

CSLEA Attempts to Discipline Union Members in Kangaroo Court Hearings

As peace officers we are subjected to a much higher degree of risk than most professions, not just the daily threat of injury or death on the job but the constant scrutiny of the litigation-happy public and, sometimes, our own departments. Aside from collective bargaining the single most essential service a peace officer union can provide is legal defense, criminal, civil, and administrative. Your union should have a strong sense of right and wrong and afford all members the same protections from union abuse as it does from outside abuse.

CSLEA thinks differently. In August of 2007, in the face of the growing severance movement, they created a new Constitution and Standing Rules that greatly restricted the ability of members and affiliate organizations to operate independently, and that gave President Alan Barcelona powers reminiscent of those granted to third-world dictators. These changes were never ratified by the members nor made easily available to the members. Those powers have already been used to justify the possibly illegal “trusteeship” of two independent employee organizations – now they are being used against individual members.

CSLEA has “filed charges” in their own internal disciplinary procedure against at least 40 state peace officers. The charges: assisting a competing organization. The real offense: exercising free speech as guaranteed by the United States Constitution and state law.



Accuser, prosecutor, judge, jury, executioner - CSLEA rolls it all into one neat package. Due process? What's that?

A look at the disciplinary process reveals the intent of the process and the lack of objectivity:

- The CSLEA Disciplinary Hearing Committee consists of five members, appointed by and including President Barcelona.
- The disciplinary committee brought the charges. That same committee hears the case, determines guilt, and sets the penalty.
- The accused are prevented from having legal counsel present at the hearing – CSLEA’s Kasey Clark served as both legal advisor and chief prosecutor during the hearings.
- The accused must present their entire defense in writing 15 days prior to the hearing – CSLEA has no such requirement.
- The accused must present any evidence 15 days prior to the hearing – CSLEA has no such requirement.
- Despite a provision for an “open hearing” no witnesses to the proceedings are allowed – recording or transcribing of the proceedings is not allowed.

Not surprisingly, to date every single accused union member has been found guilty. This includes one person found guilty and disciplined for the act of allegedly handing a POC business card to a colleague. Penalties have ranged from suspension to expulsion from CSLEA – fines of up to \$4000 per alleged occurrence had been threatened but were not levied.

While unions have the duty and ability to protect their own interests they have no right to use a disciplinary process for the express purpose of stifling government-protected free speech. The abuse of power and attempted intimidation has confirmed the suspicions of many that CSLEA is interested only in representing themselves and protecting their narrow self-interest rather than doing the only job that they are mandated to do – representing the best interests of the membership.