Give What?

By Mark Spencer
PLEA President

For many, crisis in the world is multiplying at exponential levels. If it’s not a flu epidemic, it’s a financial meltdown. The game of the day seems to be sex, power, and greed. If it’s not a personal loss in our families, it’s a professional threat with our finances. The world is getting hotter – no, cold temperatures are at record lows.

And in the midst of all this, you want me to give thanks?

If we’re not talking about nuclear bombs we’re talking about national bailouts. Some are calling for budget cuts. Others are pleading for troop increases. Conflict, scandal, and disappointment appear to be the media trinity of the daily news cycle. Loved ones leave and friends betray. Manpower is down, complaints are up. Unemployment is rising, earnings are plummeting. And in the midst of all this, we’re expected to be grateful?

We seem to be finding trouble and at the same time losing our homes. Balloon boys, stolen girls, murdered men, and “Octo-moms” – is this the new picture of the American family? Navigation in life can become dangerous when the topography of the culture seems to embrace corruption, encourage blind eyes, and then lash out when the needle of the moral compass cries “foul.” And in the midst of all this, I’m to express gratitude?

Looking for the silver lining in the middle of a perfect storm doesn’t seem to strike a chord with common sense. Talking about a “half-empty / half-full” glass to a person who is dying of thirst would appear to be callous pointlessness. It’s easy for gratefulness to take a back seat to survival if our heads are just above the quicksand of life.

And yet...

I heard Nikki Rabjohn and her sisters on a Tuesday afternoon at the PLEA charity cookout giving THANKS for the profound and personal memorial service that honored a fallen husband, father, son, brother, friend, soldier, and police officer. I had asked what impact Tom’s funeral had on the family. Even in the midst of their loss, the gratefulness in their hearts was clearly heard through the comment, “It was beyond our expectations.”

And yet...

A PLEA member, who is fighting a serious battle on two fronts – possible prostate cancer in his body and terminal cancer in the body of his 38 year old wife (and mother of three children – the youngest being 2 years old), called the PLEA office on Thursday and gave THANKS in a phone message after we had called him and said that PLEA and our prayers would be there to help.

And yet...

I saw retired Phoenix Police Officer Cory Figueroa, at ten o’clock in the morning in the middle of 19th Ave on a sunny Friday at a memorial sign posting in honor of his deceased son, Phoenix Police Officer Shane Figueroa, giving THANKS for the support he and his family received throughout their tragic loss.

A widow, a peer, and a father – all are hurting yet all are still able to give THANKS. Perhaps we can weave the thin thread of thankfulness throughout the difficult fabric of life by making the effort (it’s hard) and taking the time (it’s a choice) to focus beyond the moment, beyond the loss, beyond the hurt, and even beyond the “me” and look at the eternal value of life and the wonderful gift of freedom “endowed by our Creator.”

As we head into another holiday season, know that your PLEA reps, the PLEA office staff, and the PLEA board are thankful for all you do as members and also as Phoenix Police Officers. Stay safe and God bless.
Central City Precinct Officer Tom Rabjohn was killed in action while on duty with his military unit in Afghanistan on Saturday October 3rd, 2009. Tom was a seven year veteran of the Phoenix Police Department and was 39 years old at the time of his death. He initially served a tour of duty with the Marines after graduating from Tolleson high school and became a Phoenix Police Officer not long after returning to the Valley.

In addition to being a full time Phoenix Police Officer, Tom still had a desire to serve his country in a military capacity and joined the Arizona National Guard where he was a Staff Sergeant assigned to the 363RD Ordnance Company (Explosive Ordnance Disposal). The unit’s primary mission is to eliminate explosive hazards in assigned areas and provide ordnance disposal support for units in their assigned area of operations.

His unit was deployed overseas to Afghanistan in support of Operation Enduring Freedom. On October 3rd, he was serving as a team leader with the 363rd Explosives Ordnance Detection Company assigned with the 82nd Airborne Division, 741st Battalion, Regional Command East, in the Wardak Province, Afghanistan. His unit was operating south of Kabul in support of a field artillery unit when he died from catastrophic injuries sustained while attempting to neutralize an IED that had been placed near or on a roadway. Prior to the device detonating, he was able to warn two fellow soldiers enabling them to create enough distance to survive the blast. Tom is credited with saving the lives of his fellow soldiers.

On Monday October 12, Staff Sergeant and Phoenix Police Officer Tom Rabjohn made his final flight back to Luke Air Force Base to be reunited with family and co-workers. Military authorities granted a rare exception in breaking with standard protocol for these types of events by allowing Officers from the Central City Precinct along with the Phoenix Police Department’s Honor Guard to not only be present but to actively participate in the honors ceremony when Tom was flown in to Luke AFB.

Tom was laid to rest for the final time on Friday October 16th, and is survived by his wife, Nikki and daughters Kylee, Koree, Kelsee; parents Thomas and Patty; his sisters June and Nancy; and his brother Brian.

On Tuesday October 20th PLEA held a fundraiser for the Rabjohn family at the PLEA office. It was heartening to witness the outpouring of support as close to a thousand people including officers from multiple jurisdictions, elected officials, business people, community groups and citizens in general combined their efforts to make this a well attended event. The generosity of all who participated raised over $12,000 in donations for the Rabjohn’s.

PLEA would like to thank all who volunteered and participated in making this a successful event. We can’t thank you enough for your support.

PLEA extends heartfelt condolences to Ofc. Rabjohn’s family and co-workers during this time of great loss.
The term Titan is a noun derived from classical Greek mythology. In the modern vernacular the term is generally used to describe someone or something of immense strength, power or influence.

In the PLEA world there are few that come to mind when that term is mentioned. Danny Boyd is one of those few and is in the company of other PLEA notables such as Gordy Lange (PLEA founder and first President), Mike Petchel (past PLEA President) Levi Bolton (past PLEA Vice President and Grievance Chair) and most recently Billy Coleman (Past PLEA Secretary and Grievance Chair).

On October 30th, Danny said farewell to the Phoenix Police Department after 30 years of dedicated service. He began serving PLEA as a Rep in 1991 and eventually was elected to a Board position in 1995 where he served until the most recent PLEA election in August of 2009. During Danny’s tenure on the PLEA Board he served as a Board member, Grievance Chair, Chairman of the Board, and as Vice President in his final term of office.

Danny began his patrol career in 500 (Sky Harbor Precinct back then) and later applied and was accepted for the OCB Gang squad where he served as one of the Departments first gang detectives (back when Phoenix only had two gang members). Danny later moved onto the Walking Beat squad whose primary responsibility was patrolling the City of Phoenix Housing Projects. This was back in the rough and tumble days when places like the Duppa Villa, Osborne, Coffelt and Henson housing projects might as well have been the wild west.

Ah...the good old days, let’s take a walk down memory lane. Who can forget chasing and arresting characters like Cornbread, T-Bone, the Johnson Brothers, Chris Kirkendall, Benny Johnson and Bass Lips. Doing “rake and breaks” on dope houses using fire extinguishers and notable locations like North Aley, South Alley, S Alley, Danger Alley, Polk Alley and McKinley Alley. Working for and around folks like Lt. Terry McDonald, Sgt’s. Chuck Kessler, Mike Jones, Eric Reed, and Arlis Edmondson to name just a few. Interacting with folks like Richard Beardsley and Barbra Siewert (Agnello) who managed the projects. Partnering with folks like Tom Burnam and Ed Polk of St. Luke’s Security. Who could ever forget the Walking Beat trailer at 18 St. and VanBuren? Along with these people and locations go dozens and dozens of memorable stories. Who could ever forget the time that Levi Bolton and John Sheldon deputized a hood hound, used a piece of electrical cord as a leash and convinced a bunch of folks in the projects that it was a drug dog, later explaining to their Lt. that, “No we didn’t call or release a K-9 in the projects...not a police K-9 anyway”. Danny stayed with the Walking Beat until a new unit called Downtown Operations Unit (DOU) was formed. This new unit was staffed primarily with former Walking Beat cops. After finding a home in DOU, Danny remained there until he retired.

When it came to PLEA representation, Danny was like Ferris Bueller; there just weren’t many people who didn’t know who he was. Either you had been repped by Danny Boyd or you knew someone who had been repped by Danny Boyd or your cousins, sister’s best friend was told by her friend at school that their uncle was being repped by Danny Boyd.

Early on, Danny developed the tenacity of a pit bull when it came to handling grievances and representation of the members. Their problems became his problems and no stone was left unturned when he went through an investigation. The zeal, care and concern shown by Danny when he represented someone gave him a Perry Mason like reputation. I can remember on many occasions hearing officers who had gotten into some kind of trouble being given this sage advice from their peers, “You need to call Danny Boyd”.

One of Danny’s hallmarks was his sometimes blistering RECAP articles which were usually penned right after some unforgivable transgression by management, whereupon Danny would “let em’ have it with both barrels.” The phrase “Say it ain’t so!”, one of Danny’s signature Recap lines, became almost as well known as “Remember the Alamo!” One thing’s for sure, if you got your monthly RECAP and there was a Danny Boyd article in it you knew it was gonna be a good one.

No matter how burdened with representation cases, IRPs, DRBs and Use of Force Boards, Danny always made the time to talk to any officer that asked for help. I remember the worn out PLEA organizer that Danny carried around that always looked more like George Costanza’s wallet than an organizer. It was always so jammed with paperwork that there was no way it could be zipped closed. Danny always seemed to have three or four investigations that he was going through and most every spare minute was spent reading or jotting notes on a legal pad for later reference.

Danny’s knowledge and experience made him respected and in some cases even feared among management. It was always fun to go to an IRP and bring Danny along just to see the look on management’s faces when he showed up. In some respects Danny was a master of the informal resolution, handling issues before they turned into problems. He possessed the ability to negotiate kindly or to get down and dirty and go toe to toe with the best of them. Woe be unto the manager that did anything less than an accurate investigation or tried to pursue frivolous charges against an officer that Danny represented. He also had the rare quality to realize that most of the time labor/management issues were business and not personal. He could get into a shouting match with a manager at an IRP and a week later sit down with the same guy over a beer and talk about his latest hunting trip.

Danny has been credited with saving numerous jobs and careers during his time with PLEA. No one truly appreciates what PLEA and its reps do until they are caught in the crosshairs. Danny truly is a PLEA Titan. A void in the organization is always left for awhile when someone with Danny’s strengths and talents moves on. Danny has probably made hundreds of friends over the years through the Department and PLEA; he’s been a servent leader to all, a defender to some and a teacher and mentor to many others. He’s one of those rare types that will leave an indelible mark on the Department and PLEA for years to come. His presence, experience, talent and easygoing demeanor will certainly be missed.

He certainly taught me a lot over the years and I count it as a privilege to call him a friend. Danny your hard work and dedication are truly appreciated, stay safe and enjoy life.
Dan Lovelace has been to the dark side of the law enforcement moon.
had skeptical ok’d his hiring in a special meeting. He put together safety and legal manuals for a repo company. He peddled services for cleaning cooking grease out of exhaust hoods in restaurant kitchens. He moved furniture, he painted, he fixed roofs. Even with his wife working full time, it was a struggle. Ironically, she was employed then—as she still is—as a dispatcher for Chandler PD. “It was tough on her,” Lovelace says. Officers on the department tended to choose sides regarding the controversy that clung to him, with even some he considered close friends lining up against him.

“They’d tell her, ‘You should divorce him. How can you live with a man like that? He’s a killer, a rogue.’ She’d hear one thing at work, and I’d tell her another at home.

“She didn’t know how to deal with what I was going through. I was battling with emotions I didn’t even know I had. I was afraid for my family. What’s going to happen to us? Why don’t people believe me?” In one stretch of 38 days, he says, “I got no real sleep.” In his darkest hour, Lovelace candidly admits that he considered taking his own life. He dug out old notes on suicide he’d saved from his academy days and realized he fitted the symptoms. He mulled “ways and means” and says he could “easily have done the deed 10 times over. You want to just crumble to the ground and give up.”

But then, he says, in a supernatural moment “God talked to me. He said, ‘I love you. Stay the course. Stay tough.’ And I did.”

Given all that the job has cost him, why did Lovelace so fervently pursue reentry into law enforcement? Why not just “back off and hide?” as he puts it. He was so successful selling the hood-cleaning services, for example, that the owner of the company wanted to bring him into partnership. So it wasn’t a matter of money.

“I took an oath to serve and protect in November 1996 when I was first sworn in as a police officer,” Lovelace explains. “When I took that oath, I meant it. It explains why I do what I do. No one should be astounded that I want to get back in. Criminals are still out there, and I’m a man of my word.

“If I give up, then the people who broke that oath for me win. They took something away from me that I treasure, when I didn’t do anything wrong. That has to be rectified. Good should always triumph over evil. And for good to win, you don’t give up, you don’t run away. You do what it takes to come out on top.”

The break Lovelace had longed for came at the ballot box last November. Paul Babeu, who’d been a new officer on Chandler PD at the time of Lovelace’s trial, was elected sheriff of nearby Pinal County, the fastest growing county in Arizona, with the motto “Wide open opportunity.”

Like Lovelace, Babeu is an achiever, voted #1 Overall Police Recruit in his academy class and eventually elected president of the Chandler Law Enforcement Assn., the police union. As candidate for sheriff, he campaigned on a platform of reforming the Office with “honest, independent, and accountable” service. He took command in January, and Lovelace applied for a job. He’s lost count of how many applications he’d submitted to law enforcement agencies across the years before that.

With slots open for detention officers, Babeu was more than willing to give him a shot. Out of curiosity and support, he had attended portions of Lovelace’s trial and as the evidence unfolded, he’d become convinced that the case “resulted from a prosecutor that was overzealous and an investigation that was clearly flawed. The department’s command staff, the prosecutor, and the media were all singing in a chorus that was contrary to the evidence. It was a train wreck from Day One.”

He told Force Science News: “I tried to take out all the emotion and just look at the facts, and I believe if I was in the same place as Dan Lovelace in that shooting I may have reacted in the very same way he did.”

In giving Lovelace the nod, Babeu told him that he expected him to graduate at the top of his corrections academy class. The first day of firearms training, Lovelace shot at the expert level. He scored highest in the class on DT. He won honors for physical fitness. He was selected to be class speaker at commencement. And he missed graduating as valedictorian by 1 percentage point; he came in second.

At this writing, his assignment is in the maximum security section of the jail, overseeing homicide arrestees and other violent offenders. “It’s a slower pace than I’m used to,” he says, “but I like it. I’m serving the public by preventing escapes, and I’m a police officer per se in the facility by preventing crimes between inmates.” Even so, he would welcome the opportunity eventually to get back to his first love, uniformed patrol.

Predictably, the media have caught up with him. Arizona papers have run worrisome stories about his “controversial” hiring, with concerns expressed about his liability and reliability. “It’s old hat to me,” Lovelace says. Babeu is prepared to withstand the heat. “Dan will do an exemplary job,” he says. “I know in my heart and mind that hiring him was the best thing to do. I hope his worst days are behind him.”

FSN asked Lovelace what he would like to share with other officers, in terms of lessons learned from his long ordeal. He offers these suggestions:

1. “Don’t assume that your department is looking out for your best interests” in a controversial situation. Study your rights, know them well, and take a proactive role in defending yourself.

2. “Excel in everything you can, so when your time comes your reputation precedes you. When the jury heard me testify, my word still carried some weight, even with everything that had been done to discredit me.”

3. Be prepared to find out who your true friends are. “It really hurt to see some officers turn their backs on me. I’d been to their weddings, visited their wives in the hospital when they had babies, backed them up on calls. On the other hand, there were some friends who stuck with my wife and me from the very beginning up to this moment. I could never put into words what that has meant to us.”

4. “It’s important to have a life outside of law enforcement. When you come home at the end of your shift and take off that uniform, be a husband, be a father, not a cop. Some people attach them- selves to the badge so fanatically that if they have to leave it, it takes their life with it.”

5. Have faith. “When my career failed me, some friends failed me, I still had God and my family. If I had had to go to prison, God would have gone with me and my family would have helped me do whatever I had to do to survive.”

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Do as I say, not as I do!

By Jerry Gannon
Vice Grievance Chair

At least that’s the way I understand it. It all started back in January 2009. The now infamous email known affectionately in 700 Precinct as “The Spaulding Manifesto” the subject of which is as follows:

Subject: Observations and changes

Gentlemen, during my year and some change as the inspections Lieutenant, I observed first hand and confirmed many infractions of officer conduct. I implemented change to the shift 3 king squads with minimal resistance at first, however they adhered to immediately. They were designed to bring uniformity and standard to the squads. During my tenure, I also noticed many things that did not sit well with me with other shifts. A few of those things I will share with you and I would like for you to share them with your squads, so that they can be implemented beginning Monday, February 1, 2009.”

Rule #6, and no, I am not making this up, this is verbatim: “The CODE 7 policy will be strictly enforced. If you are not familiar with it read it. Driving by locations with multiple cars parked around it is ridiculous for many reasons on shift 1 or 2. You have your whole area to eat in. During times of budget cuts and restructuring PD has not been touched by the lightning rod, however public perception speaks volumes, I don’t feel that we can justify multiple units at a location to eat. It just looks bad!”

Yes...there are actually 4 supervisor vehicles in this photo.

Let’s move on to April 29, 2009. At 1700 hours, the creator of the “Manifesto” decided it was time to take action on rule #6. He gathered the supervisor and 3 FTO officers, requesting an explanation as to why rule #6 had been violated. An explanation was given. During that conversation, officers asked some follow-up questions to clarify rule #6. One of them went like this, Officer: “So does the code 7 policy apply to supervisors as well?” Lt: “The ones that work for me yes. The lieutenants that used to meet like that on a regular basis, (pause) don’t meet like that anymore.” Officer: “Did anyone complain about this?” Lt: “Yes I got an anonymous complaint from a citizen.” (Rule #6, it just looks bad). Only one complaint (that citizen with the last name of anonymous sure gets around) out of a city with 1.6 million residents! I sure am glad “anonymous” doesn’t complain about us carrying guns.

This is nothing more than a policy of “Do as I say not as I do”. I say this because on October 1, 2009 the creator of the Manifesto and his 3 subordinate supervisors, were all Code 7, (taking lunch) at the same location. That’s 4 patrol cars (Rule #6, it just looks bad)! As fate may have it this was the very same location that required an explanation back in April. (Fuddruckers has great burgers) I haven’t made the call yet to ask for an explanation, and I don’t see any reason to. After all, I am just one voice of 1.6 million that don’t care if 4 patrol cars are at the same location on a Code 7. I know when I need them they will answer the call. Be safe out there and if you’re not familiar with the Code 7 policy read it. You never know when anonymous is going to make that call!
Plea Salutes Leigh Ann Bennett

On Thursday October 15th, the PLEA Office staff gathered to honor 30 years of dedicated service provided to the Organization by Accounts Manager Leigh Ann Bennett. Leigh Ann began her service with PLEA in 1979 when she was hired by PLEA’s first President, Gordy Lange. As Leigh Ann likes to say, “I was hired when we were just working out of a broom closet”. PLEA has come a long way since then and like a veteran patrol officer that has seen many sergeants come and go Leigh Ann too has seen many PLEA administrations and elected officials come and go. She has been with PLEA every step of the way and stood by the Organization through thick and thin. PLEA congratulates and thanks Leigh Ann for her dedicated years of service. Selfless dedication and the solid work ethic of people like Leigh Ann are what keep our organization running smoothly. Take a moment the next time you call or come in to say “Hi” to Leigh Ann and thank her for her service.

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 COURY 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 Schechter.

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;
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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.

If You Are Being Investigated

RECORD:
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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