

# The Voice of Arizona Law Enforcement

Volume 6, Issue 3

Winter 2005/2006

## 4th Annual Convention Focuses on Serving Membership, Building A Stronger Union

More than 150 delegates and guests convened at the River Palms Resort and Casino in Laughlin, Nevada, on October 21 and 22, 2005, to hear AZCOPS leaders stress the importance of building a stronger union to better serve the needs of its members.

President Jim Parks opened the conclave by welcoming delegates representing 79 affiliated associations with more than 6,000 members throughout Arizona. He set the theme of dedication to serving the needs of law enforcement officers that would be seen throughout the convention.

Lu Ebratt, President of the Arizona Probation Officers Association and the union's Legislative Director, conducted a seminar on How a Bill Becomes Law. AZCOPS became a lobbying force at the State Legislature by first creating an identity with lawmakers and then forming alliances with key legislators, he said.

"In 1999, (former AZCOPS Secretary) Jim Baribault and I met with some 20 legislators to discuss probation issues. We accomplished more in two hours than our agencies had done in 20 years by going directly to the lawmakers," Ebratt said.

A session was held on How to Set Up a Political Action Committee (PAC) Fund by William Ryberg of the Tucson Police Commanders Association. He outlined state requirements for setting up a PAC, including the stringent re-

porting requirements. "Why go through these headaches for a PAC?" he asked. "Because it gives us clout and makes us a player in the process."

A large portion of the morning session was devoted to outlining the relatively new Arizona Deferred Retirement Option Program (DROP). Limited now to officers under the Public Safety Retirement System, DROP allows a retirement eligible officer who will work another five years or less before retiring to choose options for investing those last years of service credits. For a further explanation call Tom Vetrano at 520-544-7919 or Scott Harris at 602-957-3200, Ext. 4021.

AZCOPS legal conducted an interactive seminar on How to Survive the Investigation that featured eight leaders role playing characters in various scenarios involving disciplinary action. AZCOPS Attorney Mike Storie moderated the lively and spontaneous action as individuals portrayed everyone from the officer involved to the police chief.

General Counsel Martin Bihn reported on legal issues, including the reinstatement of Deputy Joe Harvey by the Pima County Sheriff's Department.



**HOW TO SET UP A PAC FUND** is outlined to convention delegates by William Ryberg of the Tucson Police Commanders Association.

Guest speaker Annie Hill, Vice President of CWA District 7, who said, "The district now represents 55,000 members in 190 locals; we haven't been just a communications union for some time. John Burpo, Director of NCPSO, reviewed the founding and growth of AZCOPS, saying "You have a dynamic organization."

Awards were given to Lu Ebratt and John Stair of AZPOA for organizing; Ed Arvizu of BHCPOA and David Sargent of PLPOA for perseverance; and Ed Skinner, editor of AZCOPS Speaks. ■

<b>On The Inside...</b>	
President's Column.....	Page 2
Legal Report.....	Page 3
Convention Photos.....	Pages 4 and 5
Union Tops 6,000 Members.....	Page 6
2006 Legislative Goals.....	Page 7

# President's Message *by Jim Parks*

## Tucson Police Department Has Taken a Step in the Right Direction in Determining Officer Discipline

One of the most important issues surrounding local unions today is the one concerning discipline. We as union officials believe that, while necessary, discipline must be administered in a fair and equitable manner.

Unfortunately, this is not always the case. We still work in a world where, if you are not part of the "good ole boy" system, you most likely will be disciplined more harshly than your counterpart. The problem lies in the disciplinary systems themselves, or lack thereof. For years, Wardens, Sheriffs, Chiefs, Judges and Commanders have imposed discipline on past practices and whether or not the individual officer is liked. With the Discipline Matrix adopted by the Tucson Police Department, I am hoping that there will no longer be that perception during the application of discipline.

While no disciplinary system will ever be foolproof, I believe that we at the Tucson Police Department took a step in the right direction. Approximately one year ago the Chief of Police formed a committee that was made up of Commanders, Officers and Union Officials and tasked them with restructuring our disciplinary system.

The department, not wanting to waste time reinventing the wheel, looked at several other departments' disciplinary guidelines, including Phoenix, to get an idea of how other agencies were structured. Through these meetings the committee agreed upon a system that is very easy to understand, fair and direct.

What was agreed upon and subsequently approved by the Chief of Police was a system that is direct and to the point. The infractions were broken down into Categories A through E,



**AZCOPS President Jim Parks**

with an A violation being a very minor incident to an E violation for an infraction for which one could be terminated. Examples are given explaining what constitutes an A, B or C violation. For Instance, an A violation might include but not be limited to: missed court, tardiness or lost or damaged property valued at less than \$500, whereas an E violation would be an infraction involving untruthfulness or other unethical offenses.

The types of discipline were then broken down into separate levels ranging from Level 1, which requires corrective action, to Level 10, which requires termination. As a result of the restructuring of the disciplinary process, our officers now know that if they commit a violation they can refer to the Discipline Matrix and have a very good idea of what type of sanction to expect. However, as with any form of discipline, our Chief of Police has the final say and may deviate from the matrix, as he sees fit.

Over the past several months, I have been contacted by our associations requesting information on the Tucson Police Department Discipline Matrix

System. I could use the whole newsletter to explain this system and I still would need more space. If you or your department would like information on the TPD discipline Matrix, or would like to use our system as a model, please contact me and I will go through the proper channels to get you as much information as possible.

I also want to touch on the success of the Fourth Annual AZCOPS Convention that was held at the River Palms Resort and Casino in Laughlin, Nevada. I believe that this was our best convention hands down. Our instructors, role players, and guest speakers were fantastic. We had over 150 members and guests at this year's convention and I want to take the time to thank those of you who were able to attend. I hope to see you at our convention next year.

Also, please keep the men and women serving our country both at home and abroad in your thoughts and prayers.

Merry Christmas and have a safe and Happy Holiday Season. Take care of one another and stay safe. ■

### ***Congrats to Sahuarita***

I want to personally congratulate the leaders and members of the Sahuarita Police Officers Association for achieving 100 percent membership. Under the leadership of SPOA President Beverly Murphy this association has become the latest group within our ranks to reach this important goal. In unity there is strength, both for each individual association and for AZCOPS. It takes a dedicated effort to personally convince every officer in your department to become a member of our union. Good job! **Jim Parks**

# Know Your Legal Rights



## *Changing Disciplinary Legal Standards in Arizona*

In meetings with our groups throughout the state, I have stressed the importance of the “legal standard” that is applied in disciplinary hearings. Although these standards vary throughout the state, the vast majority of them are harshly anti-employee.

To illustrate this, consider the following hypothetical situation. A deputy is terminated based on three policy violations, (1) misuse of his duty vehicle, (2) being rude to the public at a traffic stop, and (3) being late to work on two occasions. On appeal to the merit commission the deputy (through his AZCOPS counsel) proves that allegations 1 and 2 are false and never happened, but the employer shows that the deputy was tardy twice.

Under the prevailing legal standard, a merit commission could not simply reduce the discipline to something appropriate for being tardy. In fact, the legal standard would dictate that the commission conduct only a limited, two step review.

The commission would first decide whether any basis for discipline had been proven. If any basis for discipline existed, (like being tardy twice), then the merit commission was bound to uphold the termination.

The only time a commission could reduce discipline is if it, “fell outside of the range.” Since the disciplinary range for all agencies is letter of reprimand to termination, discipline will never be outside of the range and will never be reduced.

Several years ago, and in light of this sad state of affairs I explained to the leadership that, regardless of the actual facts of any given case, I could tell who would win (almost always the agency) simply based on the legal standard. At



**General Counsel Martin Bihn**

that point AZCOPS committed to a long term legal strategy to change the laws governing these standards.

In September of this year, two AZCOPS cases (from Pima and Maricopa Counties) were decided by the Arizona Supreme Court resulting in a fundamental change in the law. The upshot of those decisions is that merit commissions are no longer bound by the harsh and restrictive legal standards, but may enact their own legal standards.

This was a huge victory, but it only got us half way to our goal. We now need to push every merit system in the state to adopt the legal standard the Supreme Court approved of in September. More importantly, we need to be vocal with our elected officials because employers will strongly oppose the change.

We have heard rumors that the Pima County Administrator has already approached the Board of Supervisors to get a rule enacted to strip the Pima merit commission of its ability to modify discipline. We are researching this issue now. If true, we will be calling for a show of force at an upcoming Pima Board of Supervisors meeting to expose and oppose the Administrator’s actions.

On a related front, AZCOPS legal has made presentations to both the Maricopa County Employee and Judicial Merit Commissions advocating immediate changes to the legal standards. We will monitor and update you on our progress. In the meantime, it is crucial that every association review its own merit standards and begin demanding change.

In other matters, at the Department of Corrections, a warden proposed a new rule that employees’ shifts would begin when they arrived at their post, not 15 or 20 minutes earlier when they actually entered the prison. AZCPOA leadership reviewed the proposed change and immediately contacted the warden. The warden listened to AZCPOA’s concerns that the rule would violate the FLSA. At the end of the meeting the warden agreed with AZCPOA and rescinded the proposal.

In certain circumstances AZCOPS also pursues disability retirements on behalf of its members. Recently, AZCOPS legal assisted two more members, one from the Yavapai SO and another from Pascua Yaqui SO to obtain disability retirements.

In the Yavapai case, the county opposed the retirement and AZCOPS retained experts and fought a nearly year long battle to obtain the disability retirement.

Our Pascua Yaqui member was actually terminated immediately after she submitted her disability application. Then the agency apparently forgot to impanel a retirement board. AZCOPS interceded, challenged the termination to get the agency’s attention, and then got a retirement board called. Ultimately, our member was awarded her retirement retroactive to her termination date. ■

# 2005 Annual AZCOPS Convention Pictures



**AZCOPS 2005 ANNUAL CONVENTION** is addressed at its opening session by President Jim Parks. Over 150 delegates and guests from associations throughout Arizona attended the Oct. 21-22 conclave at the River Palms Resort and Casino in Laughlin.



**NCPSO DIRECTOR JOHN BURPO** (right) chats with Ed Arvizu of the Bullhead City Police Officers Association before the start of the Fourth Annual AZCOPS Convention.



**EXCHANGING NOTES** during a convention break are (L. to R.) Beverly Murphy, Sahuarita POA, Ed Hardesty, Pima County Deputies Assn. and AZCOPS Treasurer Joe Harvey.

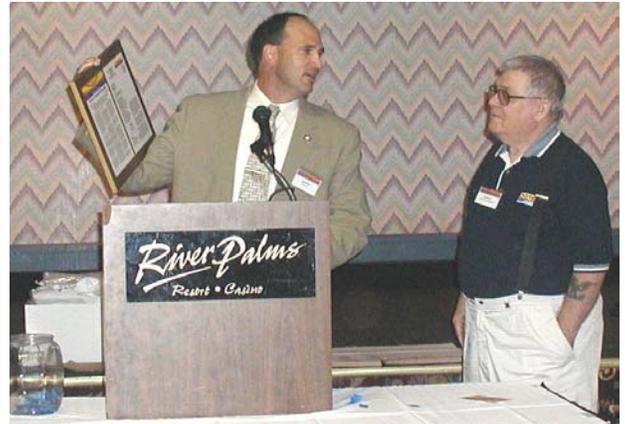


**AZCOPS LEGAL PANEL** roll plays scenarios from actual cases in How to Survive the Investigation seminar. In the left photo, Attorney Mike Storie presents a scenario to draw out responses from each character on how to react to certain situations. In the photo on the right, AZCOPS General Counsel Martin Bihn updates the delegates on legal issues affecting the membership.

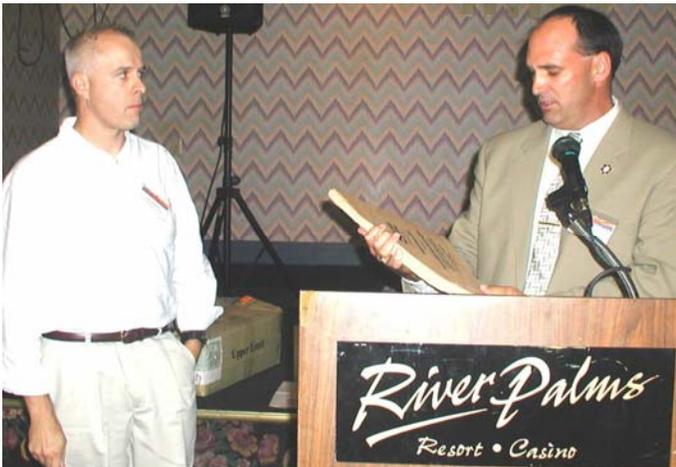
# Photos of Five Members Accorded Awards



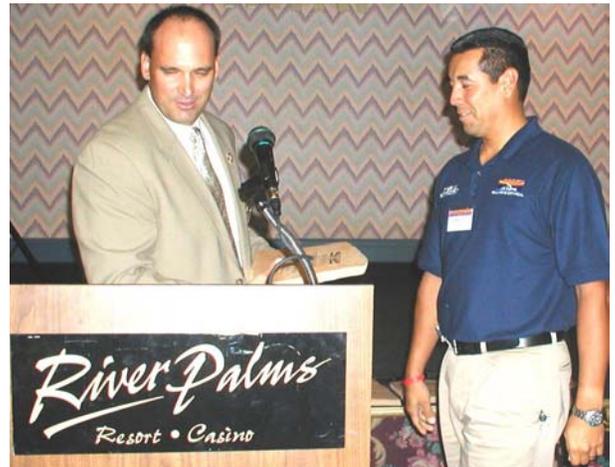
**AZCOPS ORGANIZING AWARD** went to the Arizona Probation Officers Association. Vice President John Stair (left) and President Lu Ebratt accept the award from President Jim Parks on behalf of the many leaders and members who worked to bring its association up to some 750 members.



**AZCOPS Speaks FIRST EDITION** is shown in an award presented by President Jim Parks to Ed Skinner, who designed the union's official publication more than five years ago and has been its only editor. Skinner is retired from Cochise County Adult Probation.



**PERSEVERANCE AWARDS** were given to David Sargent, President, Lakeside-Pinetop POA (left photo), and Ed Arvisu, President, Bullhead City POA, for unwavering leadership under conditions made extremely difficult by their respective employer.



**CONVENTION SHIRT** given to delegates is displayed by Kim Bennett, Pima County Juvenile Corrections.



**REGISTERING AS A CONVENTION DELEGATE** before the opening session is Kimberly Harris, Yuma Police Officers Association.



**ANNIE HILL**, Vice President of CWA District 7, addresses the convention.



# Arizona Organizing Report

## Concentrated Organizing Drive in Several Areas Brings Membership of AZCOPS to Over 6,000

By Staff Representative Tim Clark  
Organizing Director

For the first time, AZCOPS has on its rolls more than 6,000 members. Also, for the first time, this increase is due to a concentrated effort by several of our associations to expand their membership, rather than relying on newly formed associations to broaden our ranks.

This organizing activity by our local associations is the heart and soul of building a stronger, more effective union. We still look for new organizing opportunities throughout Arizona. But, once organized into an affiliated association, it becomes the responsibility of the leaders in each association to recruit more members in order to build its strength and influence. AZCOPS has assisted in many of these efforts and is committed to help any association that wants to conduct an organizing drive, but the will and determination must be evident in the local leadership.



Staff Representative Tim Clark

Stepping up to meet that responsibility has been the Arizona Probation Officers Association in Phoenix, which has nearly doubled its membership this year under the leadership of President Lu Ebratt and Vice President John Stair. I'm sure that there are many other members of AZPOA who deserve accolades for their work in this unified effort. I congratulate all of you.

The most recent associations to join what I call the 100 Club — 100 percent membership — are the Marana Police Officers Association and the Sahaurita Police Officers Association.

It takes a lot of hard work, countless personal contacts, and determined follow-up to reach this goal, but it is

worth every ounce of that effort.

The Marana Police Officers Association is an example of that hard work. Shortly after signing up its last member, the MPOA notified the City of Marana of its accomplishment. In doing so it convinced the city that it truly represented the department as a whole and was able to develop a new wage plan that put its officers on a par with that paid by the Tucson Police Department.

The MPOA also convinced the city that its officer turnover and vacancy rate were directly tied to the substandard wages being paid to police officers. It also developed a sense of mutual trust with many city officials that paved the way for the new wage agreement and is expected to eventually lead to a Meet and Confer agreement. Congratulations to past President Bill Derfus and the other fine leaders of this association.

Speaking of Meet and Confer, the Bisbee Police Officers Association is the latest affiliate to attain that goal. The City of Bisbee agreed to Meet and Confer after a concerted effort by BPOA President Steve Gardner and the leaders in his association. I salute you all.

Whether your department has 10 to 15 members or hundreds of officers, AZCOPS stands ready to help you reach that 100 percent mark. We have traveled throughout the state to assist associations in their efforts to organize more members. We have also assisted in efforts to negotiate Meet and Confer agreements. Both are important goals for which to aim in order to better serve your membership. In unity there is strength, and in strength there is respect from your employer. ■



**HARLEY DAVIDSON RAFFLE** by the Arizona Probation Association was won by Richard Hernandez (left) of the Pima County Attorney Criminal Investigators. Above, AZPOA President Lu Ebratt presents Hernandez with the vehicle keys.



# Arizona Legislative Report

## *AZCOPS 2006 Legislative Goals Include Upgraded Corrections Salary, 20-Year Probation Retirement*

By Lu Ebratt, Legislative Director

As we approach the New Year and the convening of the second session of the 47th Legislature, AZCOPS is focusing on four major issues of serious concern to our members which we will be pushing at the State Legislature:

- The most critical is the establishment of a decent salary structure for correctional officers whose wages now are considerably below even county detention officers.
- A 20-year retirement program for probation and surveillance officers is also long overdue. This is the only segment of our law enforcement family that does not have this benefit.
- An Arizona Deferred Retirement Program (DROP) also is an AZCOPS priority this session. Now accorded only to Public Safety officers (see front page story), we think this benefit should be available to all law enforcement officers.
- A bill that would force public disclosure of the records of private prisons in the state. Currently, private prisons can — and consistently have — refused to disclose to the public statistics on such data as their training standards, attempted prison breaks, prison disturbances and riots, and safety provisions.

With a state funding surplus of about \$750 million during the current fiscal year, there is adequate money available to address these and other state problems. State legislators, some of whom have suggested using this surplus for more tax cuts, must be shown that meeting these needs will pay dividends.

For example, developing a decent sal-



**GOVERNOR JANET NAPOLITANO SIGNS SB1303** to give representation to probation officers facing disciplinary actions. Witnessing the signing of this long-awaited bill are (L. to R.) Sen. Karen Johnson, who sponsored and worked tirelessly for its passage, State Rep. David Smith, who moved the bill in the House of Representatives, AZCOPS Organizer Chris Currie, AZPOA President and AZCOPS Legislative Director Lu Ebratt, YCPOA President Jack Berry, AZPOA Vice President and AZCOPS Vice President John Stair and LPCPOA President Don Stokes.

ary structure for correctional officers would help DOC to keep its trained correctional officers. Currently they are taking other jobs, such as Maricopa County detention officer, whose yearly starting pay is about \$5,000 more than at the DOC. This not only creates the horrendous turnover rate DOC now experiences, but leaves vacant many critical jobs. During last year's hostage crisis at the Lewis Complex, for example, that prison had some 200 vacant jobs — 19 percent of its full complement of 1,029 officers. This was a major factor in creating that crisis, which resulted in several injured officers and a serious threat to every community in the area. The State Legislature now has an opportunity to change all that. ■

**AZCOPS Speaks** is the official publication of the Arizona Conference of Police and Sheriffs, Local7077, which determines its entire content, and is published quarterly. Comments or correspondence should be addressed to: AZCOPS Local 7077, 606 South Plumer Avenue, Tucson, AZ 85719. Stories submitted for publication become the property of AZCOPS Local 7077, and may be edited for clarity and content. Stories and/or photos may be submitted for publication to the above address. Photos submitted will be kept by AZCOPS Local 7077 unless their return is requested in writing at the time of submission. All Material contained herein is copyrighted and writ-

# Arizona Conference of Police and Sheriffs, Local 7077



Affiliated with Communications Workers of America/  
National Coalition of Public Safety Officers, AFL-CIO

**EXECUTIVE BOARD:**

- President:* Jim Parks
- Vice President:* John Stair
- Treasurer:* Joe Harvey
- Secretary:* Tracy Hubbartt
- General Counsel:* Martin Bihn

PRST STD  
US POSTAGE  
PAID  
CMS  
85701

**AFFILIATED ASSOCIATIONS:**

- Apache Junction Police Officers Association
- Arizona Capitol Police Officers Association
- Arizona Correctional Peace 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
- Chandler Lieutenants and Sergeants Association
- Chandler Unified Police Department Association
- Chino Valley Police Officers Association
- City of Peoria Police Supervisors
- Cochise County Law Enforcement Association
- Cochise County Probation Association
- Coconino County Probation Association
- Coconino County Sheriffs Association
- Cottonwood Public Safety Association
- Douglas Police Officers Association
- El Mirage Police Employees Association
- Florence Police Officers Association
- Gila County Deputy Sheriffs Association
- Gila County Probation Association
- Globe Police Officers Association
- Graham County Deputy Sheriffs Association
- Greenlee County Deputy Sheriffs 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
- 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
- Peoria Police Officers Association
- Peoria Police Sergeants Association
- Pima County Association of Corrections Professionals
- Pima County Attorney Criminal Investigators Association
- 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
  - 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 Mountain Apache Police Officers Association
  - Winslow Police Officers Association
  - Yavapai County Probation Association
  - Yavapai Public Safety Association
  - Yuma Deputies Association
  - Yuma Detention Officers Association
  - Yuma Police Officers Association
  - Yuma Probation Association

\* \* \* \* \*

**TUCSON OFFICE**

606 South Plumer, Tucson, AZ 85719  
 Telephone: 520-622-2215 — Fax: 520-622-2216  
 Director of Organizing: Staff Rep. Tim Clark  
 Internet Web Site: [www.azcops.org](http://www.azcops.org)  
*AZCOPS Speaks* Editor: Ed Skinner