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PHOENIX LAW ENFORCEMENT ASSOCIATION

# RECAP

APRIL/MAY 09

The Official News Magazine of the Phoenix Law Enforcement Association

# WORKHORSE

By Mark Spencer  
PLEA President

Back in the day, when a farmer needed the south 40 plowed, he didn't rely on a pretty pony, a quick Arabian, or a shiny trotter to get the job done; a workhorse was hooked up to cut the furrows. Back in 2007, the PLEA team set out to work old acreage. This territory included a valuable patch of ground called "aggressive representation." Like the farmer, the PLEA team needed a workhorse too. Billy Coleman rolled up his sleeves and plowed ahead.

Billy brought so much to the table. He brought the heart of a teacher, the fists of a fighter, the mentality of a rep, the words of a sailor, the honesty of a friend, and an eye on the members. He left a great job at the driving track to take on the important job of the Grievance Chair. I warned Billy that taking on the grievance chair was like "going into the meat grinder." About one month after being in the corner grievance office, Billy told me in the elevator, "I now understand that you weren't kidding about the meat grinder." When careers, principles, and reputations were at stake, Billy didn't need anyone to convince him his job was serious. Workhorses don't play around.

Team principles that Billy naturally embraced, applied, and taught the reps and members included:

- **Don't trade truth**
- **Be kind**
- **Less is more**
- **Don't go alone**
- **Better feared than liked**
- **Lead by serving**
- **It's all about the members**

Billy Coleman taught me how to shoot. His belief in focusing on the front sight was only outmatched by his focus on the valuable people in his house. Just like Billy's talent in jewelry making clearly demonstrated that he was in touch with his feminine side, his departure from police work demonstrated his love for his family. His retirement at 21 years maximized the emotional, financial, and spiritual impact he could have on the home front. Billy didn't let the job become his life. Workhorses work to live, they don't live to work.



When Billy told me, out of blue, he was retiring I thought it was a bad joke. I didn't laugh. Billy did. The reason Billy laughed was because his hard work of 21 years was going to pay off in less than a week. He was literally "home free."

One way to thank a four-legged workhorse is with a bath and a rubdown. If you want to give these to Billy, go ahead. I'll keep my hands to myself. What I can offer Billy is my heartfelt thanks for stepping up to the plate and stepping into the gap. Not many do. It's easier to walk the point for the members when a man with a moral compass is walking beside you. It's easier to get the job done with a workhorse. Billy, you made a huge difference. Thank you.

# CONTROLLED AGRESSION

By Vince Bingaman  
TSB

The human mind and body are amazing things. We are hard-wired to survive and we adapt quickly to environmental conditions as they unfold before us. As law enforcement officers the ability to refine and control our instincts and adapt them to our needs is imperative to our survival and those around us. We not only have to understand the complex physiological processes our bodies go through during times of stress, but we have to respond to those stressors as well, sometimes in an aggressive manner.

It is not my intention to cover, what many refer to as “flight or fight”, or to take an in depth look at the human psyche. This is a very complex issue that has been addressed in our Department’s training and should be nothing new. Some basic knowledge of why officers react in the way they do does need to be addressed though as I see more and more cases of what I call the “moth to the flame” syndrome or what is commonly referred to as “tunnel vision”.

In its simplest form our heart rate will increase dramatically in a stressful situation caused by our perception of a high-threat stimulus. This according to Bruce K. Siddle, the author of *Sharpening the Warrior’s Edge*, engages our parasympathetic nervous system. As our heart rate increases we will lose our ability to mentally process what is occurring up to hypervigilance and irrational behavior. It is at this point, irrational behavior, that we have lost control and can become a liability.

There are several components to managing the side effects caused by a highly stressful incident. The two main components are training and experience as sometimes these two are related. We have also heard of breath control and visualization exercises where we mentally rehearse a positive outcome to scenarios we may encounter on the street. Of all these components, the one we have the least control over is experience. Our Department has grown significantly and will continue to do so. Herein lies the problem and the driving force behind this article.

Our lack of experience combined with the physiological changes that occur under stress has led to an array of poor decisions on the street. Whether it’s a collapsing perimeter, which ends up in a crossfire, foot pursuits into a fatal funnel, or a vehicular pursuit, we have all been there and most walked away because we were lucky. We have recently had a number of officer involved shootings where officers were down range in very compromising positions, solo foot pursuits after armed suspects which have led to ground fighting, and vehicular pursuits that bordered on insane. I am convinced that our current pursuit policy is very restrictive due to our inability to control our aggression during these pursuits.



Aggression in our type of work is a good thing and is a requirement in having the total package as an officer. The first time I heard the term “controlled aggression” was from Lt. Aaron Thomas who coached my son’s tackle football team. It was a term that assisted the kids in learning that aggression on the field was good, but that it had to be controlled in a manner that reduced penalties and helped them remember their positional responsibilities. No where is it more important to prevent penalties than in our profession, as there is so much to lose.

I have been fortunate enough to attend training where experts in combat psychology and warrior philosophies were the key instructors. The reoccurring theme in their subject matters is that dynamic training and experience will offset the negative physiological affects of a high-stress encounter. Repeated training with a goal in mind will control the heart rate and enable us to make complex decisions when it matters most. The department is only responsible for so much of our training. Relying only on that training in and of itself is setting ourselves up for failure. Ultimately we are the ones responsible for having the total package which is the ability to aggressively fight crime through a controlled and disciplined manner.

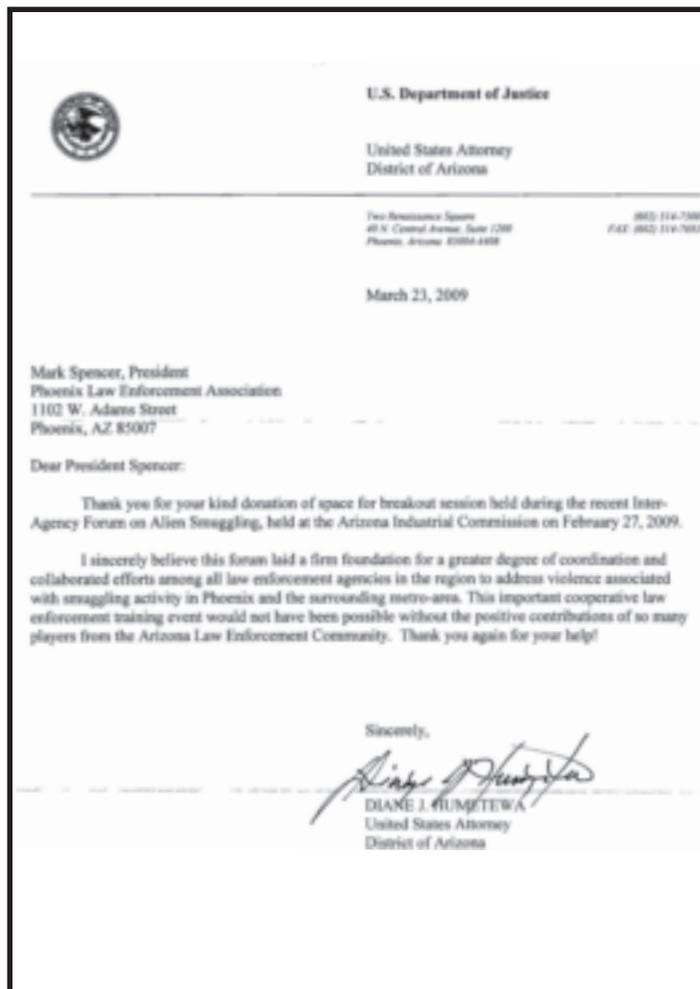
The end result of our hard work and ability to control our emotions will reflect positively on the outcome of the calls that we respond to. This ability transcends titles and rank. The confidence that comes with it will allow us to objectively approach the event realizing that it is never a race to be the first, realizing when speed is essential and when it is not. We will never be able to dictate all of the actions of a determined suspect, but we can soundly adjust our own actions for a successful conclusion to an otherwise chaotic event. Just remember when the dust settles that you were in control and not the suspect.

# PLEA Contract Survey/COPS Grants

By Will Buividas  
Chief Negotiator

In January 2009 PLEA surveyed the membership with regards to reopening our current contract. The response we received was the highest of any survey in the history of PLEA. Over 98% of the voting members said to keep our contract intact. Your involvement is critical to determine the future of PLEA. We will be sending out a full contract / membership survey in August 2009 for our upcoming negotiations early next year. I hope that we will have 2600 returned so that the voice of every member is heard. With the current state of the economy, upcoming negotiations will be extremely challenging as tax revenues keep falling and property values are assessed at lower rates. Stay informed to see what is happening to our fellow brothers and sisters throughout the Valley who are not fortunate enough to have a binding contract. Their cities' budgets are being balanced on their backs. They need our help! If you live in one of the surrounding suburbs call your council person or city manager and tell them NOT to cut public safety and to keep public safety the #1 priority. Now more than ever, make sure to SHOP PHOENIX! Every dollar spent in Phoenix helps our budget and helps make sure we have a vibrant future.

Recently, President Obama signed legislation to re-up the COPS grants from the 1990's. The goal is to add 50,000 new officers to the streets in the immediate future. Thanks to input from PLEA through our national organization NAPO, these grants are vastly improved over the previous ones. Now 100% of an officer's salary and benefits are covered for the first 3 years when under the old ones the City had to match 25%. This is a huge relief to our city and others throughout the country as we all deal with massive budget deficits. City Manager Frank Fairbanks told the City Council that we will be aggressively pursuing every COPS grant and hire as many officers as we can with the new COPS grants. The Mesa Police Chief just asked permission to hire 100 officers with COPS grants. My hope is that Public Safety Manager Jack Harris will ask to hire 400-500 officers. So far Public Safety Manager Harris has been silent and I have not heard of him asking the City Council permission to hire ANY officers under the COPS grants. I hope this will change, as we currently have over 300 OFFICER vacancies with another 250 vacancies already put into next year's budget. We will keep you posted as to the status of hiring for the COPS grants and getting you some help out on the streets.



# Action Heroes, and Gladiators

By Ken Crane  
Editor

**M**ost of us who have been in this line of work for any length of time know that the job of a Police Officer is many faceted. We are expected to be crisis counselors, social workers, psychologists, protectors of those who cannot protect themselves, enforcers of the law and much more.

In short, we have to try to be all things to all people. Most of us with time and experience learn to balance the demands and stresses of the job pretty well. We have to or we don't survive.

Noted police psychologist, lecturer and author Dr. Alexis Artwohl has written and lectured frequently on the psychological aspects of the use of deadly force. One of the points that she regularly makes is the intentional attempts by many in society to include people in city governments and police management to eradicate the 'W' word from our vocabulary. The 'W' word being Warrior. According to Dr. Artwohl, government/managerial types that may be more concerned with liability and political correctness are the main culprits behind trying to eliminate this word from not only their vocabulary but everyone else's as well. This mindset can be seen in the above pictured recruiting billboard as well as others that feature petite women in sports bras engaged in a variety of physical activities accompanied by catchy slogans like "I'm no Gladiator" or "I'm no Action Hero". Maybe there is some truth to what Dr. Artwohl is saying. When's the last time you saw any recruiting material with the slogan 'Now Hiring, People Willing to Serve, must Possess a Strong Warrior Ethic'? Nope, too over the top, too offensive, can't use the 'W' word, conjures up images of Ghengis Khan lopping of people's heads with a sword.

A warrior can be defined as a person who is a part of a special class in society where specific codes of conduct or ethical codes are instituted in order to ensure that the warrior class is not a danger to the rest of society. Warrior codes often have common features such as honor, pride, faith, integrity. Common virtues looked for in the code are honesty, mercy, courage and loyalty. Sounds a lot like what we expect out of our men and women in law enforcement.

Lt. Col. (Ret.) now deceased David Hackworth gives a vivid description of the warrior ethic in his January 1999 article titled 'Defending America' when he states:

"Just what is 'warrior ethic'? It's what the Spartans displayed at Thermopylae in 480 B.C when 300 warriors held off thousands of invaders for seven days until - with their weapons broken from the slaughter - they fought with bare hands and teeth until death. It's what Jackson's Brigade showed at Bull Run in 1861 when it "stood like a stone wall" after it was attacked by a Northern force twice its size. It's what Sergeant Jose Lopez did in Belgium in 1944 when a German tank-infantry force overwhelmed his unit. Alone, he moved a machine-gun to an exposed position from which he killed 100 Germans, buying crucial time for his company to withdraw and set up on better terrain. It's what hundreds of thousands of our airmen, soldiers, sailors and marines have done on battlefields stretching from Bunker Hill to the dusty streets of Mogadishu,



where Special Operations warriors Sergeants Gary Gordon and Randall Shughart knowingly gave their lives so others might live. Back in the 1940s, our military was run by sergeants and petty officers. Decentralization was the rule. NCOs made out the schedules, gave the classes, handled most of the discipline problems and ran the show. NCOs knew how to instill

the magic warrior ethic into the men they trained, molded and led. Officers commanded back then before the birth of the term 'zero defects.' They did not micromanage every detail as they do today, terrified that a mistake might hurt their climb up the ladder. Then, when soldiers failed, their leaders picked them up, dusted them off and told them where they went wrong." That sentence about micromanaging and ladder climbing seems to be an apt description of a lot of the managers on the Phoenix Police Department.

Lt. Col. Dave Grossman has authored numerous books related to the impact that killing has on the physiology and psychology of humans. In his book *On Combat*, Grossman points out why it is important to cultivate and maintain the warrior spirit.

"Since police officers and soldiers move toward the Universal Human Phobia, intentionally moving into this domain where other human beings will try to hurt or kill them, it is vital that they understand that realm and understand combat. As the firefighter understands fire, the warrior must understand combat. Every other sane, rational creature on the face of the earth flees from the sounds of the guns. A few brave people crawl up to treat the wounded, and a few deranged individuals might crawl up to take pictures. But, in general, when shots are fired, and bodies are falling, every other sane rational creature gets the hell out of there. The bunny rabbits and the students, the teacher and the gazelles, and the lawyers and the cockroaches, they are all gone. Now, the firefighter, the paramedic and even the press might move to the sound of the guns, but they have absolutely no intention of actually confronting the human being making all that big noise. There is only one individual who does that: the warrior. While every other creature flees, the warrior goes 100 miles per hour to get to a gunfight."

Several years ago when school shootings were the soup du jour, many police agencies across the country, including our own, ramped up to meet the threat with accelerated deployment training. Academy trainers began to be alarmed when some officers in attendance at the training modules openly stated that if confronted with an active shooter scenario, they would not go in.

Courage can't be taught. You either have it or you don't. For many, the courage that they do have can be strengthened and enhanced through training and exposure to real world situations. We need people amongst our ranks that possess this valuable and crucial trait and it is for that reason that we should not shun from teaching, training, cultivating and even talking about the warrior ethic.

Several months ago members of the PLEA board had a meeting with the editorial board of the Arizona Republic. One of the

reporters, out of the blue, asked about the recruiting billboards with a statement that said it all. "I don't get it, the billboard says 'I'm no action hero' but I would think that's exactly what you do want". My response: "I'm glad we're not the only ones that don't get it".

Rather than recruit those that exemplify the precious commodity known as the warrior spirit or warrior ethic we instead opt for slick, softer Madison Avenue ads featuring soccer moms in sports bras with catchy slogans that no one seems to get.

Here's my idea of great PPD recruiting billboard. Four Officers with weapons drawn are stacked up at the entrance to a dark alley. The caption reads, "Shots have been fired and someone at the end of this alley is crying out for help. If you think you have what it takes to be a part of our team call 602-534-COPS."

In the end I guess it's a moot point. We probably won't be doing much hiring for awhile considering the state of the budget. Maybe we could save some money by taking these ridiculous billboards down.

*Pictured at right is one of the current recruiting advertisements for the Albuquerque PD.*

**DROP INTO A NEW CAREER WITH**

**\$5000 HIRING BONUS**

**APD**

The Albuquerque Police Department is currently accepting interest cards for Academy classes scheduled to start in 2008. If you are interested in working in one of the most challenging and dynamic occupations in our society, this is your opportunity to choose an exciting career.

- Starting Salary of approximately \$38,000 along with financial incentives opportunities
- \$5,000 Hiring Bonus
- \$7,500 Housing Stipend
- 50% Student Loan Repayment
- 30 year retirement plan - 70% at 20 years, 80% at 22 years, 90 months
- Take Home Vehicle
- Receive O & B benefits during academy training if eligible
- Military Reserve-friendly
- Local Applicants Welcome

For more information, please contact the APD Recruiting Unit at: (505) 343-5020 or 1-800-TPOLICE or online at: [www.APDOline.com](http://www.APDOline.com)

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## Welcome New Members

John Backus	Shannon Hawkins
Jason Baldonado	James Hilger
Stewart Berglund	Michael Irving
Amel Bucholtz	James Jessen
Peter Cassford	Robert Kadlec
Laura Castaneda	Eric Marlowe
Adam Coffey	Armando Marquez
Meghan Dabkowski	John Montoya
Christopher Fessler	Elizabeth Ruelas
Aaron Fontes	Philip Schabron
Kenneth Frazier	Derek Smith
Abigail Frost	Raymond Sylvester
Ryan Ghan	Matthew Teerink
Maria Graham	Michal Tomek
Gary Grove	Kaye Wagstaff
Patrick Hanlon	

## LAW OFFICES OF MICHAEL NAPIER, P.C.

**MICHAEL NAPIER** has been representing Phoenix officers for over 32 years. Mr. Napier is one of the most experienced labor and personal injury attorneys in Arizona. Mr. Napier has represented hundreds of officers before administrative bodies throughout Arizona, and has assisted critically injured officers and the survivors of the officers in obtaining compensation for their injuries and losses.

**JANET FELTZ** was admitted to practice in Arizona in 1985. Prior to joining the firm in 2005, she served as an administrative hearing officer for twenty years in disciplinary and other employment matters on behalf of merit boards and commissions throughout the State. She also served as an administrative law judge for the Arizona Department of Economic Security from 2001 – 2005.

**ANTHONY COURTY** has focused his 9 years of practice primarily on personal injury and wrongful death lawsuits in which he has served as plaintiffs' counsel. He has experience in cases dealing with dram shop liability, negligence, governmental claims and products liability including service as counsel on the litigation team for Phoenix Police Officer Jason Schechterle.

**KATHRYN BAILLIE** was born and reared in Phoenix, Arizona, completing her undergraduate degree at Arizona State University. She served as a J.A. for the Third Circuit Court and then worked as a Public Defender in the Commonwealth of Kentucky before joining the Law Office of Michael Napier, P.C. She has worked with Michael Napier on personal injury and wrongful death cases, dram shop liability, negligence, administrative, disciplinary, and other employment matters.

In addition to the full services provided to PLEA members to protect their careers, the Law Offices of Michael Napier P.C. provide the following:

- Personal injury recovery** (on or off duty); experienced representation at a reduced fee;
- Reduced fees** for matters not covered by the PLEA legal plan;
- Free probate** of officer's estate for line-of-duty death; Free consultations to members on any matter, and
- Referrals** to attorneys or specialists for matters not handled by the firm.

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**BENEFIT of THE MONTH**

**\$15 Certificate for \$13 at the PLEA Office.**

See's Famous Old Time CONFECTIONS

# Recent Changes

*By: Ken Crane  
Editor*

The last few weeks here at PLEA have seen several changes. Most of you already know that PLEA Grievance Chair Billy Coleman retired to move on to bigger and better things. PLEA Trustees Karen Lewsader and Mark Enegren decided to hand over the reins of the editorship of the RECAP. Karen will be leaving us in May and may already be gone by the time some of you read this. Dave Kothe has now taken over Billy's responsibilities as the Grievance Chair and PLEA Trustee Jerry Gannon was selected to fill the vacant slot in the office. Jerry and I will act as Vice Grievance Chairs to assist Dave with the constant workload that is his world. I have also been tapped to take over as editor of the RECAP and will hopefully be able to keep it up to the standards that all of you have come to expect.

The April edition was intentionally delayed in order to try to get some critical information out to the membership regarding a new benefit we are in the process of securing that has to do with legal representation for workman's comp cases. Unfortunately we are still a couple of weeks away from having the necessary information to explain the new benefit. Rather than delay the RECAP any further we will run this issue as an April/May edition and publish the new benefit information in the June edition. We apologize for the delay and thank you for your understanding during this time of change.



**No Double-Dipping Allowed!!!!**

*By Will Buividas  
Chief Negotiator*

While it might be OK for certain upper-level police department managers to double-dip, members are reminded that double-dipping while working off-duty is a serious violation of policy. Operations Orders 3.11.14.H.3 states "Officers will not be entitled to concurrent compensation from the off-duty employer while on an on-duty status." This means if you get called out or are placed in an on-duty status for ANY REASON while working off-duty you must not receive pay from both the City and your off-duty job for the same hours. If you are confronted with a situation such as this, call the precinct and change your hours in the off-duty log and subtract those hours which you

are receiving overtime for from your off-duty pay for that shift. **MAKE SURE YOU DOCUMENT THIS WITH YOUR COORDINATOR AND MAKE SURE YOUR EMPLOYER DEDUCTS THOSE HOURS FROM YOUR PAY!**

For example: John works off duty from 1500 – 2300 hours. He gets called to a Robbery from 1700 – 1900 hours. He would deduct 2 hours from his off-duty employer and would be paid by the City for those 2 hours.

PLEA has seen instances in the past year where officers have been investigated for violating this policy. Be aware of the policy and don't get caught short.



## PPD REFERRED CHILD CARE

The Employee Assistance Unit is maintaining a list of child care providers who have been referred by Phoenix Police Department employees. This list has been established in order to assist employees who are in need of child care. We would appreciate it if you could make inquiries within your respective work stations to determine if any police department employees, spouses, family or friends provide child care services or if they have any childcare providers which they could recommend. We are particularly interested in child care services for odd hours such as 2nd and 3rd shifts as well as weekends. Day shift providers are also included. Please feel free to email or call if you would like a copy of the child care roster or if you have any questions or information. Thank you.

## DATES TO REMEMBER & BENEFITS TO MEMBERS

Rep from Aflac will be in the PLEA Office the second Wednesday of each month.  
Call Aflac Office @ 602.870.1122

Heister, Heitel & Associates Exclusive group insurance offers to PLEA Members only for homeowners, and auto and liability.  
Please call Mark or Loretta at 602.230.7726

**Membership meetings are the last Tuesday of each month at 7:30 a.m., 12:30 p.m., and 5:30 p.m.**

**Board meeting is held the 3rd Tuesday each month and members can attend at 8:30 am.**





## PHOENIX LAW ENFORCEMENT ASSOCIATION

1102 WEST ADAMS STREET  
PHOENIX, ARIZONA 85007

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Vanessa Warren • Terry Yahweh

#### FIRST:

***If You Have A Grievance***  
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:

***If You Are Being Investigated***  
All interviews once you have been given an NOI.

#### COPY:

All memos or paperwork related to the investigation.

#### TRUTHFULLY:

Answer all questions 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. For your convenience, a PLEA board member and representative are available 24/7.

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