



# RECAP

The Official News-Magazine of the Phoenix Law Enforcement Association

## The President's Message

By Jake Jacobsen, PLEA President

### The Year in Review

The rapid approach of the holiday season is directly proportionate to how far behind I am with my Holiday shopping. As hard as it may be to grasp, it's December. It's time to reflect on the past year.

After twenty-eight years of leasing, PLEA started the New Year by moving in to our new home. Some remodeling continued as we opened for business, and it wasn't long before the 24/7 member's lounge was outfitted with a big screen TV and big comfortable lounge chairs. The lobby and counter areas were completed in February creating several work stations for our member services staff to assist you.

The New Year also saw the beginning of negotiations on a new contract. Contract preparation had started many months earlier with the member survey. The tabulated results were turned into our contract proposals. As we listened and learned of other departments around the country fighting with their Mayors and management over the lack of a contract, PLEA was negotiating better wages and benefits with a city that has never let us work without one since 1977.

The New Year also began with a 4 -1 margin of victory that reaffirmed PLEA as your union and has earned your trust to provide a quality contract, legal protections, member benefits, and strong representation for the past 28 years.

In the spring, the parking lot on the north side of the new PLEA building was paved and PLEA was involved as the city prepared its trial budget for the 2004 -2005 fiscal year. We were there for the budget hearings and spoke on behalf of our members and department as the draft budget was presented to our citizens.

In May, PLEA was represented in Washington DC as the National Association of Police Organizations (NAPO) held its annual Legislative briefing conference. PLEA and other APA member union Presidents met with our Arizona congressional delegates on issues of importance to Law Enforcement. PLEA also received special recognition for our financial commitment to the National Law Enforcement Museum from Chairman Craig Floyd during a VIP reception prior to the candlelight services at the Law Enforcement Officers' Memorial.

May also brought tragedy as our police family lost Officer Don Schultz during an on-duty evidence recovery dive. The



There is no end to our agenda. As we successfully resolve one concern, we begin work on another.

dangers of our profession are not restricted to violence.

During all this time there are regular meetings with City Council members or the Mayor, or meetings with City management and their staff on issues ranging from take home vehicles to safety equipment to health care coverage and many other topics. The PLEA Executive staff meets regularly with the department's Executive staff on important Labor / Management issues as well.

Summer was also the beginning of the big push from perspective candidates for political office for support and endorsements. From the White House to the State House and right down to School Boards, an endorsement by your Association is coveted by those seeking elected office. An endorsement by PLEA / APA is not tossed out without careful consideration

and extensive questionnaires and interviews. The success rate at the polls by those candidates endorsed by PLEA and the APA was an astounding 95.8%. This figure is un-

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## The Year in Review, Continued

(Continued from page 1)

matched by any other law enforcement group in the state and shows that commitment to political involvement has measurable benefits.

The City Council reconvened in late August and our long quest for the purchase and installation of the Fire Panel for our Patrol fleet was now making serious progress. Through the efforts and support of the Public Safety sub-committee Chairman, Councilman Dave Siebert and sub-committee members, Councilwoman Peggy Bilsten, Councilman Michael Johnson, and Councilman Greg Stanton, the Fire Panel was recommended to the full Council for approval from an October sub-committee meeting. During the Phoenix City Council's consent agenda, on November 3rd, the Mayor recommended the Fire Panel purchase for approval. It was adopted.

As focused as we try to be on an extensive program of improved benefits and work related issues, nothing can prepare us for the loss of one of our own. On August 28<sup>th</sup> tragedy struck again as Officers Jason Wolfe and Eric White were gunned down trying to apprehend a shooting suspect in a north Phoenix apartment complex. Officer Chris Parese was wounded during the same encounter. PLEA, the Department, and the City came together to make sure the families were the focus of our resources and support. Also of great concern was the well being of the many officers at the scene that night. Our department's under-staffed Human Resource detail worked very hard to make sure they received our available support and counseling services.

During a candlelight vigil in front of the main station just four days later, word of another shooting came out. SAU Officer Scott Johnson was shot during a west side barricade. Fortunately, he was struck in the vest and was not injured. The very next afternoon Officer Matt Morgan was shot three times during a south side traffic stop. One round broke his lower leg.

For two years we had not lost an officer in a duty related incident. Then, in a little over three months we lost three and had three wounded.

There is no end to our agenda. As we successfully resolve one concern, we begin work on another. We continue our work on the ballistic vest issue (Zylon) through the Arizona Attorney General's office and with NAPO (the only national law enforcement group to bring suit against Second Chance and Armor Holdings). We are shaping our legislative agenda and actively seeking sponsors for our bills.

As the year comes to a close your PLEA Board of Trustees is preparing for the annual Labor / Management retreat. This year we will receive the formal program on Interest Based Relations (IBR) from the Federal Mediation and Conciliation Service. We will be the first police department in the country to apply this to labor relations.

It is a commitment from Chief Harris to improve the way we do business.

There is no 'down time' in the PLEA office, just an occasional pause to catch our breath before moving on to the next project. If you'd like to learn more or if you'd like to pitch in and be a part of the process, please call or drop by. Learn what your Association is doing.

From all of us in the PLEA office, have a safe Holiday Season. •

## Memorial in 2004

### Don Schultz

On May 10, 2004 at approximately 3:00 pm, Officer Don R. Schultz, #4410, was participating in a Dive Team search for evidence in the canal near 19th Avenue and Hatcher. He came loose from his tender line for unknown reasons and was found lodged in a canal gate by other members of the Dive Team, who freed him.



He was pulled from the water and taken to John C. Lincoln hospital where on Wednesday, May 12, 2004 at 7:10 PM, he passed away after being removed from life support.

### Eric White 7275 & Jason Wolfe 7215

On August 28, 2004, at 1754 hours, officers responded to emergency radio traffic of a shooting at the Northern Pointe Apartments, 1905 W. Las Palmaritas (8200 N.). After evacuating surrounding apartments, officers attempted to make contact with the suspect. When they were unable to get a response, they kicked in the apartment door. Officer Jason Wolfe #7215 and Officer Eric White #7275, immediately sustained fatal gunshot wounds.



## Memorial in November



**Quincy Clay Haywood**  
11-22-1971



**Michael D Hemschmeyer**  
11-2-1973



**John A Robertson**  
11-19-1984



**Goelet Beuf**  
11-1-1999

## Nascent Police Union Sues Arizona City For \$10 Million

From The Arizona Republic, October 21

The Gilbert Police Leadership Association and its president have accused the Police Department's chief and other administrators of violating state and federal law by discouraging the Association's existence and punishing some sergeants who helped in its formation.

A claim letter distributed last month alleges that Police Chief John Brewer and Cmdr. Tim Dorn "expressed their dislike of police associations" and retaliated against the leadership association by suspending or demoting three of its members.

The claim also states that Lt. Nancy Gardner gave the association's president, Sgt. James Lahti, both a written and verbal reprimand during a meeting in March and then launched an internal investigation into Lahti's conduct that resulted in further disciplinary action in June.

The claim, submitted by a law firm that represents the Arizona Police Association, offers a settlement that would require \$5 million per defendant be paid to both Lahti and the Gilbert Police Leadership Association.

State law gives the town 60 days to respond before the offer is automatically deemed denied. Attorney Dale F. Norris submitted the claim Sept. 9.

Gilbert police spokesman Lt. Joe Ruet said police officials could not comment on pending litigation or internal investigations.

"I do know that the department is not concerned with the formation of that association," he said. "We take a neutral position on that."

Brian Livingston, executive director of the Arizona Police Association, disagrees and said his understanding is that Gilbert's police chief has taken a hard-line approach to both the department's leadership association and police officers association.

"The chief and the administration are highly against any type of organized group representing officers or supervisors," Livingston said.

The claim letter states that action taken against the police associations violates the Arizona Constitution, the U.S. Constitution and a state statute which says "public safety employees . . . have the right to join employee associations" and "shall not be discharged, disciplined or discriminated against" for doing so.

Kelly Schwab, an attorney representing Gilbert, would not comment on the possibility of a lawsuit pursuant to the claim letter.

Norris also declined to comment on the case, and efforts to reach Lahti were unsuccessful.

According to the claim letter, the Gilbert Police Leadership Association formed during late 2003 and early 2004, prompting a meeting in March during which Brewer and Dorn first criticized the associations.

The claim then asserts that the verbal reprimand along with "subsequent retaliatory actions" restricted members' rights to associate and speak while also interfering "with the

contractual and business relations between the Gilbert Police Leadership Association and its current and prospective members."

Livingston said actions like the ones alleged in the claim letter are rare in the Valley, but some police leaders hold an inherent distrust of labor unions. ●



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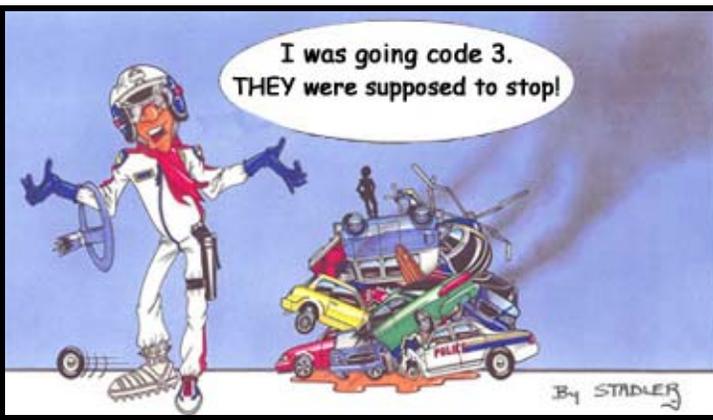
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# NEW MEMBERS

James Beasley , Randi Brown, Michael Buvala, Lori Demski  
 Scot Dufour, Todd Gerber, Anthony Hardina , Mathew Hefter,  
 Brian Juare, James Lukash, James Martin, Justin Martin,  
 Ashley Ohrn, Julie Ortiz, Douglas Peckins, Ryan Phillips,  
 Daniel Smith, Michael Smith, Brandon Speier, Jon Teusink,  
 David Walter, Michael Zilles, Joseph Zuppa



## Election Success

Brian Livingston, Director APA

The 2004 election was characterized as one of the most challenging elections in recent history. Many police unions and associations became deeply divided when determining which candidates to endorse because of the deep divisions within the nation as a whole. When PLEA and the Arizona Police Association initiated its endorsement process, we knew it was going to take a lot of hard work to get to the facts and separate the wheat from the chaff in each contested race. Our process was lengthy and our issues many, but the final outcome, once again, proved the value of research as our endorsed candidates won victory after victory across the state.

PLEA and the APA broke tradition in the summer of 2004 by endorsing President Bush for re-election. This was not an easy decision but was a right decision. As I am writing this article news stations across the country are flashing the concession speech of Sen. John Kerry.

Selecting a U.S. - Arizona Congressional Delegation in Washington was indeed a challenge for PLEA and the APA. We picked candidates from both parties in the primary knowing full well we would have to differentiate between these candidates in the General Election. We convened a second time to determine our General Election candidates for endorsement shortly after the primary election was over. This proved to be a truly successful meeting as **all** of our endorsed U.S. Congressional candidates won election in the General Election.

In Arizona, PLEA and the APA used the same endorsement process in deciding who should receive our endorsement. In some cases the candidate's positional statements were simply insufficient to receive an endorsement. In other cases an insufficient amount of historical political activity was noted, but the candidates we did endorse demonstrated a clear understanding of the issues that were important to PLEA and APA association members, and I am proud to announce most of these candidates won election or re-election to the Arizona Legislature. The non-certified election totals indicate our endorsed state senatorial candidates were 100% successful. The totals in Arizona House of Representatives indicate a 79% win ratio for our endorsed candidates. PLEA and the APA also achieved a 100% success rate at the Arizona Corporation Commission and for offices within Maricopa County.

I want to thank each and every member, family member and friend of both the APA and PLEA for allowing us to share this election with you. Without your support and your input we could not have been as successful as we were this election. ●



## Rep Expectations

From Your Representatives

PLEA rep training was recently completed and those members who chose to take on the crucial role of a rep were asked the following question:

***“As a PLEA rep, what are your expectations from members or managers?”***

Below are some of the responses that were provided.

**Frank Marino, Central City Precinct:** As a PLEA Representative, I expect unit members to do their jobs to the best of their abilities using Operations Orders as a guideline, combined with what they have gained through their training and experience. Exercise the use of common sense and good judgment and treat others as you would want to be treated. Be able to articulate why you did what you did under the given circumstances, don't make excuses, don't lie, and don't be afraid to admit you are wrong when you have made a mistake. I expect management to do the same. They should also lead by example, nurture, mentor, and back up their subordinates. As managers you should know your people and not rush to judgment when someone makes a complaint, as there are two sides to the story. Be fair, firm, and consistent in treating them when they do make mistakes. Lastly, never forget where you came from, for whether you are a Sergeant, Lieutenant, Commander, or Chief, you began your career as an **Officer** who made mistakes as part of the learning and development process, just as any human being would. I expect all of us to be ACCOUNTABLE and PROFESSIONAL.

**Bob Palma, Airport:** I would like a member to be truthful during the interview and to understand I'm not there to get them off, but to make sure they get fair and equal treatment. I also need a member to stay in contact with me and keep me updated. What I would like to see from management is to provide the member with the NOI and make an appointment for the *next* day with his rep for the interview. Make sure everything is put out on the table for the member. Don't pass judgment on the member until all the investigation is done. Also, give an idea to the member what the punishment might be.

**Bob Furneaux, Cactus Park Precinct:** What do I expect from management as a PLEA representative – 1. **Integrity:** We as the Phoenix Police Department will ultimately be respected based on the actions of management that earn such respect. 2. **Consistency:** Just as we impartially police the citizenry, so must we police ourselves. When management is treated comparatively to subordinates in regards to discipline, not only will a high level of morale be maintained, but the organization as a whole will benefit. 3. **Fairness:** The Webster's New Collegiate Dictionary defines fair as a situation “marked by impartiality and honesty, free from self-interest, prejudice, or favoritism.” Anything more is considered icing on the cake as far as I'm concerned. ●

## Don't Take My Word For It

Gregg Gibbs

While serving in the United States Army I observed many differences in the way enlisted (low rank) and officers (high rank) were treated. It was not uncommon to see many blatant and obvious preferences given to officers and not the enlisted members of the armed forces. It was no secret that this was the way things were and the saying that captured this reality was, "R.H.I.P." which meant **"Rank Has Its Privileges."**

Management will tell us and beat it into our heads that the Phoenix Police Department is a "paramilitary" organization, largely in part to the rank structure and also the necessity for police officers to follow orders and directives given to them by those of a higher rank. While R.H.I.P. had a meaning in the military, its meaning has changed in the Phoenix Police Department. The meaning in the Department is "Rank Heightens Integrity Probability." Allow me to explain.

In a recent investigation/IRP involving the word of an officer against the word of a supervisor, Commander Glenn Gardner communicated to me that he believed the sergeant over the officer because a supervisor's integrity is heightened and a manager's word holds more weight than a subordinate. After hearing this I was quick to point out that none of the seven witness officers could corroborate what the supervisor had written in the investigation (or what member said either). The commander refused to remove portions of the investigation saying, "We're a paramilitary organization and there is no evidence that the supervisor is being untruthful." Therefore, according to the commander, the word of a supervisor supersedes the word of an officer.

Being shocked, I asked the commander to clarify for me what he had said adding that there is a section in the NOF specifically designed for this situation; UNRESOLVED. The commander assured me that there was no evidence that the supervisor was being untruthful and there was no evidence that the officer was untruthful. With all things being equal, the supervisor wins - the word of a supervisor supersedes the word of an officer.

So what does this mean to the member? It means that the supervisor may accuse you or any other member of misconduct, and if there are no independent witnesses and the member denies the allegation, the allegation will be sustained. I might further add that there are managers in the Department who have no problem whatsoever with this unique concept. In an era where PLEA has cited many examples of disparate treatment between management and officers, it should be clear why members' investigations are sustained and management's are unfounded. It should be clear why officers "blatantly lie" and managers "have an apparent miscommunication" - the word of a supervisor supersedes the word of an



**"With all things being equal, the supervisor wins - the word of a supervisor supersedes the word of an officer."**

officer.

Perhaps one day Commander Gardner will believe that my integrity is as good as a supervisor's. Although you and I testify in court, and juries base decisions of guilt or innocence, life or death, on our credibility, maybe we should have ranking personnel (supervisors) testify in court in our stead because with their higher level of integrity, the probability of conviction would be increased: R.H.I.P. rank heightens integrity probability. The word of a supervisor supersedes the word of an officer.

Obviously this management philosophy didn't sit well with PLEA so it was taken up the chain of command for further review. Your Association, along with Chiefs Harris and McCort, were able to resolve this issue in a manner that was fair to the member and consistent with common sense. We were in agreement that R.H.I.P. (rank heightens integrity probability) is not a position advocated by PLEA or the Department!

R.I.P. - R.H.I.P. ●

## The AN\$WER Man DROP Brain Teaser

**Question:** A Police Officer elects to participate in DROP and signs an agreement with the employer and the Pension System, agreeing that they will DROP on a particular date and that they will receive a stated rate of return based on the prevailing rate at the time they enter DROP. A month later, the law is changed, either increasing or decreasing the DROP period. How does this legislative change affect the Officer?

**Answer:** The change in the law does not affect the officer's agreement with his employer or the Pension System. Once made, the election is permanent, and irrevocable as to the DROP period and rate of return. While a change in the law will affect those who have not yet entered DROP, it will not affect those who are already in DROP. Further, you can terminate your employment at any time during the DROP period and not be penalized.

*Source: Public Safety Retirement System November 2004*

# Forecasting the Weather

Mark Spencer

A weatherman looks at certain conditions in the atmosphere in order to provide an accurate, though not guaranteed, forecast of the weather. The time of year, dew point, air pressure, wind direction, temperature, and humidity are some of the conditions that are considered in predicting what's coming. Rules of thumb that help in determining weather conditions include:



It's always raining somewhere; showers seem to be consistent at the PLEA office over the past months. Please allow me the chance to give you a look at the conditions in the labor/management atmosphere and test your prediction skills as to the tenor of future union relations and upcoming management style. Here's what we're seeing and some of our forecasting rules of thumb:

☁️ A lieutenant comments at an IRP, "You can't have both equal and fair" explaining why a sergeant in his precinct who violated policy 4 times is subject to 0 investigations while an officer working for the same sergeant had 4 violations and was disciplined 4 times.

**IF EQUAL ISN'T FAIR, THEN WHAT WE BREATHE ISN'T AIR**

☁️ A commander communicates out of frustration that the perception of managers being treated differently than officers in regards to policy violations is more than a perception, it's a fact.

**FRUSTRATION IS A RARITY WHEN YOU ELIMINATE DISPARITY**

☁️ Amateur and unqualified psychological evaluations of officers by sergeants are attached to investigations as addendums while an available work fitness evaluation process (*designed in part to help "fix" the employee or at least accurately provide diagnosis*) is ignored.

**STRIPES, BARS, AND STARS LOOK PRETTY ON MY BLUE, I'M NOT ONLY THE BOSS, I'M A DOCTOR TOO**

☁️ An upper level manager cries "foul" because they believe their ignorance of the law shouldn't be dealt with through discipline.

**NO LEE-WAY FOR YOU BUT PLENTY FOR ME, YOU HAVE NO STARS, I HAVE THREE**

☁️ When a question on a sergeants' test is concerned about the length of time an engraver can be checked out at a precinct (*ANSWER – 3 days*) while no more than a dozen questions on the same 100 question test address the contract.

**WHEN THE MAJOR IS THE MINOR AND THE SMALL BECOMES LARGE, EXPECT BAD DECISIONS FROM THOSE WE CALL SARGE**

In spite of these recent conditions, there are still spots of sunshine and clear skies.

☁️ Commander Jeff Hynes shows courage and vision by being a presenter at the most recent PLEA rep training and addresses the issue of cultivating a positive labor/management environment.

☁️ Commander Susie Parra advocates what's clear in the contract – pay the 5% FTO pay to her two certified FTOs on the Field Training Detail at the Academy, even though an assistant police chief doesn't want to adhere to the MOU. Resolution was obtained in this issue through Chief Jack Harris.

☁️ Commander Emitt Quill patiently considers his officers' point-of-views on grievances and disputed investigations and resolves issues in-house with employee input and satisfaction.

☁️ Police Chief Jack Harris agrees with three use-of-force subject matter experts and overturns a sustained unreasonable force allegation signed off by one of his assistant chiefs.

☁️ The executive review board prepares to convene for the first time in at least 20 years to address four command level policy violations ranging from title 28 violations to sexual harassment.

These are some of the conditions. What's your prediction? We'll be able to weather any storms and we'll continue to strive for the fairness and common sense washed away during the past 5 years. Recent decisions from the 4<sup>th</sup> floor make us hopeful at the PLEA office that "fair" weather is in the forecast. In the meantime, just in case, bring your umbrella and your PLEA rep just to be safe. ●



**How the Pros Do It:**

**10 Tips for Smart Investing**

*Thomas S. Jonovich, Financial Consultant, Smith Barney*

1. **Develop a good source of financial advice and information.** Investing is not an art; it is a science born of considerable research and historical trends analyzed over a long period of time. The firms that do their homework typically have the most consistent long-term performance records.
2. **Determine your risk tolerance.** Only when you identify how comfortable you are with taking investment risks, can you make smart, informed decisions about your portfolio. A financial consultant can help you with that process.
3. **Diversify your holdings.** Not all types of investments, markets and industries perform in tandem with one another. Diversifying your assets among several types of investments, rather than just one or two, may help you reduce the risk inherent in any investment portfolio.
4. **Set reasonable expectations for return on your investments.** In the current market environment, earning have been greatly reduced from the historical 10%+ high.
5. **Invest in quality securities.** Stay with solid companies that have stood the test of time. They generally do well during periods of market strength, and recover more quickly after periods of market weakness.
6. **Never let a low price per share be your only reason to buy a particular stock.** The one or two low-priced stocks that jump significantly in a year are overwhelming exceptions.
7. **Before investing, designate funds for short-term and long-term use.** Don't invest money you need to keep liquid; otherwise you may be forced to sell out of an interim dip in the market. Remember, investing is a long-term process. Real money is made over years, not months.
8. **Allow dividends to compound over time.** The income you earn from stock dividends can add up over the years. Brokerage firms often offer free dividend reinvestment programs that use a company's dividends to purchase more shares of the underlying stock. Ask your financial consultant how you can participate.
9. **Learn all you can about companies in which you invest.** Read the annual reports and earnings summaries you should receive as a stockholder. And ask your financial consultant about current company research. The better an understanding you have of a company's strategic focus and business direction, the less you'll be swayed by fluctuations in its stock price.
10. **Live within your means.** Americans are saving less and less, and spending more. Keep your spending habits within the limits of your income and invest wisely for the future by maximizing your contribution to your retirement plan at work.

*Dear Brian Miller & PLEA,*

*I would like to thank Brian for getting me a hotel room while Darrol was in the hospital. Darrol and I cannot thank you enough for your support and prayers. We would also like to thank all the officers at the airport and everyone from the police department. We love you all.*

*Darrol has a long way to go. Please keep him in your prayers. We couldn't have done it without all of you. It makes it a little easier.*

*Darrol and Gloria Yoos*

**PLEA Mission Statement**

**To promote the positive role of the police profession.**

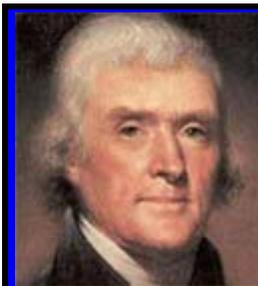
**To protect and secure members' rights and benefits through effective representation and professional relationships with the community and local, state, and national governments.**



PLEA has partnered with Donna Neill and N.A.I.L.E.M. in collecting toys for the children of the Marc Atkinson Recreation Center/Kids Street Park. The toys are for ages 5-14 years old. Please bring an unwrapped gift to:

**LOCATION:** PLEA Office 1102 W. Adams St.  
**DROP OFF DATE:** Week days until Friday December 10th, 2004.

Join us at Kids Street Park, 23rd Ave. & Hazelwood on Saturday December 11, 2004, 11:00 am and see the joy your gift brings to the face of a child.



**I do not take a single newspaper, nor read one a month, and I feel myself infinitely the happier for it.**  
**- Thomas Jefferson**

### Phoenix Law Enforcement Association

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## Representation Committee

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### Representatives

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Bob Durka . Greg Gibbs . Ron Gomez  
Bryan Hanania . Gary Hotchkiss . Barry Jacobs  
Dave Kothe . Karen Lewsader . Nick Margiotta  
Franklin Marino . Tom Marquez . Brian Miller  
Darren Nielsen . Bob Palma . Steve Perrotta  
Jerry Peterson . Dave Sampson . Toby Sexton  
Annie Shumway . Frank Smith  
Stu Sterling . Mark Spencer

### If You Have A Grievance

**First:** Attempt to resolve the matter informally with your supervisor.

**Second:** If you cannot resolve this with your supervisor, contact one of the representatives above.

**Remember:** There are time limits to initiate a written grievance.

**Record:** All interviews once you have been given an NOI.

**Copy:** All memos of paperwork related to the investigation.

If you are called by Professional Standards Bureau or any police supervisor regarding an investigatory interview or interrogation, you may have PLEA representation during that interview.

**Call for representation as soon as possible.**

## PLEA Board of Trustees

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[www.napierlawfirm.com](http://www.napierlawfirm.com)

Brian Livingston — Legislative Liaison  
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## PLEA Office Staff

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