

The Power of Arizona  
Public Safety Officers

**AZCOPS**  
Arizona Conference of Police and Sheriffs



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**AZCOPS SPEAKS**

Summer 2011

## AZCOPS urges Quartzsite officials to remove Chief

AZCOPS joined with the Quartzsite Police Officers Association last month to call on city officials there to end the employment of the Police Chief.

Quartzsite police officers, who are represented by AZCOPS, recently held a vote of no confidence in their police chief citing allegations of wrongdoing and mismanagement.

AZCOPS Vice President John Stair brought those issues to a recent City Council meeting where he and local police officers were treated with disrespect, insults and attempts of intimidation.

"It appears that the primary source of attempted intimidation came from your Chief of Police, which in light of recent events, is not surprising," wrote AZCOPS General Counsel Michael Storie to members of the Town Council the following day. "This Chief's odd and outrageous behavior further exemplifies why he should be immediately placed on administrative leave and not allowed to come near any type of public gathering where his behavior is discussed."

QPOA alleges the Chief falsified a leave request by whiting out the town

manager's signature on the request causing it to appear as though the leave had not been approved, when in reality, the leave had been approved.

"QPOA also alleges Chief Gilbert ordered officers to make traffic stops and arrest and/or cite citizens he thought were against him or political causes he supports," Stair said, adding that the Chief's friends are commonly not arrested on warrants.

QPOA alleges Chief Gilbert disciplines officers based on their loyalty to him and not on fair and objective criteria.

The Association also said the Chief used and ordered others to use the National Crime Information Center and the Arizona Criminal Justice Information System records check on political candidates and citizens supporting candidates who the Chief opposed.

"These are serious allegations and if true, some are criminal," Stair said.

Storie warned the town government that officers who made the allegations public are protected under the whistleblower statutes and should not be disciplined.

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From left, City Manager Dr. Spencer Isom, Chief of Police Steven W. Campbell, and El Mirage Police Employees Assn. President Douglas Jones.

## Cooperation between management, AZCOPS benefits El Mirage police

On June 23, the El Mirage City Council accepted a MOU with the El Mirage Police Employees Association. Leaders from AZCOPS attended a meeting of the Council to show support for the police association and its agreement with the City.

"What happened here in El Mirage is almost unheard of in Arizona today," said AZCOPS President Larry A. Lo-

pez. "I want to thank you for setting aside politics and working as a team to do what is best for the City."

EMPEA President Doug Jones said "AZCOPS was instrumental in the changes we had this year with the City. AZCOPS supported the political change that is responsible for the new administration -- one that has changed how employees are valued."

## Fallen, but not forgotten

### Board works to preserve memory of fallen officers

By JOHN STAIR  
AZCOPS Vice President

On the first Monday in May for the past 38 years, Arizona peace officers from around the state have gathered to remember and honor the sacrifice of their fellow officers who have fallen in the line of duty.

This annual event is coordinated by the Arizona Peace Officers Memorial Board. This statutory board is comprised of influential leaders in the law enforcement community. Chaired by

Arizona Attorney General Tom Horne, this board is charged with perpetuating the memory of peace officers who have died protecting the citizens of Arizona.

I am proud to serve the men and women of AZCOPS as their representative on this board. Since my appointment to the panel in 2005, I have worked passionately to preserve the memory of fallen officers and have encouraged others to participate in this noble activity.

AZCOPS is proud to be associated

with this annual event because it helps the family of fallen officers realize just how big their extended law enforcement family really is, and how much their loved ones will be missed.

Over the years, AZCOPS has contributed funds for two major events surrounding the memorial in May. These events include a golf tournament and 5K run/walk. Helping raise money for the Arizona Peace Officers Memorial Board is very important to AZCOPS. After all, a number of our former mem-

bers have paid the ultimate price and have their names engraved on the Memorial at the State Capitol.

AZCOPS strongly believes in servant leadership. It believes leaders must serve those who have elected them. Serving the Arizona Peace Officers Memorial Board is just one example of AZCOPS leadership's service in action.

For more information on the Arizona Peace Officers Memorial Board, please visit: [www.azag.gov/law\\_enforcement/POMB](http://www.azag.gov/law_enforcement/POMB).

## From the President ...

# On law enforcement pension issues and broken alliances

The legislative session is over and we can now catch our collective breath. The dust has settled and we are moving forward with many legislative victories, along with some degree of letdown. As you all know AZCOPS has been in the trenches fighting to maintain our rights and due process, along with months of meetings, emails, and phone calls to maintain the benefits to our pensions within PSPRS and CORP.

Let's start with the pension issues involving SB1609 (sponsored by Sen. Yarborough). Here's the deal and let's be honest – this entire effort to make changes to our pensions was to set the stage for some lawmakers to make their move on upcoming political vacancies. If you recall the first bill, sponsored by Speaker of the House Kirk Adams, it was so incredibly draconian toward public safety that other lawmakers refused to entertain it and the bill fizzled out. At the close of the session, Mr. Adams did exactly what we all knew he was going to do, he announced that he was running for Senator Kyle's job. Shocking I know. Adams used his soapbox to go after those who protect the state, counties, and cities claiming that we all are walking away with million dollar pensions. With an average firefighter and officer retiring with roughly \$40,000 a year pension, it is a far cry from what he was feeding the local media.

Meanwhile at the Capitol, the wave of anti-union/anti-government employees was taking a foothold with many lawmakers conveniently neglecting the fact that Arizona is one of 11 states that is non-collective bargaining and non-binding arbitration state. In other words, the benefits we possess today have been the efforts of years and years

of working with lawmakers in good-faith and with mutual respect. These current benefits were not shoved down the lawmaker/taxpayer's throats as some have suggested to the media. To categorize it that way is utterly disingenuous. However, whether we liked it or not, we all knew pension reform was coming.

Allow me to go back in time a bit. In December 2010, following the PSPRS Board meetings, and receiving absolutely no support from them, it was clear that all the public safety groups needed to work together to try and stop, or at least minimize, the drastic changes being suggested by the PSPRS Board to the Legislature. The large public safety groups agreed to meet to discuss the issues at hand. In the meeting was AZCOPS, the Arizona Police Association (APA), State FOP, State Firefighters Association, Phoenix Police Sergeants & Lieutenants Association (PPSLA) and the state public safety retirees group. We all understood at the time that this issue was bigger than all of us and we needed to place politics aside to work together for the betterment of our members.

Sadly, after just a couple of meetings, State Fire and the State FOP stopped attending the meetings. It was later discovered that these two groups decided they would work together, rather than working with the rest of us. Let's face it - Fire is Fire; especially when it comes to politics, they follow the beat of their own drum, and they certainly don't work with law enforcement unless they get something in return. Now, the FOP tying the knot with Fire was a little surprising, although not entirely unexpected. The FOP around the state has been attempting to slither its way

back into the spotlight and once again make themselves relevant in the political arena. Those who have allowed the FOP back into the fold are again discovering why they left in the first place – the FOP is good at talking, but is woeful at honestly representing their members when push comes to shove. They love to rattle the sabers, stir the pot, threaten lawsuits, but when the time comes to put up or shut up, they fold like a cheap suit. At no time should this be more apparent to all of law enforcement than right now. When Fire decided to go play their game it was okay because they have already lost an enormous amount of political clout from the November elections. Nevertheless, the FOP should never have turned their back on their law enforcement brethren. There is no excuse for this. The FOP should stick to what they truly do best - fish fries and fishing derbies - and leave politics to the real law enforcement groups.

During the month of April, minus the FOP and Fire, the rest of the coalition embarked on a media campaign, spending tens of thousands of dollars, to get the word out to the public on the realities of our pensions. The FOP did not contribute to our campaign. Nevertheless, it had a positive effect as many of our collective members, along with the public, contacted their respective lawmakers asking them to not support the draconian bills. The campaign was also successful in getting the COLAs, although modified, back on SB1609 when it originally left it off. On April 29, the Governor signed SB1609 into law and it will go into effect January 1, 2012.

We believed then, as we do now, that SB1609 is unconstitutional under

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Arizona law specifically pertaining to the changes to the independent pension contribution rates (from 7.65% - 11.65% over the next five years) and the retiree COLA modifications. Over the next few weeks we will be conducting research and consulting with our attorneys over the constitutionality of SB1609 and what avenues may be available to us in the future.

We will also be monitoring the Elected Officials Retirement Plan (EORP) with great interest. We have been told that the judges in the system are none too pleased with the changes made to their retirement system and they may be looking to file some type of action against the state. As we hear more, we'll send out notifications via our AZCOPS email bulletins. If you are not receiving our bulletins, please visit our website at [azcops.org](http://azcops.org) and sign up.

For more information on the bills that were sponsored by AZCOPS and were signed into law, see Lu Ebratt's article on page 4. However, there is one bill in particular I would like to touch on – HB2650 County Employee; Merit System.

Originally, HB2650 was supposed to make administrators at-will employees, thus removing the investigative and due process elements of disciplining or terminating an employee.

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## AZCOPS SPEAKS

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# LEGAL BRIEFS

## AZCOPS responds to first officer involved shooting in Page history

On June 19, a Page police officer responded to a domestic violence call. The officer made contact with both the husband and wife who were still on the scene. The wife stated that her husband had threatened to harm her and that he had a gun. The husband was confrontational throughout and demanded that the officer leave the house.

After the officer finished talking with the wife, he found the husband sitting in his pickup truck. When he walked around the truck to make contact with him, the husband started the truck and backed it up suddenly, almost striking the officer. When the truck came to rest, the officer approached the door and ordered the driver to get out. The driver then got out of the truck and approached the officer who drew his taser which misfired. At that point the suspect grabbed the officer and wrestled the taser away from him. The officer backed up a few steps, drew his firearm, and when the suspect charged him the officer fired at him stopping the threat.

AZCOPS Attorney Rebecca Plevel was contacted and she immediately

contacted the officer and investigating detectives. She managed the situation and once again, AZCOPS attorneys were there to take care of our members promptly and expertly.

## Tucson Police involved in deadly fight over Taser

On June 27, Tucson Police Dispatch received word that a man had been shot in the head at a Long John Silver's restaurant. The description of the subject that went out over the air was that the assailant was a young male dressed in all black. Several units responded. Immediately upon arriving at the scene, the officer saw a young male matching the description walking away from the restaurant. The officer confronted the male and ordered him to stop and show his hands. The young man continued to walk away from the police officer and at one point bent down to look in some bushes for some hidden object. At this point the police officer ordered the suspect to turn around and show his hands.

The suspect then turned around and said "why don't you just shoot me?" The suspect began walking toward the police officer in a threatening manner.

At that point the fight was on between a second police officer and the male suspect. At some point, the first officer engaged and tried to tase the suspect. The Taser was deployed at least nine times to the suspect with little or no effect. During the struggle the suspect turned the Taser back on the first officer and eventually wrestled it out of the officer's hands. The suspect then turned the Taser to the second officer and tased him in the head. At that point both officers opened fire on the suspect.

The suspect was then taken into custody without further incident and subsequently died. The second police officer ended up being hospitalized for his injuries which resulted from the altercation.

AZCOPS Attorneys Michelle Mozden and Mike Storie arrived at the scene promptly after receiving word from the group leaders. They both met with the first officer and accompanied the officer through interviews with the homicide detectives. The second police officer was not interviewed due to the fact that he was kept in the hospital overnight.

By all accounts it was a justified use of deadly force, and AZCOPS attorneys were there to answer the call when our members needed us most.

## Pima County Deputy finds home invasion suspect

On June 1, a home invasion took place in Tucson and several suspects escaped with a stolen vehicle. A citywide search ensued and at approximately 5 p.m. the car was spotted with the home invasion suspects inside.

When a deputy confronted the suspects, one of them jumped into another car and backed out of an apartment complex parking lot at a high rate of speed. The suspects then threw the car into drive and attempted to run the deputy down who was on foot in the parking lot. The deputy fired at the suspect, but one of the suspects who was driving was able to escape. Two of the remaining home invasion suspects had not climbed in the vehicle and were taken into custody. To date the driver has not been arrested.

AZCOPS responded to the scene, met with the officer and accompanied him through the investigation.

## Tucson Police respond to shots fired in City Park

In the early morning hours of May 28, Tucson Police Department Dispatch received a report of gunfire at a Southside city park. Due to the serious nature of the call, several officers responded immediately to the scene.

The first officer rode quietly through the park with his lights off so that he could approach whoever was in the park unnoticed. Soon he observed two

cars parked in the parking lot which was unusual since the park had been closed for several hours. As he got closer, the officer saw that there were two male and two female suspects standing outside of the vehicle. The officer turned on his lights as he approached these subjects.

When the officer parked his vehicle and exited, the two female subjects immediately walked toward him saying that they had run out of gas and that their car had broken down. At about this same time the officer heard something clanking on the ground like something metallic had been dropped.

The officer turned his attention toward the two male subjects and ordered them to sit on the parking lot curb. All four subjects started heading to the curb but the two male subjects actually walked past the curb. At this point the officer unholstered his duty weapon and ordered the male subjects to stop and sit down. One of the subjects bent down, picked up a gun, and started running away from the officer into the park. The officer began to chase the subject while he made all of the appropriate calls on his radio.

At this point a second officer was driving up on the scene and actually observed the first officer chasing the suspect on foot. She drove her car up over the curb and onto the park grounds where she began to chase the suspect in her car. At this point the second officer maneuvered her car so that it was behind the suspect and saw that he was running with a gun in his hand. Shortly after this, the suspect somehow ended up beside the officer's car on the driver's side and lifted his weapon pointing it at the officer. She immediately swerved her car to the left, striking the suspect and knocking him down.

At this time the first officer now caught up to the scene on foot, and saw that the suspect had come up to his knees, and was raising the handgun toward him. He immediately opened fire on the suspect. About this same time the female officer was exiting her vehicle and also noticed that the suspect was raising his gun toward the first officer who was on foot. She also began to fire at the suspect. The officers then took control of the scene as many others arrived.

After several hours, the officers were transported back to the TPD main station where they met with the AZCOPS Legal team.

## Officer responds to deadly domestic violence call

On June 2, a call was dispatched to Tucson police about a 20-year-old male assaulting his mother at their apartment. The reporting party stated that this male was beating his mother up and that she was in danger. A Tucson

*See LEGAL, Page 5*

## Forcing agencies to follow policy

In February, the AZCOPS Legal team added another Merit System victory to its long resume of successful defense of officers who are victims of undeserved discipline. An AZCOPS Attorney successfully persuaded a northern Arizona merit commission to reverse the 30-hour suspension without pay received by a member accused of negligently damaging department property. The Department accused the AZCOPS member of failing to exercise reasonable care when operating the officer's duty vehicle in connection with a minor collision that caused minimal damage to the vehicle.

To win, AZCOPS Legal team used the department's records against them. The Attorney showed the Merit Commission that Department records used to justify the suspension contained no findings of negligence and no findings of fact that would allow the department head to infer negligence. Jimmy Cool argued that the Department's policies required evidence of actual negligence and that simply being in an accident was not evidence of negligence. The Commission agreed. After just 30 minutes of deliberation, the Merit Commission completely reversed the member's discipline, restoring 30 hours of back

pay to the member.

### Protecting members' families

An AZCOPS member recently learned that she was pregnant with twins. But with the joyous news came the diagnosis that her pregnancy was "high risk" and that it was unsafe for her to work patrol until she gave birth. Aware that her Department had several open positions that did not require much physical activity, the member asked for "light duty." Without providing her any support for its claim, the Department told the member that there were no light duty positions available. Forced to choose between her job and her family, the member turned to AZCOPS.

AZCOPS attorney James Cool immediately entered the fray and wrote a detailed and extensively researched letter demanding that the Department provide the member the reasonable accommodations required by federal law. After several weeks of intense negotiations, Cool prevailed and the Department agreed to provide the member light duty and other accommodations that ensure she will receive full pay for the duration of her pregnancy.

## From the Capitol ...

# Members will benefit from legislative changes

Without a doubt, the 50th Legislative Session was both one of the most difficult, yet rewarding, sessions AZCOPS has been faced with in recent memory.

It was difficult in that we were challenged by a number of anti-union bills while the majority of our attention was focused on preserving the integrity of our pension systems.

It was rewarding as we were able to fight back these negative bills while still introducing and supporting a number of pro-law enforcement measures that will continue to positively shape the future of our membership.

We were also able to join forces with the Arizona Police Association in minimizing the draconian changes sought by the Legislature, in particular the departing Speaker whose political aspirations appeared larger than his concern for the well-being of Arizona's law enforcement community.

In terms of anti-union legislation that was opposed and successfully lobbied against:

\* SB 1555 sought to specifically prohibit the withholding of union dues by an employee.

\* SB1100 attempted to disallow collection of monies from employee paychecks by narrowing the scope of the deduction (conversation with a receptive chair resulted in a reversal of an earlier do-pass recommendation in committee).

\* SB1365 was amended to exclude law enforcement from legislation that would require annual permission by a union member to allow payroll deductions for political purposes.

All of these bills would have minimized, if not decimated, the labor movement among our membership.

AZCOPS had successfully defended its membership throughout the session, but was dealt one last surprise on the final day of session when an amendment to eliminate merit protections for our employees was passed by both legislative bodies. This caused an awakening of our membership who promptly and repeatedly urged the Governor to veto the measure, which she did on April 29th!

There were also great strides made in advancing the Due Process standards for our officers. AZCOPS weighed in on all these measures and secured sponsorships of legislation providing confidentiality in instances of critical incidents as well as providing Just Cause standards for our probation and surveillance officers.

AZCOPS was also successful in working with Senate President Russell Pearce in advancing the transfer of our Capitol Police to the Department of

Public Safety -- an effort that was two years in the making.

The following bills along with the crafting of our pension changes and the overall preservation of same was reason enough to term the session a qualified success:

\* **HB 2444 Law Enforcement; Officer Discipline.** The results of a polygraph examination in an investigation shall not be the basis for disciplinary action unless other evidence or information exist and changes in hearing transcripts requirements are changed from 5 to 10 days. Additionally, employers must make a good faith effort to complete any investigation of employee misconduct by a law enforcement officer within 120 business days after the employer receives notice of the allegation. If disciplinary action is appropriate, the employer must give notice to the officer of intent to proceed with disciplinary action along with a proposal of the specific action sought.

\* **HB 2477 Law Enforcement Officers; Witness; Representation.** Law enforcement and corrections officers have a right to representation during interviews with an employer if the officer is a witness relating to an investigation that could lead to another officer's dismissal, demotion or suspension. The witness is also permitted to discuss testimony with the representative, although unauthorized release of information is subject to disciplinary action.

\* **HB 2613 Peace Officer Misconduct; Reporting.** The list of entities that may report instances of peace officer misconduct to the Arizona Peace Officer Standards and Training Board is expanded to include a law enforcement employee association or a group within a law enforcement agency that represents the interest of peace officers.

\* **SB 1235 Law Enforcement Officers; Disciplinary Procedures.** At the request of a law enforcement officer facing disciplinary action, the employing agency must provide a list of disciplinary actions ordered against other officers employed by the same agency who were accused of the same or similar violations within the previous two years. If it is a county of less than 250,000 or a city of fewer than 65,000 and a change in hearing officer is requested, and the alternate hearing officer is available only through an intergovernmental agreement with another jurisdiction, the cost of procuring the alternate hearing officer shall be shared equally between the employer and the officer. It would also create confidentiality between CISM members and the recipient of the service.

\* **SB 1615 which would transfer Cap-**

**itol Police to DPS.**

\* **SB 1057 Law Enforcement; Disciplinary Action.** A law enforcement officer who was subject to disciplinary action without just cause being established may recover all costs, including attorney fees associated with proceedings held to establish the officer's innocence. Punitive damages may be awarded by the court if it determines, by a preponderance of the evidence, that the allegations were knowingly and intentionally filed without cause.

\* **SB 1368 Just Cause for Probation Officers.** A probation officer shall not be subject to disciplinary action except for Just Cause.

Amidst the success, two significant efforts failed to survive. AZCOPS looks forward to once again advancing these legislative initiatives and, as in the past, will commit to the passage of these worthwhile measures:

\* **SB 1356, Evading arrest.** A person who intentionally flees from a peace officer attempting to lawfully arrest or detain him commits the crime of evading arrest. This legislation failed in the House, 25-34.

\* **SB 1541.** Provided that if a county board of supervisors requires a person engaged in law enforcement activities in that county to use compensatory time earned before use of earned vacation time, the policy cannot require the forfeiture of any earned vacation time. A person may file a civil action to seek reimbursement for unpaid overtime or forfeited vacation time. This measure failed in House 15-41.

One last bill that had mixed results was the continuation of ADJC.

HB 2376, which would continue ADJC, was amended and continued to 2012 instead of 2016 as originally specified in the bill. This legislation was signed by the Governor.

AZCOPS is prepared to once again defend our ADJC brothers and sisters at this apparent move to terminate this state agency and push the responsibility



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on our counties.

In a quick recap of our pensions, PSPRS, CORP and ASRS were essentially altered for our PSPRS members in terms of contribution rates which will increase July 20th as follows:

1. FY 2010-2011 – 7.65%
2. FY 2011-2012 – 8.65%
3. FY 2012-2013 – 9.55%
4. FY 2013-2014 – 10.35%
5. FY 2014-2015 – 11.05%
6. FY 2015-2016 and after - 11.65% or a 33.3%-66.7% split between the employee and the employer, whichever is lower; minimum employee contribution rate is 7.65%.

ASRS members will now contribute at a rate of 53% vs. 47%. Effective July 1, 2011, employees will pay 11.39%.

Also our retirees' COLAs will be affected by the performance of the system. The most significant changes will be to those employees hired after January 1, 2012. Specifics of the changes to the pensions have been posted clearly on the respective websites and are currently available.

As you read through this rather extensive report, one thing is certain -- our AZCOPS membership must ratchet-up the personal involvement because the assault on labor will continue in our state as it has in other locales. For now we have survived significant changes to our protections. But, how long will this last and how comfortable does this make you feel?



Members attended the 100 Club Banquet this spring. From left are Probation Officers Leslie Ebratt, Jason Hathcock, Dene Phillips, Eva Berg, Kevin Sheridan and Kyrsten Lewis.

## Legal Briefs *Continued from Page 3*

officer quickly arrived on the scene and immediately observed a tenant standing in his doorway frantically pointing at another door down the hall. The officer started approaching that door and suddenly noticed that a male subject was in the doorway. As quickly as the male subject appeared, he then disappeared back into the apartment. As the officer moved closer to the doorway the male subject once again appeared, took a quick look at the officer, and then retreated once again into his apartment. Believing that the female victim of this assault might still be in the apartment, the officer approached the front door and began to knock at the door requesting that this male come out or open the door.

As the officer stood in front of the doorway, it suddenly opened and the male subject stepped into the doorway carrying in one hand, and held high, a long kitchen knife. The officer immediately started stepping backwards and unholstered his weapon. The officer then brought his weapon up demanding the male subject drop this knife. Instead of complying, the subject advanced on the officer with the knife held high taunting the officer with words to the effect of "what are you going to do about this?" As the officer backed away in a very cluttered hallway, he finally could risk it no longer and opened fire on this threatening subject. At that point the threat ended and the officer was able to approach the suspect and kick the knife away from his reach.

An AZCOPS attorney promptly responded to the main station to meet with the officer.

### **AZCOPS attorneys win another appeal**

Several months ago, a Maricopa County Probation Department Supervisor was given a suspension based upon three alleged policy violations. After meeting with AZCOPS Legal, the employee decided to pursue this appeal and go through with a hearing.

At the hearing, the employee and AZCOPS Legal conceded nothing, instead claiming that she had in fact done nothing wrong and committed no violations whatsoever. Several weeks after the hearing, the Hearing Officer issued his Findings of Fact and Conclusions of Law. The Hearing Officer found that AZCOPS Attorney Mike Storie and the employee had destroyed the Agency's case with regard to two of the allegations and found that there was absolutely no basis to find that she had committed these two separate violations. However, the Hearing Officer found that the employee had indeed

committed the third violation and then surprisingly concluded that just this one violation merited the original term of suspension.

Dissatisfied with this result, Mike and the employee requested an appeal before the entire Commission to dispute the Hearing Officer's findings and conclusion. Following an impassioned speech by Mike, the entire Commission found that the Department had indeed abused its discretion in giving the employee any discipline whatsoever, and rejected the Hearing Officer's findings with regard to the last incident. In the end, the Commission found that the employee had committed not one of the three alleged violations, and reversed her suspension entirely, where she walked away with absolutely no discipline.

AZCOPS attorneys serve as watchdogs over directors who rely upon faulty investigations and misleading information.

### **AZCOPS Legal responds to shooting in Sierra Vista**

On March 17, Sierra Vista Police Officers received information that a house was a possible base for human smuggling. Along with several other agencies, Sierra Vista Police conducted an operation where they were going to initiate contact with the residents of this house through a "knock and talk." Immediately after officers made contact at the front door, a large SUV accelerated out of the garage blasting through the closed door. The SUV continued at high speed down the driveway smashing into a police car causing serious injury to the officer who was taking cover behind the vehicle.

After striking the car, the suspect vehicle then attempted to further evade the police by driving directly toward officers who were on foot in the front yard. A Sierra Vista Police Officer opened fire on the suspects, and was joined by several of the Federal Agents who also fired upon the suspects. The suspects escaped down the residential street, and immediately drove up a mountain road near a military installation. The occupants then ditched the vehicle and got away on foot.

AZCOPS Legal was contacted shortly after the incident and arranged for a meeting with the officer involved in the shooting. Attorney Mike Storie coordinated the process by which the shooting team was able to conduct both an administrative and criminal interview with the officer. AZCOPS attorneys responded swiftly to a critical incident, and took care of our members who responded appropriately with deadly force.

### **7 Tucson officers involved in tense shootout**

On March 10, Tucson Police Officers received word that a carjacking occurred in a mid-town neighborhood. A short time later information was broadcast that this same vehicle was now involved in an armed robbery of a Circle K. The description of this car went out to the entire force and every effort was now made to locate the vehicle.

Around midnight, an officer spotted the vehicle parked at an apartment complex. A plan was formulated to have several undercover police officers sit and watch the vehicle, and if the occupants returned to the vehicle, they were to stop and apprehend them at the scene. Some time later, the observing officers noticed that four individuals matching descriptions of those involved in the earlier incidents returned to the vehicle and got in. A call was made for other uniformed officers to move in, which they did. An attempt was made to block in the vehicle as officers drew their weapons and surrounded the stationary vehicle. Suddenly, the driver threw the car in reverse and knocked over an officer who was standing by an open door actually pulling an occupant out of the vehicle. Every officer on the scene thought that the struck officer was seriously hurt, and thought that the remaining officers on the ground were in mortal danger. Seven officers opened fire almost simultaneously striking the driver which ended this chaotic and potentially deadly incident.

AZCOPS General Counsel Mike Storie was contacted and given a brief synopsis of this incredible incident involving seven officers. Storie immediately contacted fellow AZCOPS Attorney Noah Van Amburg and the two of them immediately responded to the Tucson Police Department main station where they met individually with each of the seven officers. After meeting with the officers, Storie and Van Amburg sat through the officer interviews with the homicide detectives, where these interviews were conducted one at a time. This made for an incredibly long day for all involved and after 8 hours of this process, it was decided to resume the yet to be completed interviews the next day.

The remaining three interviews were concluded the next day. Thanks to AZCOPS Attorneys' quick response and ability to rearrange all schedules to complete these interviews, the officers were able to put the incident aside. This was truly an incredible event involving multiple officers and a quick and efficient response from all involved.

### **Attorney helps overturn undeserved demotion**

Earlier this year, one of our members serving as a Youth Corrections Officer at a Maricopa County facility was demoted by his department after he had allegedly failed to secure a release facility for one of the juveniles.

AZCOPS General Counsel Mike Storie immediately became involved in the case and determined that although the youth was prematurely designated for release, it was not our member's fault. The Administration had jumped to a conclusion blaming our member just because he had some prior discipline which was not appealable.

Eventually the Hearing Officer issued his findings and recommendation where he stated that our member had indeed done nothing wrong, and there was no basis for discipline of any kind. However, this decision is not final as the Hearing Officer's Findings and Recommendation now had to go to the State Personnel Board for a final determination.

The Administration mounted a full scale assault on the State Personnel Board requesting a full panel, and brought at least four representatives from the Administration and the Human Resources Department to support the overturning of the Hearing Officer's recommendation.

Mike Storie accompanied the member to this final Hearing, and carried the day with his final argument after which the Panel voted 4 to 1 to uphold the Hearing Officer's Recommendation and Finding that our member had committed absolutely no wrongdoing, and restored him to his previous position. It is reported that this great result has taken some of the air out of the sails of the Administration and made them give some of the shakier discipline decisions a second look.

### **Attorneys respond to SWAT standoff**

On March 27, General Counsel Mike Storie received a call from one of our union leaders with the Pima County Sheriff's Department informing him that there had been an officer involved shooting that day. Mike Storie immediately responded to this critical incident and met with members of this Pima County joint SWAT team who had employed both lethal and non-lethal weapons during this incident.

The incident started early Sunday morning when a man was reported to be in the middle of a residential neighborhood waiving a shotgun around. Uniformed officers were first to respond who then made a callout to the SWAT

**See MORE LEGAL, Page 8**

## PRESIDENT *Continued from Page 2*

However, literally on the last day, at the last minute of the legislative session, an amendment was attached to the bill that included all new-hires, and those current County employees who accept a pay raise or promotion. Needless to say, this bill would have been catastrophic for our county members. Upon discovery of the attachment, AZCOPS Executive Board and staff immediately went into action contacting lawmakers, the Governor's office, and the media. Understanding that we were dealing with a very small window of opportunity, we are proud to say we were successful in our endeavor; HB2650 was vetoed by the Governor on April 29.

I would like to thank Lu Ebratt for providing valuable information to AZCOPS leaders, members, and lawmakers to help encourage the Governor to veto this bill. AZCOPS leaders like Deb Pella (Pima County Probation Officers Association) and Dave Hausman (Pinal County Deputies Association), and others were instrumental in getting the word out about HB2650 and in contacting the Governor's office to express their opposition to this bill. I would also like to thank Gov. Brewer for listening to our members and showing her support for the men and women of law enforcement by vetoing HB2650. This just goes to show that when we all stick together, stay strong in our message, ignore the naysayers, we can achieve just about anything.

### Memorials & Sponsorships

As we are well aware, the month of May is dedicated as National Law Enforcement Memorial Month and every year tens of thousands of officers, families and friends travel to Washington, D.C. for "Police Week" to honor the fallen heroes who paid the ultimate sacrifice protecting our great nation. Over 16,000 names are etched onto the walls of the National Law Enforcement Memorial, the only memorial in D.C. where names are continuously added. In 2011, Arizona added five more names to both the National LE Memorial and the Arizona Peace Officers Memorial in Phoenix.

Those heroes are Officer Travis Murphy, Phoenix PD; Officer Carlos Ledesma, Chandler PD; Deputy Brian Harris, Kane County SO; Agent Michael Galahger, United States Border Patrol; Agent Brian Terry, United States Border Patrol. They may be gone, but they will not be forgotten.

AZCOPS continues its ongoing pledge of support to the National Law Enforcement Officers Memorial Fund and the National Law Enforcement Museum. Last October, the NLEOMF was able to begin ground-breaking on the museum after hitting the halfway donation mark of \$40 million. Last year, with

the help of AZCOPS and many of our affiliates, law enforcement in Arizona provided a big boost in donations to help get the museum moving forward. Although a large amount of donations have been made, there is still a lot of work to do. I am asking all of our affiliates, big or small, to help the cause in any way you can. For more information on the Museum, please visit the website at [www.LawEnforcementMuseum.org](http://www.LawEnforcementMuseum.org) or contact Mr. John Shanks at (202) 253-4516.

Along with supporting the NLEOMF, AZCOPS is a big supporter of the National Concerns of Police Survivors, (National C.O.P.S.) and its AZ Chapter, the Arizona Concerns of Police Survivors. COPS provides resources to assist in the rebuilding of the lives of surviving families and affected co-workers of officers killed in the line of duty. It also provides training to law enforcement agencies on survivor victimization issues and educates the public of the need to support the law enforcement profession and its survivors. AZCOPS is proud to announce that we will be the underwriting sponsor for this year's National C.O.P.S. Golf Tournament in Missouri in August 2011. The proceeds are going to the Surviving Spouses' Retreat in September. Last year, more than 95 surviving spouses attend the retreat and unfortunately with more line of duty deaths this year it is anticipated more spouses will be attending. AZCOPS is privileged to be of assistance to such a worthy cause. For more information on National C.O.P.S. please visit the website [www.national-cops.org](http://www.national-cops.org).

For the third year in a row, AZCOPS was proud to be the main sponsor of this year's Arizona Police & Fire Games. President David Fernandez, (Tucson POA member) along with the Games Executive Board put on another great show for all of law enforcement to enjoy. For more information on the Games and this year's winners, please visit [www.azpolicegames.com](http://www.azpolicegames.com).

### Training & AZCOPS Convention

Recently, we expanded our AZCOPS Tucson office and added a large meeting and training room. The room consists of a drop-down screen, computer system for power point and video, an audio system and more. AZCOPS staff and local affiliates have already utilized the room for meetings, and we just conducted training pertaining to grievances and on the recently passed laws from this past legislative session. We plan to have more training sessions in the near future at both our Tucson & Phoenix offices, with the information being sent out in our AZCOPS bulletins.

We are already making preparations for this year's AZCOPS Convention in

Laughlin, Nevada. We are proud to announce that Dr. Alexis Artwohl, Ph.D. will be this year's keynote speaker.

Dr. Artwohl is an internationally recognized behavioral science consultant to law enforcement as a trainer, researcher, and author. She has presented to many organizations and conferences in the USA, Canada, the United Kingdom, Mexico, and Jordan. She is an advisory board member for the Force Science Institute and the International Law Enforcement Educators and Trainers Association. She serves as the Behavioral Sciences Section Chair for the National Tactical Officers Association. During her 16 years as a private practice clinical and police psychologist, she provided consultation and training to multiple agencies throughout the Pacific Northwest, as well as traumatic incident debriefings and psychotherapy to numerous public safety personnel and their family members. Dr. Artwohl is co-author of the book "DEADLY FORCE ENCOUNTERS" and other publications.

In light of all the normal stressors of being law enforcement officials, we all have been dealing with the added stress of threats of lay-offs, pay-cuts, furloughs, and downsizing within our respective jurisdictions. Dr. Artwohl will speak of all these issues and will provide us all with tools on how to deal with the stress that comes along with the job. I believe her training will be extremely insightful for everyone.

We will also provide additional training related to the new laws passed in the recent legislative session along with discipline/grievance issues and legal updates from our AZCOPS legal team.

I encourage our AZCOPS leaders and our membership to attend our convention. Additional details will be coming out soon, again via our AZCOPS bulletin.

### In Closing

I would like to say how proud I am to belong to this organization and honored to work with the people I do every day. Your AZCOPS EBoard/Staff are some of the most hardworking, dedicated individuals who always have the best interest of the membership in the forefront. Never has this been more evident than in the past couple of years as many of our affiliates have been battling their respective jurisdictions. The EBoard/Staff have been working non-stop around the clock with our affiliate leaders to curb the impending impacts on our workplaces and our quality of life. They continue to perform their duties day in and day out with true professionalism in the face of adversity. I can assure of this; the loyalty of your Executive Board & Staff to you and AZCOPS is unparalleled.

We still have a lot of work to do over the next several months, not to mention preparing for another round of political elections in November, so let's make sure the lines of communication remain open within our organization. If you have a question, please contact our office, so we can assist to solve the problem. Without communication no organization can survive. Communication is paramount.

As always, if you have any questions, please don't hesitate to call the office or email me at [president@azcops.org](mailto:president@azcops.org) anytime. Please stay safe and take care of each other out there.

**Mark your calendar for Convention 2011!**  
**Oct. 21-22 | Aquarius Casino Resort, Laughlin, NV**

## AZCOPS LEGAL PLAN

### 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 and other disciplinary actions
- \* 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

# 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 Probation Officers 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** | **Clarkdale 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** | **Flagstaff Police Officers 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 Commanders 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 Lieutenants Association** | **Oro Valley Police Officers Association** | **Page Police Officers Association** | **Paradise Valley 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 County Sheriff's Commanders 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 Commanders & Lieutenants** | **Prescott Valley Police Officers Association** | **Quartzsite Police Officers Association** | **Safford Police Officers Association** | **Sahuarita Police Officers Association** | **Salt River Law Enforcement 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** | **St. Johns Police Officers Association** | **Tucson Airport Police Officers Association** | **Tucson Police Commanders Association** | **Tucson Police Officers Association** | **United Highway Patrol Officers Association** | **University of Arizona Police Officers Association** | **White Mt. Apache Game & Fish Rangers** | **Winslow Police Officers Association** | **Yavapai County Probation Association** | **Yuma County Probation Association** | **Yuma Deputies Association** | **Yuma Police Officers Association**

## AZCOPS SPEAKS

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### MORE LEGAL *Continued from Page 5*

team. Upon arriving they found a man standing in the middle of the street of a residential neighborhood holding a sawed off shotgun under his chin, in his mouth, and to the side of his head. The SWAT negotiators attempted repeatedly to get the man to drop his weapon, but he continually told the officers that they would have to shoot him.

While all of this was going on the SWAT team was evacuating all surrounding houses, while at the same time deploying a team into this gunman's own house. Several times during this standoff the man dropped to his knees appearing to pray and then stood up where it appeared that he would finally pull the trigger. After repeating this sequence several times the man then started heading swiftly for his house where the SWAT team was deployed. After ignoring many com-

mands to stop where he was and not to enter the house, several SWAT members deployed non-lethal force to try to stop the man from approaching the house where there would have been a deadly confrontation. These non-lethal methods did not stop the man, who headed toward the house even more swiftly. At that point a SWAT sniper shot a single round which struck the man and ended the incident.

Mike Storie met with officers from three different agencies who were involved in this shooting, and particularly met with the officer who had used deadly force in stopping this suspect. The officers were highly appreciative of the swift response of the AZCOPS attorneys and the comfort and advice they were given by the attorneys following these stressful events.

certainly be documented and litigated down the road," Storie wrote in his letter.

"AZCOPS believes it is wise and prudent to place Chief Gilbert on paid administrative leave so these allegations can be thoroughly and impartially investigated by DPS," Stair said in his address to the Council.

During Stair's presentation, the entire Council left the Council Chamber. Only the Mayor stayed behind.

### QUARTZSITE *Continued from Page 1*

"Any type of retaliation, intimidation, or hostility directed towards them will

#### Correction

In the last edition of AZCOPS SPEAKS, we incorrectly reported the retirement of member Anthony (Tony) Venditto of the Sierra Vista Police Officers Association. Instead, Venditto was promoted and AZCOPS congratulates him on his achievement.

## AZCOPS members lead the way in Juvenile Corrections

By JOE GLEN

Spokesman Maricopa/Pima  
Juvenile Corrections Assns.

Despite a 40 percent cut in Juvenile Corrections, our AZCOPS members are proving their worth every day, significantly improving results with Arizona's toughest juvenile offenders while saving taxpayer dollars.

ADJC has recently improved their GED graduation rate from 72 percent to 77 percent. (The state average is 67 percent.) In addition, ADJC members have cut the average incarceration treatment time from 7.6 months to 7.1 months. ADJC now has more offenders on parole than in facilities.

All this while maintaining a 66 percent success rate. (Not incarcerated after one year after release, measured again after three years.) Recidivism of 34 percent -- one of the lowest in the nation.

The best way to ensure public safety and save taxpayer dollars is through successful juveniles who get their education, join the work force, and become productive citizens by paying into the tax system rather than taking from it.

Juvenile Corrections AZCOPS members continue to persevere despite massive agency cuts, while still maintaining about the same juvenile population numbers. Hundreds laid off, positions frozen, other positions combined. Our

members have given up thousands of dollars in wages through furloughs, increased caseloads and longer hours.

How did we do it? Our AZCOPS members cooperatively worked with the agency to cut waste and improve results. GED concentration classes, and improved treatment classification as a result of rigorous research and development, resulted in the reduction in incarceration treatment time.

A new concept in community corrections called "Virtual Parole" has been implemented. Parole offices are closed down as leases expire, parole officers are issued a car, laptop and cell phone. Officers spend more face to face time with offenders in the community, improving results and public safety.

The Compstat (Computer statistic) system has linked ADJC with law enforcement across the state, so now when parolees have any LEO contact, it is reported back to the parole officer for follow up. Director-led daily Compstat meetings focus on the most dangerous and problematic juveniles in and outside the facilities. This has resulted in close management of offenders so interventions can be taken quickly.

Thanks to the support of AZCOPS, we will take every opportunity to tell our story of success despite economic and political adversity.