaining to law enforcement. I saw Mark recently in San Francisco at the National Coalition of Public Safety Officers Conference and I was impressed by his knowledge of labor law.

We also have Phoenix Attorney Thomas Stillwell who specializes in medical/industrial claims law in



LARRY LOPEZ
AZCOPS President
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Arizona. Tom has handled many cases for AZCOPS including a past Tucson case involving a catastrophic injury that changed state law pertaining to how the Public Safety Retirement System issues medical retirements.

AZCOPS Director of Government Relations Luis Ebratt will give his report of the last legislative session, including a list of our friends and foes at the Capitol. Also, AZCOPS Attorneys Bihn and Storie will give a presentation on our legal cases involving members and affiliates.

There is no cost to attend the convention and rooms can be reserved at a discounted rate. (See story on Page 12.) As in the past, we ask that children not attend the day of the convention or the Awards Luncheon.

The AZCOPS Executive Board is looking forward to seeing you in Laughlin!

As always, please be careful out there and take care of one another.

Larry Lopez is President of AZCOPS and President of the Tucson Police Officers Association.

AZCOPS SPEAKS

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AZCOPS members benefit as union becomes more active on national labor front

As evidenced by tremendous membership growth in recent years, AZCOPS leaders have set high goals for Arizona's largest public safety union. And being content as the state's fastest growing labor union won't suffice.

"When it comes to name recognition, AZCOPS does a tremendous job

at the state level," said Luis Ebratt, director of Government Relations. "But, we are looking to make a mark on the national front as well.

"By playing an active role in national labor unions, AZCOPS can affect federal legislation that impacts public safety professionals," he said. "We need influence in Washington,

and involvement in NCPSCO (National Coalition of Public Safety Officers) and CWA (Communication Workers of America) gives us a voice."

Ebratt, who also serves as Vice President for NCPSCO, says AZCOPS is quickly becoming a player in the

national labor movement. By electing supporters to national union offices as AZCOPS did this summer, the union gains political ground for its members.

"Gaining national name recognition will make a huge difference for Arizona officers," he said.



(ABOVE) Tixoc Munoz, president of the Arizona Correctional Peace Officers Association, speaks at the CWA Conference in Las Vegas. (BELOW) AZCOPS Director of Government Relations Luis Ebratt was recognized for his leadership in the National Coalition of Public Safety Officers at a conference in April in San Francisco. From left are NCPSCO Treasurer Steve Harvey of New Mexico, NCPSCO Vice President Ebratt, NCPSCO President Chris McGill of Texas, and NCPSCO/CWA Director John Burpo.



Caddell elected CWA VP District 7 thanks to AZCOPS support

The Arizona Conference of Police and Sheriffs helped secure the victory in June of Louise Caddell as Vice President for District 7 of CWA.

During the annual CWA Conference in Las Vegas, AZCOPS cast 8,041 votes for Mrs. Caddell making her the top vote-getter among three candidates.

"We interviewed each candidate and agreed that Mrs. Caddell will be a strong voice for public safety officers at the national level," said Luis Ebratt,

AZCOPS director of Government Relations.

Mrs. Caddell assured AZCOPS that she would work to secure a vice presidential position for the National Coalition of Public Safety Officers (the umbrella group for AZCOPS) on the CWA Executive Board.

"We are looking to make our mark at the national level, and as our representative on the CWA Board, Mrs. Caddell will help us get closer to our goals," he said.



AZCOPS was instrumental in the election of Louise Caddell to Vice President of CWA, District 7. From left are Tixoc Munoz, Luis Ebratt, Steve Harvey, Mrs. Caddell, Mike Lee and AZCOPS President Larry Lopez.

A police officer's death is a community's shared loss

(Continued from Page 1)
deadly battles with officers.

In the past six months, one officer has been stabbed and six officers have been shot. This is staggering.

It is with great sadness that I watched Tucson Police Chief Richard Miranda speak to the media Sunday night, and once again be forced to announce that another officer had been mortally injured on his watch.

In a time that so many politicians and administrators capitalize on tragic events to create photo opportunities, I am touched by the Chief's heartfelt comment that he just feels terrible.

These words and feelings were genuine and summed things up for us all so simply.

I have had the privilege and honor of serving officers throughout the state. Without reservation, I can say that we are lucky in this community to be served by the most professional and competent law enforcement agency in the state.

When one of their finest is suddenly and needlessly struck down, it is a profound loss to his family, his brothers and sisters on the force, and every one of us in the community.

Over the next several weeks when

you see an officer wearing the black band around his or her badge, you might take a minute to acknowledge their service and our shared loss.

You might pass along your thanks to them for patrolling our most dangerous streets while our loved ones sleep safely in their own beds.

Last night, my eight-year-old son asked why bad men hurt his police officer friends who give him Christmas presents, come to his birthday parties and let him turn on their sirens.

I could give him no answer that could make the world we live in make

sense.

So, officers from around the state and nation will soon gather to celebrate this officer's life and service to the community. He will be eulogized by those who loved and respected him, and those in attendance will be touched by the haunting bagpipes that will move us all to tears.

And in a time-honored tradition at the end of the service, a mournful voice will echo from his squad car calling him to service, with no response except from those who silently pray.



LUIS EBRATT

Director, Government Relations

“Over the years, many members have asked me what it takes to pass a bill through the Arizona Legislature. I tell them it’s kind of like making sausage -- do you really want to know how they do it?”

How a bill becomes a law...really

About three years ago, I presented training at the AZCOPS Convention in Laughlin, Nevada, reference the state legislative process. Fundamentally, I covered all the necessary steps as well as the relationship between a lobbyist and the lawmaker. This article will cover the more distasteful part of the process. I’m sure many of you have heard the analogy of “not wanting to know how sausage is made.” Well, stay tuned, the similarities are remarkable.

In the 2008 session we primarily worked to advance four bills: Meet & Confer for DOC (HB 2463), changes in firearms statute for DOC (HB 2464), disability for CORP members (HB 2117), and changes to due process in ARS 38-1101 (SB 1060/SB 1265). Of these bills, HB 2117 was the only initiative that would present a financial challenge to the state budget, which was over \$1 billion in the red; this financial issue was resolved early on in the process.

Meet & Confer received committee assignments, but was stalled immediately by all committee chairs (anti-labor sentiment). HB 2464, which would actually save the state money, was assailed by both the anti-gun faction as well as a conservative pro-gun group. One, opposing leniency on the CCW statute, while the other opposed the entire statute and all CCW mandates; neither caring about a sensible change that would save man hours (money) in a tight budget. The disability bill was “held” at every possible opportunity because it was thought to be a money bill. No one took the time to read the bill and see the inequity of disability coverage that existed with CORP and the other three state pension programs. This was despite the fact it was agreed CORP members would fund the shortfall. If it was not for longtime public safety advocate Rep. Marian McClure personally advancing this bill, it would not have found the Governor’s desk.

The most significant assault on the right of law enforcement occurred in the slow death of SB 1265 (originally SB 1060) sponsored by Sen. Jim Waring, R-District 7. After being assigned to two committees by President Tim Bee (unusual but significant when a bill has opposition), the bill was not heard by either committee chair and began its death march through the Legislature. A “strike everything” bill, offered by longtime AZCOPS friend Sen. Karen Johnson, provided a

(See LEGISLATIVE, Page 7)

AZCOPS members gain rights, benefits during 2008 legislative session

Arizona correctional officers were big winners in the 2008 legislative session as officers gained Meet & Confer rights as well as increased benefits under the Corrections Officer Retirement Plan.

The Arizona Correctional Peace Officers Association, under the leadership of President Tixoc Munoz, secured rights to Meet & Confer with Department of Corrections leadership through an executive order from Governor Janet Napolitano.

According to the Executive Order, union representatives may meet quarterly with the Director of ADOC to discuss issues relating to officer working conditions.

HB 2117, which was signed into law by the Governor earlier this summer, provides for ordinary disability retirement for non-dispatcher members of the CORP.

Until 2007, ordinary disability retirement was available for full-time dispatcher members only. But that year, the Legislature conditionally enacted a measure that would extend the benefits to all members of CORP effective in 2010 if the annual actuarial valuation of CORP in 2009 indicated the ratio of accrued assets to accrued liabilities was at least 100 percent.

In order to extend this benefit to all

CORP members, lawmakers this year temporarily raised the employee contribution rate so that the 100 percent funding level would be reached faster. That way, more officers have access to the benefit. When the CORP is completely funded, the employee’s contribution rate drops from 8.41 percent to 7.96 percent.

Unfortunately, our bill that would have improved officers’ rights to Due Process, SB 1265, didn’t pass this session.

The bill passed in the House and Senate, and a Conference Committee approved an amended version. But, in the final days of the session, Senate President Timothy Bee, R-District 30, would not recognize our bill for a final floor vote. The final bill was never voted on in the Senate, despite the efforts of its author, State Rep. Eddie Farnsworth, R-District 22.

Other bills that didn’t survive the session included our Meet & Confer bill for state corrections officers (HB 2463), and a bill that would have exempted community corrections officers and special investigators from certain weapons restrictions (HB 2464).

HB 2463, never received a committee hearing, and HB 2464 was held up in rules by State Rep. Bob Robson, R-District 20.



AZCOPS SUPPORTS Marian McClure for Corporation Commissioner

As State Representative, McClure passed legislation allowing 20-year retirement for probation officers, and off-the-job disability for CORP members.

Visit www.mcclure4az.com
to find out how you can help Marian!

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New CLASA contract links supervisor pay with other cities in Maricopa County

CHANDLER -- Police supervisors in Chandler received a 4.33 percent pay increase in September and could see another bump in pay after the first of the year thanks to a new meet and confer contract that links their pay to supervisors in eight cities.

For the next three years, Chandler supervisors will rank No. 4 in pay among eight cities in Maricopa County. As other cities raise salaries, the City of Chandler will do the same to keep supervisor pay in fourth place.

The contract was negotiated this summer for the Chandler Lieutenants and Sergeants Association by John Burpo of the National Coalition of Public Safety Officers (NCP SO). The contract is unique in that it locks in the pay standard agreed to by the Association and the City. While it's common to talk about pay comparisons during the negotiating process, rarely are both sides willing to take a risk and include a preferred pay ranking in a contract.

"We don't know of any other agency that has an agreement like this," said CLASA President Keith Benjamin. "In other places, they just say they're going to do it -- we have it in writing."

"In the past, the City would give us

a raise on July 1st that put us in third or fourth place," Sgt. Benjamin said. "But, days later, we would fall back to last place as other cities adopted their pay raises. We didn't think that was fair. We wanted to be in fourth place all year long."

Benjamin said the union suggested a mid-range ranking because during these tough economic times, demanding top pay wasn't feasible.

"We realized that linking our pay with other departments was risky. The City offered us a choice -- a 2.5 percent raise in July that we would have to live with all year, or we could accept the pay determined by what other agencies did," he said.

"We took the gamble, and now we're getting a 4.3 percent raise this month -- retro to July -- and we should get another bump in January," he said.

Next year, however, things could change. If the economy declines further and cities in Maricopa County don't approve pay raises for police

supervisors, Chandler pay will remain stagnant. Sgt. Benjamin said that was a risk CLASA was willing to take.

"The truth is that this is an equal gamble on both sides," he said. "But, we know where we are going to be for the next three years, and it saved us from arguing back and forth about our pay every time another city started paying more."

He said the idea was brought to the negotiating table by Burpo as a way to attract and keep experienced supervisors in Chandler PD. In recent years, fewer applicants were willing to test for Chandler positions because they could make more money elsewhere.

The contract also includes a benefit that allows supervisors to buy back accumulated unused vacation and sick time at year 17. Sgt. Benjamin said the provision allows employees to retire at a higher income.

"Essentially, some supervisors could see a \$10,000-\$15,000 raise three years before they retire," he said.

"This benefit is significant in that it

will allow those who have given so much to this City to enjoy retirement in a more comfortable lifestyle," said Sgt. Benjamin. "For those of us who have spent our entire careers in this community, this really is a big boost for morale."

"For younger officers, it's a great incentive to promote and stay in Chandler," he added.

Meet and confer is a fairly new negotiating tool in Chandler. This summer's contract was the second for police supervisors.

Only sergeants and lieutenants are eligible to join CLASA. Lieutenants are exempt employees and are not included in the meet and confer agreement. However, they receive a proportional pay increase when sergeants do.

As a result of the new contract, morale within the Chandler Police Department is at an all-time high, Sgt. Benjamin said.

"Despite the uncertainties of a changing economy, city leaders sent a message with this contract that public safety comes first in Chandler, and CLASA appreciates their commitment," he said. "Citizens benefit when the City and its public safety officers have a good working relationship."

"Despite the uncertainties of a changing economy, city leaders sent a message with this contract that public safety comes first in Chandler."

-- Keith Benjamin
CLASA President

AZCOPS supports 100 Club of Arizona

PHOENIX -- The Arizona Conference of Police and Sheriffs helped raise money for the 100 Club of Arizona by sponsoring a table at its annual fundraising banquet in March in Phoenix. The event raises money to support the families of fallen officers and those disabled in the line of duty.

AZCOPS and its affiliates Arizona Probation Officers Association and the Arizona Correctional Peace Officers Association also sponsored tables. The

groups invited elected officials to be their special guests.

"This was an opportunity for us to reward some of the elected officials who support AZCOPS at various levels of government, while doing something positive for the families of public safety officers," said AZCOPS Director of Government Relations Luis Ebratt. Ebratt also serves as President of AZPOA.



(ABOVE) AZCOPS President Larry Lopez with State Rep. Jennifer Burns (left) and State Rep. Marian McClure (right). (RIGHT) From left, State Sen. Jim Waring, Arizona Probation Officers Association President Luis Ebratt and his wife, Leslie, and Probation Officer Lance Nickell.





Strength in Numbers

A selfless commitment to service is what makes AZCOPS different from other unions



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“ We are not the best because we are the biggest. We are the biggest because we are the best. ”



The most common question asked of all union organizers, “What makes your organization different from the others?”

For many unions, the answer is little more than a well-rehearsed sales script. Organizers have memorized the script and say it so often that they sound like phone room operators trying to fill a sales quota.

Well, AZCOPS is different. And those of us who field that question dozens of times a day never get tired of answering it. As police, deputies, probation and correctional officers, we’ve been members of the other unions and we are proud of what makes AZCOPS different.

This union was born because rank and file officers from agencies across Arizona grew weary of paying hard-earned membership dues to tired organizations that didn’t communicate with them and rarely produced meaningful change.

They wanted a union that would stand by them in every police station, sheriff’s office, probation department, county jail and state prison. When things got hot, they wanted a union that would stand up for them in court. In places where politicians are the decision-makers, they wanted a union that would look for opportunities to be an advocate.

Eleven years and 9,000 members later, AZCOPS continues to grow in numbers and political power because we listen to our members, and every day look for opportunities to serve them better.

That’s why the **Navajo County Probation Officers Association** and the **Safford Police Officers Association** affiliated with AZCOPS this year. In their desire to make Arizona a better place for public safety professionals, they looked to

AZCOPS for leadership.

While AZCOPS is known statewide for being able to accomplish meaningful change for member organizations, the union also has a reputation for taking good care of its members.

That reputation follows the union around the state, including the Arizona Department of Corrections where **AZCOPS Organizer Chris Currie** and leaders of the local affiliate have doubled the size of the union in just two years.

Currie, who travels from one unit to another each week to enroll new members, said correctional officers appreciate AZCOPS for taking care of its members inside the state prison system.

Earlier this year, Gov. Jan Napolitano signed an Executive Order granting meet and confer for prison staff.

Armed with political influence powered by a growing membership, AZCOPS Vice President to Corrections Tixoc Munoz told the Governor it was time correctional employees had a voice in the decision-making process.

“It was a real victory for the hard-working men and women of Arizona’s prison system,” said Currie, a former probation officer and juvenile corrections officer.

For two years, Currie has worked exclusively with the correctional arm of AZCOPS and has helped grow the union from 2,400 members to more

than 4,000 statewide.

Currie enjoys talking with officers about the value of union membership. He became active in the public safety union movement while working as a probation officer in Maricopa County. He organized co-workers and grew the Arizona Probation Officers Association by almost 500 members.

Currie said his goal is to organize all DOC employees. Every week, he works with local leaders to organize membership drives at various prison units. He sets up a table and some shade outside and visits with employees on all shifts as they make their way inside or as they head home.

“I’m a true believer in AZCOPS and know from my own experience as a probation officer what this union does for its members,” he said. “It’s a message I never get tired of delivering.”

When they ask what makes AZCOPS different from the others,

Chris and others speak from experience -- it’s the willingness of its leaders to be true servants of the people. Together, we do whatever it takes to take care of members and their families. It’s what makes us the best.

Chris Currie can be reached by e-mail at azpoa1@hotmail.com.



CHRIS CURRIE
AZCOPS Organizer

Legal team saves health benefits for suspended corrections officer

By **MARTIN BIHN**
AZCOPS General Counsel

AZCOPS Legal recently was assigned the appeal of a corrections officer who had received an 80-hour suspension. Our member had already served the suspension so we were appealing to get his time back.

Four days into the process, our member called us in a panic. He had been advised that his benefits were about to be cancelled. Because he had been on suspension for 80 hours, ADC had not paid its share of the member’s

health and disability premiums. Our member had eight days to pay nearly \$500 to maintain his benefits.

Our member is nearly 60 years old and his wife has a debilitating heart condition. He had spent virtually every penny he had on medication and treatments for his wife. Not only could he not pay the premium, but the loss of the health insurance would be a death sentence for his wife.

AZCOPS Legal immediately made calls to ADC HR, faxed a letter urging them to stop the foolishness. When we

received no response, we went straight to the top -- ADC’s General Counsel and its AG Legal Advisor.

The following day, they notified us that ADC had accidentally imposed the suspension in a single pay period. This deprived our member of an entire paycheck and placed him in HR’s “unpaid premium status.”

We convinced ADC to rework the suspension to pull our member out of the unpaid premium status. As a result, he never lost his health insurance and did not have to pay ADC’s portion of

the premium. He was extremely relieved.

AZCOPS Legal and AZCPOA have positive working relationships with ADC. Past administrations would have stonewalled and told us “too late, nothing we can do” after the member lost insurance.

We are still going to battle ADC on the suspension, but it’s nice to know that when a huge mistake has been made that we can turn to ADC and get the right thing done for our members.



Tucson POA President Larry A. Lopez announces at a May news conference that Tucson is becoming more dangerous and police need more resources.

Tucson POA launches media campaign to warn community of looming public safety crisis

TUCSON -- While the city of Tucson becomes more dangerous, City leaders continue to ignore the warnings of police and refuse to make public safety a top priority.

That was the message delivered to the public by the Tucson Police Officers Association during a news conference in May outside City Hall.

TPOA President Larry A. Lopez said the Association launched a media campaign to warn the community of alarming increases in violent crime and a police staffing shortage. He called on the Mayor and City Council to make public safety a top priority and give police officers the resources they need to fight crime.

"TPOA has lost its confidence in the politicians at City Hall because they won't deal with this crisis," he said. "That's why we're bringing our concerns to the public."

Lopez, who also serves as President of the Arizona Conference of Police and Sheriffs (AZCOPS), said a lack of leadership at City Hall is contributing to the problem.

In an attempt to educate the public, the Association launched a public media campaign paying for commercials on radio, television and in print publications.

As of this newsletter's publication, the campaign continues in Tucson.

"We tried for months to inform the Mayor and City Council of this crisis," Lopez said. "They ignored our warnings and instead lashed out at the union accusing us of 'fear mongering' and 'political grandstanding.'"

The local newspaper "demonized"

the POA and its president while city officials claimed the POA was using the media campaign as a ploy to demand pay raises for officers.

"Since this campaign began, Tucson has suffered one of the most violent years in history," Lopez said.

In the first eight months of the year, the murder rate has spiked at 54 compared to only 36 at this time last year.

This summer, one Tucson police officer was killed, two were shot, one was severely stabbed and many more have been victims of assault.

"Aggravated assaults, robberies, sexual assaults and home invasions are likely to surpass last year's totals as well," he said.

To make matters worse, the Tucson Police Department is struggling with staffing shortages on patrol. This year, forced DROP retirements have impacted the department, which was already deploying fewer patrol officers than it did in 1998.

"The Tucson POA is determined to fight government corruption, and will see to it that voters elect new leaders to the Council in next year's election.

"We will continue this fight on the public's behalf for as long as it takes," Lopez said. "We encourage the community to get involved and help us make our city safe again."

Tucson is the second largest city in Arizona with a population of about 600,000. The police department has less than 600 patrol officers taking calls for service.

A commercial produced for TPOA and AZCOPS may be viewed online at www.azcops.org.

Watch the Tucson POA TV commercial on www.azcops.org

Legislative process shouldn't discourage fight for officers' rights

(Continued from Page 4)

vehicle in the House by which the bill was revived in the form of SB 1265. The bill unanimously passed the Judiciary Committee before Chairman Eddie Farnsworth and after opponents temporarily held it in rules, again, without reviewing the merits, it passed the House unanimously.

Now we were really exposed to what was in the sausage. In the Republican Caucus, committee chairs in Public Safety & Human Services and Government decried the attempt at this bill's passage as a "strike everything" bill; even though this is a legitimate, commonly used strategy in the Legislature. However, the majority leadership assured Rep. Farnsworth that 1265 would be scheduled for final floor action due to the overwhelming support it had previously received in the House. It soon became apparent this was not true and that law enforcement rank and file were being sabotaged by those who purport to enjoy the safe communities provided by our officers.

So, as you can see, the task is formidable and we must not be discouraged in advancing the rights of officers regardless of the flavor of the sausage.



Luis Ebratt's LEGE SAUSAGE RECIPE

- 1/4 teaspoon sensible legislation
- 3/4 cup partisanship
- 2 cups anti-public safety officer sentiment
- 1 cup committee chair personal bias
- 1 cup majority leadership flip-flop

Mix the above ingredients well. Then add 2 tablespoons of self-serving rhetoric, and place the mixture in the Legge Sausage grinder.

Serving Instructions:

- * Served hot or cold, depending on the election cycle.
- * Feeds numerous special interest groups at the trough.

Arizona Legislature Online
www.azleg.gov

Public safety should always be top priority!

Elect friends of AZCOPS in 2008



(A) AZCOPS affiliates came together to announce their endorsement of Tim Nelson for Maricopa County Attorney. (B) Arizona Capitol Police Association President Ed Neidkowski (left) and Vice President Jared Bunn (right) with Gov. Jan Napolitano. The Governor attended the AZCOPS endorsement rally for Tim Nelson. AZCOPS endorsed Gov. Napolitano in 2006. (C) Congresswoman Gabrielle Giffords (center) was recently endorsed by AZCOPS and its affiliates. From left are AZCOPS Chief of Staff Tim Clark, President Larry Lopez, Government Relations Director Luis Ebratt, former President Jim Parks, Mrs. Giffords, AZCOPS Vice President John Stair, and Pima County Probation Officers Association President Rick Hornback. (D) Chandler Lieutenants and Sergeants Association and AZCOPS endorsed Chandler City Council candidates. From left are AZCOPS Chief of Staff Tim Clark, CLASA President Keith Benjamin; Chandler Council Candidates Jack Sellers, Rick Heumann, and Kevin Hartke; AZCOPS President Larry Lopez and Treasurer Joe Cameron.



**V
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AZCOPS' Picks for 2008

RICK WILLIAMS

for Mohave County Superior Court Judge

SHERIFF TOM SHEAHAN

for Mohave County Sheriff

MICHAEL B. WHITING

for Apache County Attorney

TIM NELSON

for Maricopa County Attorney

ROBERT W. COX

for Pima County Constable of Justice, Precinct 6

CHRIS VASQUEZ

for Pinal County Sheriff

CHARLES MENDONCA

for Drexel Heights Fire District Board

BETTY DRAKE and NAN NESVIG

for Scottsdale City Council

JACK SELLERS, RICK HEUMANN

*and KEVIN HARTKE
for Chandler City Council*

EDDIE FARNSWORTH

for State Senator, District 22

RUSSELL PEARCE

for State Senator, District 18

BRAD ROACH

for Pima County Attorney

GABRIELLE GIFFORDS

for U.S. Representative, District 8

MARIAN McCLURE

for Corporation Commission

SHERI VANHORSEN

for State Representative, District 9

DAN SABAN

for Maricopa County Sheriff

Probation member wins long fight over wrongful discipline

By MARTIN BIHN

AZCOPS General Counsel

MARICOPA -- Barb Lang was a 14-year veteran and a supervisor in the juvenile sex offender unit of the Maricopa County Juvenile Probation Department. She was loved by her subordinates and co-workers and she worked exceptionally hard.

A few years ago, Barb found a loophole in the law that essentially gave a "free pass" to sex offenders in certain circumstances. Knowing this was wrong, she tried to get her administration to do something about it. She was told that she could try to fix the problem on her own time -- the administration would not help. So, Barb accepted the challenge.

She went to the Legislature and educated elected officials. They were shocked and appalled. Barb got sponsors for her bill and walked it through both the House and Senate, and the Governor signed it into law. State officials were so impressed with Barb that they appointed her to special committees dealing with child welfare and probation issues.

Everyone was happy except the director of Barb's agency. The director had a face-to-face meeting with Barb expressing her displeasure over Barb's activities. *You know where this is heading...*

A few months later, Barb and her direct supervisor were meeting with one of Barb's subordinates to give her a little "verbal counseling." Within hours, the subordinate retaliated, making absurd allegations of misconduct against Barb. The agency director got wind of the allegations and ordered a full-scale investigation.

The department's IA investigator brought in about 30 of Barb's peers and asked classic fishing expedition questions like, "What kind of misconduct have you seen Barb Lang commit?" And, "Have you ever seen her engaged in an 'inappropriate' relationship of any kind?" The questions were designed to smear Barb in the eyes of her co-workers and it nearly worked. Everyone wondered what horrible thing she could have done that warranted this sort of draconian investigation.

After months of investigation and hours of interviews, IA came up with nothing. The investigator had no evidence of misconduct of any kind. Instead of dismissing the goofy charges as unfounded, the investigator asked the agency director for permission to dump Barb's computer. The director was too happy to comply.

Barb's computer was dumped and

the investigator spent three more months sorting through the documents. Then, after keeping Barb on administrative leave for nearly eight months, the department issued its notice of proposed discipline with six specific charges. Significantly, none of the charges had anything to do with the original investigation. All were trumped up out of the computer dump.

Barb went to her pre-disciplinary hearing with the agency director and fully explained each charge. Barb questioned how she could be charged when she had never been interviewed about the computer documents.

The agency director did not want to hear it. She told Barb she did not want to see the evidence Barb wanted to present to prove her innocence. Barb was fired and AZCOPS Legal pursued the appeal.

The hearing lasted two full days, and hundreds of pages of documents were entered into evidence. When the dust settled, we had nearly completely demolished the case. We proved that four of the charges were flat-out lies. For example, we submitted a copy of Barb's off-duty employment request form to completely destroy the charge that she had worked off-duty without authorization.

The only charge that stuck was one that Barb had admitted to from day one. It seems that several years ago, Barb's personal laptop died. An agency IT tech heard about the problem and offered to take the data off of Barb's personal computer and save it to her work laptop until she got a new one. Once Barb bought a new computer, the data was copied back from the work laptop, but Barb forgot to erase it. That sin would have been a verbal reprimand in most places, but for Barb, it was a termination offense.

The hearing officer recognized that most of the case was unfounded, but he felt bound by the horribly harsh legal standard in the judicial merit rules. Because Barb had admitted to the charge, the hearing officer felt bound to uphold the discipline. Fortunately, the full Judicial Merit Board took a more sensible approach.

The Merit Board reversed the termination and reinstated Barb with full back pay. Days later, she received 24 paychecks representing nearly a year of lost pay.

Ultimately, Barb resigned. But, her gutsy year-long fight left its mark on the department and her co-workers. The agency director has started dealing with the Association and no further disciplinary action has occurred.



AZCOPS member, Nogales POA win big when legal fight leads to changes in city leadership



MARTIN BIHN
General Counsel
mbihn@phxlegal.com

“If you haven’t already made your reservations for the 7th Annual AZCOPS Convention, don’t wait another day. You won’t want to miss the exciting, information-packed program. See you in Laughlin!”

Earlier this year, we advised you of a problem in Nogales -- the City Attorney had convinced the City Council that the meet and confer ordinance was invalid. Not only that, the City Attorney convinced the Council to rescind the Nogales Police Officers Association’s payroll dues deduction and to ignore the existing MOU.

Then-NPOA President Oscar Rosas addressed the City Council in an open session and challenged its actions. In response, the Police Chief tried to discipline Rosas for his constitutionally protected speech. NPOA had enough and called in AZCOPS Legal.

We first filed suit on Rosas’ illegal discipline. As that matter got rolling, the NPOA asked AZCOPS Legal to step in and assist in an election challenge.

NPOA members had been working to gather signatures in an effort to recall three Council members and the Mayor. Even though the Mayor passed away unexpectedly, the recall effort succeeded in getting enough signatures to force a recall on three Council members. The three Council members then filed a lawsuit to set aside the recall. And, until NPOA brought AZCOPS Legal in, it looked like the three Council members would win by default.

AZCOPS Legal answered the lawsuit, began discovery and the matter was set for an evidentiary hearing.

The hearing would ultimately last four full days extended over approximately six weeks. However, after the

first hearing day, things began to move our way. One of the recalled Councilmen got worried about the case and cut a deal. He switched to our side, dropped out of the lawsuit and the remaining Council members appointed him to fill the open Mayor position.

The City Attorney was so outraged that she filed a lawsuit against her own City Council. And the City Council immediately fired her. The aftermath worked well for us as we continued to battle the lawsuits.

First, the new City Attorney and Council settled the Oscar Rosas lawsuit and removed the discipline letter from his file. Then, the Council reinstated the NPOA’s payroll dues deduction, meet and confer ordinance and began bargaining with NPOA for its new MOU.

The final irony was that as the recall challenge battle wound down, it became clear that the recall effort had failed because it had simply not gathered enough valid signatures! Fortunately, AZCOPS Legal’s early entry to the fight precipitated the dominos to fall in our favor. NPOA now has a very good working relationship with the new City Attorney and Council!

A Shootout in Lake Havasu

Lake Havasu Police Department had a very nasty critical incident a few weeks ago.

Our member was called to a local motel because of a fight in one of the rooms. As officers arrived, they heard a number of gunshots. A female suspect emerged from the room and began running. One officer chased after the suspect while our member charged up the stairs to approach from another direction.

Our member believed that the other officer had chased the suspect back into the room. He approached the room and heard a number of gunshots and yelling coming from inside. Believing that the other officer was in a fight for his life, our member immediately took action and kicked in the locked door.

As the door swung open, our member observed a heavily armed man standing in the middle of the room. The man pointed his weapon at our member and the gunfight was on.

After taking fire and getting off a few rounds of his own, our member retreated back down the hallway to the

next doorway. He yelled commands, all of which were ignored by the bad guy. Instead of complying, the bad guy came out of the room and jumped into the hallway with his weapon drawn. Our member and the bad guy had a close quarters shootout in the hallway. The bad guy was hit and staggered back into his room.

At that point, the other officer came up the stairs. The other officer had apprehended the female suspect before she ever made it back to the room.

With two officers yelling commands, the bad guy finally gave up and was taken into custody. Our member had been in a close quarters gun battle, had not been hit and had put three rounds into the bad guy!

Lake Havasu Police Officers Association contacted AZCOPS Legal and Rick Williams, the local AZCOPS attorney, was on the scene within an hour. We fully expect our member to be cleared, and believe he should be given a commendation for bravery.

As an aside, AZCOPS endorsed our attorney, Rick Williams, in his run for Superior Court Judge. As of today, Williams is ahead, but all of the votes had not been counted.

Political victory in Apache County

Congratulations to Michael Whiting, the AZCOPS-backed candidate for Apache County Attorney. Whiting won the Primary Election by crushing incumbent Criss Candelaria and garnering 75 percent of the votes cast!

Incumbent Candelaria was a thorn in AZCOPS’ side. He loved to prosecute cops and harassed officers in just about every agency in Apache County. In fact, he even had the nerve to call AZCOPS Legal to complain that he should have been endorsed, but was never asked to submit a questionnaire for the endorsement.

We advised Candelaria that our four-year history with his job performance told us everything we needed to know, and that we believed Whiting would be a far superior County Attorney. Goodbye, Mr. Candelaria!

As we grow in membership and become more politically active, the AZCOPS endorsement is becoming increasingly valuable. By the same token, we are starting to get our friends elected to positions where they can do us a lot of good. Over time, and with concentrated effort, we can help elect AZCOPS friends to high places!

AZCOPS Legal Plan

**FREE to AZCOPS Members!
NO LIMIT on Legal Expenses!**

AZCOPS Legal Protection Plan covers the following:

- * Member-involved shooting
- * In-custody death or life-threatening injury
- * Accident, while in the performance of duty, resulting in life-threatening injury or death to others
- * Involuntary termination from employment
- * Demotion
- * Criminal charges or indictments arising from member’s official performance of duty
- * Suspensions to the extent that the employing agency’s policy provides for a formal administrative hearing
- * Civil actions arising from member’s performance of duty if representation is not provided by employer
- * Other disciplinary actions

AZCOPS Member Associations

ADOT Peace Officers Association | All Peoria Police Officers Association | Apache County Deputies Association | Apache County Probation Officers Association | Arizona Capitol Police Officers Association
Arizona Correctional Peace Officers Association | Arizona Probation Officers Association
Attorney General Special Agents Association | Avondale Police Officers Association | Benson Police Officers Association | Bisbee Police Officers Association | Buckeye Police Officers Association | Bullhead City Police Officers Association | Camp Verde Public Safety Association | Casa Grande Police Officers Association
Casa Grande Police Supervisors Association | Chandler Lieutenants & Sergeants Association
Chandler Unified Police Department Association | Chino Valley Police Officers Association | City of Maricopa Police Officers Association | Cochise County Law Enforcement Association | Cochise County Probation Association | Coconino County Probation Association | Coconino Sheriffs Association | Coolidge Police Officers Association | Cottonwood Public Safety Association | Douglas Police Officers Association
Eloy Police Officers Association | El Mirage Police Employees Association | Florence Police Officers Association | Gila County Deputy Sheriffs Association | Gila County Probation Association | Graham County Deputy Sheriffs Association | Greenlee County Law Enforcement Association | Holbrook Police Officers Association | Kingman Police Officers Association | La Paz County Deputies Association | La Paz County Probation Officers Association | Lake Havasu Police Officers Association | Marana Police Officers Association | Maricopa Community College Police Officers Association | Maricopa County Deputies Association
Maricopa Juvenile Corrections Association | Mohave County Deputies Association | Mohave County Probation Officers Association | Navajo County Deputies Association | Navajo County Probation Officers Association | Nogales Police Officers Association | Oro Valley Police Officers Association | Page Police Officers Association | Parker Police Officers Association | Pascua Yaqui Police Association | Payson Police Officers Association | Pima County Association of Corrections Professionals | Pima County Attorney Criminal Investigators | Pima County Deputy Sheriffs Association | Pima County Probation Officers Association | Pima Juvenile Corrections Association | Pinal County Deputies Association | Pinal County Probation Officers Association | Pinetop-Lakeside Police Officers Association | Police Officers of Scottsdale Association | Prescott Police Department Association | Prescott Valley Police Officers Association | Quartzsite Police Officers Association | Safford Police Officers Association | Sahuarita Police Officers Association
San Luis Police Officers Association | Santa Cruz County Deputies Association | Sedona Law Enforcement Association | Show Low Police Officers Association | Sierra Vista Police Officers Association | Somerton Police Officers Association | South Tucson Police Officers Association | Tucson Airport Police Officers Association | Tucson Police Commanders Association | Tucson Police Officers Association | United Highway Patrol Officers Association | White Mt. Apache Game & Fish Rangers | Winslow Police Officers Association | Yavapai County Deputies Association | Yavapai County Lieutenants Association
Yavapai County Probation Association | Yuma County Probation Association
Yuma Deputies Association | Yuma Police Officers Association

9,000+ Members Strong

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Make plans now to attend AZCOPS 7th Annual Convention Oct. 24-25 in Laughlin

LAUGHLIN, Nevada -- Presentations on politics and policing, labor law and news from the Arizona Legislature will highlight the 7th Annual Convention of the Arizona Conference of Police and Sheriffs.

The convention, which will be held at the Aquarius Casino & Resort in Laughlin, Nevada, begins Oct. 24 with an evening reception in the Aquarius Pavilions.

Featured on the program Oct. 25 is Ron DeLord, executive director of the Combined Law Enforcement Associations of Texas and director of the Police & Fire Labor Institute -- a labor school he co-founded with John Burpo, executive director of the National Coalition of Public Safety Officers (NCP SO).

DeLord, who will speak about the role of politics in the life of law enforcement, is a nationally recognized police labor leader who lectures to police groups across the country and writes extensively on police labor issues. DeLord is one of the founding fathers of CLEAT -- Texas' largest law enforcement union with more than

16,000 members.

Attorney Tom Stillwell will discuss worker's compensation and PSPRS/CORP disability issues.

An update on labor law by Attorney Mark Makler will cover common mistakes that lead to termination.

Also Saturday, AZCOPS Director of Government Relations Luis Ebratt will provide a legislative update, and AZCOPS Attorneys Martin Bihn and Mike Storie will conduct a training session.

"At a time of unprecedented growth in our organization, this convention program offers something for every union leader," said AZCOPS President Larry Lopez. "From these professionals, we can learn practical lessons that will help us become better leaders and gain more ground for our membership."

Awards will be presented during a luncheon Saturday and members present at the end of the day will be eligible to win door prizes.

AZCOPS will raffle a 223-caliber Bushmaster AR-15, and a 40-caliber

Glock 27. Winning tickets will be drawn at the close of the convention Saturday evening.

There is no cost to attend the convention and room rates are \$25 per night on Sunday-Thursday and \$49 per night on Friday and Saturday. Rooms

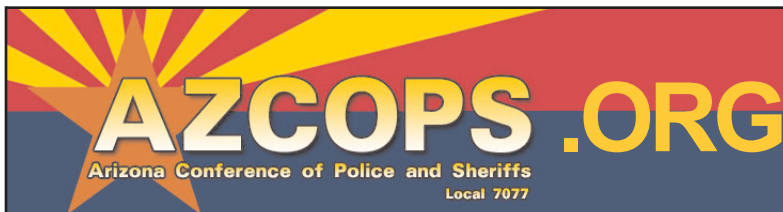
must be reserved by Oct. 10 to receive the discounted rate.

For more information on the resort and area attractions, see the following:
www.aquariuscasinoresort.com
www.visitlaughlin.com/tourism

Reserve hotel rooms by Oct. 10!
Call 800.662.5825, ask for group code C-COP08.



Aquarius Casino & Resort



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