

June 22, 2006

Andy Anderson, Assistant Police Chief
Phoenix Police Department
620 W. Washington St.
Phoenix, AZ 85003

Dear Andy:

In addition to my own personal involvement as a union representative, the following incident was communicated to me through Detective [REDACTED] and his legal counsel Robert Kavanaugh.

On [REDACTED], 2005 at approximately 5:50 p.m., Detective [REDACTED] was working off-duty in his Phoenix Police uniform as security at the Food City grocery store, [REDACTED] Van Buren Street, Phoenix. The details of this incident are included in PPD report #2005 [REDACTED] and the Professional Standards Bureau investigation, # [REDACTED]

A store employee alerted Detective [REDACTED] to a suspected shoplifter. Detective [REDACTED] attempted to detain the suspect. The shoplifting suspect fled the scene with Detective [REDACTED] in pursuit. As Detective [REDACTED] approached the suspect, the shoplifting suspect assaulted Detective [REDACTED] multiple times with dangerous instruments (river rocks and/or concrete blocks). Detective [REDACTED] fired his duty weapon in self-defense, killing the suspect.

As a result of the shooting, Sgt. Dave Lake detained Detective [REDACTED] near the scene of the shooting. Sgt. Dave Lake stayed with and watched Detective [REDACTED] the entire time. Detective [REDACTED] freedom of movement was restricted in a significant way. Detective [REDACTED] was detained for over an hour and a half – outside, in cold weather, in short sleeves, and without a jacket. He was not allowed to talk to his family. Lt. Robert Conrad ordered Detective [REDACTED] to hang up the telephone while Detective [REDACTED] was talking to his 10 year-old daughter. The PPD denied Detective [REDACTED] access to his lawyer. Lt. Tipsword ordered Detective [REDACTED] to hang up the telephone while Detective [REDACTED] was talking to his lawyer. When Detective [REDACTED] advised him that he was talking to his lawyer, Lt. Giles Tipsword said, **“I don’t give a fuck, hang up the phone.”** Detective [REDACTED] lawyer, Mr. Stan Slonaker, heard the order being issued.

At the same time and location, as Detective ██████ union representative, I was told by Lt. Tipsword that I was not allowed to speak with ██████ (a unit member). I asked Lt. Tipsword if Detective ██████ was allowed access to a PLEA (union) rep or an attorney. Lt. Tipsword advised me neither of these contacts were being allowed.

As any police officer knows, being involved in a police shooting is a traumatic, stressful event, especially when a life is taken. The officer involved can experience many different physiological changes in his body. Detective ██████ experienced at least one of those changes – severe stomach pains. After being detained for approximately two hours, Detective ██████ asked to use the restroom. Sgt. Lake telephoned Lt. Robert Conrad and apparently obtained permission to escort Detective ██████ to the restroom at the McDonald's across the street. Detective ██████ heard Sgt. Lake's portion of the telephone conversation. He heard Sgt. Lake respond, "Oh, it's OK if he washes his hands? Oh, OK. We don't bag them anymore?"

While standing next to Sgt. Lake and Detective ██████, Commander Quill overheard Sgt. Lake's telephone conversation with Lt. Conrad. Commander Quill accompanied Sgt. Lake and Detective ██████ to the McDonald's restaurant.

Commander Quill entered the McDonald's and approached the food counter. Sgt. Lake entered the McDonald's, proceeded directly to the restroom, and entered. Detective ██████ followed Sgt. Lake into the restroom. As Detective ██████ entered the restroom, he saw that Sgt. Lake opened the stall door for him. As Detective ██████ entered the stall, he thanked Sgt. Lake for opening the door for him.

Detective ██████ initially had his back to Sgt. Lake, not knowing that he was still standing there with the door open. Detective ██████ was removing the keepers from his gun belt, and as he turned around, he saw Sgt. Lake still standing to the side of the entrance, holding the door completely open.

Detective ██████ was experiencing horrible stomach pains and had to defecate. Seeing the look on Detective ██████ face, Sgt. Lake apologized, saying, "**I'm sorry. This is fucked up. The lieutenant said I have to watch you.**" Despite the obvious fact that Detective ██████ was about to defecate, Sgt. Lake remained at his post and watched as ordered. Detective ██████ hung his head down, shaking it side to side in disbelief, as he defecated. When he looked up, Detective ██████ saw Sgt. Lake looking up at the ceiling, but occasionally Sgt. Lake would glance down at Detective ██████

Commander Quill entered the restroom and saw what was occurring. Commander Quill questioned Sgt. Lake as to what he was doing. Sgt. Lake responded, saying, "**The lieutenant said that I have to do this.**"

After Detective ██████ finished his business, he got dressed and started to exit the restroom. Detective ██████ saw Commander Quill standing at the urinal with his back

to Sgt. Lake and Detective [REDACTED]. Commander Quill was shaking his head, apparently in disbelief.

The three of them then walked back to the shooting scene. Detective [REDACTED] walked in front while Sgt. Lake and Commander Quill lagged behind, talking about Sgt. Lake's possible transfer to Commander Quill's bureau.

Detective [REDACTED] was humiliated, embarrassed, and angered by the outrageous actions of Sgt. Lake and Lt. Conrad. What they did was utterly intolerable in a civilized community. Lt. Conrad had absolutely no reasonable or justifiable basis to subject Detective [REDACTED] to such humiliation. The PPD knew that Detective [REDACTED] shot his weapon and killed the aggravated assault suspect. The PPD had no reason to suspect that evidence would be lost if Sgt. Lake did not watch Detective [REDACTED] defecate. What they did was just insane. Very few things in life are more private than the act of a human being defecating. Most people close the bathroom door when they are defecating, even when no one else is around - it's that private of a matter. Detective [REDACTED] is not a dog. The PPD should not have put him on display. The denial of Detective [REDACTED] federal and state constitutional and statutory right to counsel pales in comparison to the invasion of privacy and emotional distress that Detective [REDACTED] suffered.

Detective [REDACTED] sought and obtained counseling for the severe emotional distress that he suffered as a result of the orders of Lt. Conrad. However, to this day he still experiences anxiety and emotional distress. This senseless and unfortunate incident has seriously and negatively impacted Detective [REDACTED] and his family.

Detective [REDACTED] was subjected to an invasion of privacy, invasion upon seclusion, intentional infliction of emotional distress, negligent infliction of emotional distress, outrageous conduct, denial of right to counsel under both federal and state law, and a violation of his rights as defined in the Memorandum of Understanding.

On Friday December 2, 2006 at approximately 10:00 a.m. a meeting took place at the PLEA office (1102 W. Adams) reference this incident. I, along with several other members of the PLEA Executive Board and members of the Department's Executive Staff, were present at this meeting. The purpose of this meeting was to discuss what had occurred with Detective [REDACTED] and undertake completing a Critical Incident Protocol. Police Chief Jack Harris stated at the beginning of the meeting, "Let's not over-react." I believe the practical and consistent implication of this statement was that no administrative investigation was going to be conducted by the Police Department in regards to supervisory misconduct which brought about this episode. As of the date of this letter, neither the Association nor Detective [REDACTED] have seen nor been notified of any formal administrative investigation concerning the unlawful orders and inappropriate comments of the aforementioned supervisors, specifically Lieutenants Conrad and Tipsword.

I believe responsibility is clear in this matter. The Department's unwillingness to hold supervisor's accountable for violations of law, contracts, and policies in this matter is

alarming. In an effort to assist in policy compliance with the goal of maintaining the integrity of the Phoenix Police Department, PLEA is making a formal request that PSB initiate an administrative investigation into to conduct of Lieutenants Conrad and Tipword as well as any chain-of-command duty commanders that issued orders and directives in this matter.

Your written response and input are eagerly anticipated.

Sincerely,

MARK SPENCER
PLEA Grievance Chair

c: Jake Jacobsen, PLEA President
[REDACTED] Police Officer
Frank Fairbanks, City Manager
Jack Harris, Police Chief