

The Police Officers Journal



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Honor and Remember

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Conference touts achievements

— By Richard R. Weiler, Director



Once again the POLC/GELC Meeting and Conference held at the Grand Traverse Resort in August was a huge success.

Conference attendees gave a solid endorsement to Executive Committee members, Paul Combs, Berkley PSD, Rick Bleich, Muskegon PD, Brett McGrew, Berrien County Sheriffs Department and Mike DeKam, Grand Rapids Communications — who were all re-elected to another two-year term on the Police Officers Labor Council's (POLC) Executive Committee. It demonstrates the continued success of our organization during these difficult times. Following the annual meeting pursuant to the by laws, the Executive Committee re-elected Greg Huggett, Battle Creek PD, as Chairperson and Paul Combs as Vice-Chairperson. Both will serve for the ensuing year. Congratulations to all!

Six Michigan college bound students were awarded scholarships from POLC's 501(c) national charity, the Law Enforcement Education Program (LEEP), with their family and friends in attendance. This year, 16 top students from seven states interested in public safety careers received \$1,000 college grants. These worthy students were selected from 75 applications from 24 states.

Outstanding Service Awards were given by the POLC through LEEP to two nominees recognized for events or service beyond normal expectations. Officer Jaime Villanueva, Buena Vista Township PD, and Officer Robert Miller, Battle Creek PD. Dave VanHouten, retired member of Grand Rapids Communications and longtime POLC Executive Committee Member, was also presented with an award for his service to the POLC.

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The Dale Corporation founder will be missed by friends, colleagues

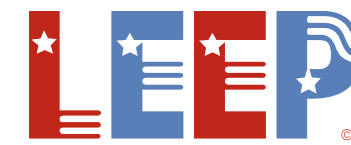
Dale Z. Jablonski died peacefully at his home in Troy, Oct. 26, 2010 after a courageous battle with pancreatic cancer. He was 68 years old.

As Executive Editor of the The Police Officers Journal, Dale will be remembered for his long, good standing relationship with the Police Officers Labor Council (POLC) and Law Enforcement Education Program (LEEP).

Dale was born Oct. 16, 1942, in Detroit, to Zenona (nee Zielinski) and Norbert Jablonski. Dale was the Owner/President of The Dale Corporation in Madison Heights, which he founded in 1969. The Dale Corporation provides public relations, fundraising counsel and marketing services for non-profit and profit organizations, as well as producing The Police Officers Journal, a quarterly magazine.

Dale was a member of several organizations and clubs and received several awards and honors including accredited member status in the PRSA, the highest ranking available to a public relations practitioner; the Silver Anvil Award; and the Golden Pyramid Award for the "Kids Don't Go With Strangers" national campaign.

Dale is survived by his wife of 45 years, Mary Lou, children, Gary and Sandy Jablonski and granddaughter, Bella. He is also survived by many cousins, colleagues and friends. He was deeply loved and will be sorely missed. ❤️



Child ID Program draws crowd at Health and Safety Day

— By Jennifer Foley, POJ Editor

Being in the right place at the right time gave Tom Jenkins the opportunity to test out the new **Kids Fingerprinting** program and over 100 children benefited from it.

"I was doing a training class at Macomb Police Academy and there was a flyer up about doing a health day with Chesterfield Police Department," said Jenkins, who teaches a standardized field sobriety training class.

At the beginning of the year, Jenkins received a portable child identification unit, which includes a computer, printer, keyboard, mouse and camera. Digital photographs and fingerprints are recorded as well as other vital information through the Law Enforcement Education Program (LEEP) service. "I needed to know what works, what doesn't work," said the 29-year Monroe PD veteran sergeant. "There is no training site for me to learn how to do this."

So Jenkins asked if he could participate in the May 22 Family Health and Safety Day at Henry Ford Macomb Health Center-Chesterfield in Clinton Township. As it turned out, his booth was the most attended at the free public event. "I didn't move for three and a half hours," he said. "It was just one child after another. I think they were calling friends at home to come down there."

"I (fingerprinted) 100 young people in four hours," Jenkins added. "From what I was told . . . I had the longest line."

Several hundred people attended the event, which featured: health and safety tips; free bike helmets; what to do with old medications; healthy eating; fitness; and a drug dog.

QUICK & FUN

While some child ID programs include videos of the children, Jenkins said that



At left: Tom Jenkins recently provided free LEEP Kids Fingerprinting packages to over 100 children and their parents at a Family Health and Safety Day in Clinton Township.

Below: Hundreds gathered at Henry Ford Macomb Health Center-Chesterfield on May 22 where LEEP featured its new Kids Fingerprinting program.

entails a long wait in line and sometimes parents end up walking away. "Some organizations go into high detail," Jenkins said. "They can take up to 15 minutes for one child. The downside of that is it takes time, and when you have 30 or 40 people in line, you can do 10 people in an hour or 25 people per hour. I'd rather do 25. My intent . . . is to get as many kids with their fingerprints and photographs on the CD as possible."

The parent not only receives a printed child ID form with detachable cards to carry with them, but they also get a CD which includes: all ten of the child's fingerprints, a digital photo, parent's contact information, height, weight, eye and hair color, race, corrective lenses, date of birth and distinguishing marks — all in a protective sleeve.

"(The CD) could be taken to a police department and hooked into the Amber Alert system," Jenkins said, adding parents can bring the disks back to get their child's information updated as they get older.

Jenkins makes the process entertaining by joking with the kids. "I get them involved in everything," he said. "They



can actually watch their print appear on the screen. Then I take a digital photograph and put in a CD from LEEP and **Kids Don't Go With Strangers** coloring book is also on the CD." **Kids, Don't Go With Strangers**, a Michigan-based program used nationwide during the 1970s Oakland County and Atlanta, Georgia serial child slayings, was re-launched, with new multi-media materials. The CD also features information on safe international traveling with children and the dangers of the Internet.

Each child's information remains private. "There is no mass database of children with their fingerprints," Jenkins said. "The schools won't have a copy, the police won't have a copy — only the parent. As

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Law Enforcement Education Program (LEEP®)

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Hundred Club provides comfort, help after line of duty deaths

— By Jennifer Foley, POJ Editor



William Packer III is continuing a long family tradition and it has nothing to do with autos.

Nearly 60 years have passed since his grandfather, William M. Packer, Sr. — the world's largest Pontiac automobile dealer in his time — founded The Hundred Club of Detroit. The non-profit was formed in 1952 to help families of fallen officers and firefighters, following the fatal shooting of a young Detroit officer who left behind a pregnant widow. William M. Packer, Sr. wrote 100 of his friends encouraging them to donate to a fund for the wife and child. The response was 100 percent.

The focus then was helping survivors with their debts, including paying off their mortgages. Today there's a federal death benefit and many public safety workers have life insurance. "They're not as destitute as they used to be," William Packer

III said. "A bigger percentage of our money has gone to scholarships (for surviving children) in the last 30 years." The group also helps pay off spouse's bills, provides surviving children \$1,000 savings bonds every Christmas until they reach age 18 or have entered college, and even helps widows pay to further their educations when needed.

9/11 LOSS

Widowed on Sept. 11, 2001, a Michigan woman, who wishes to remain anonymous, did not lose her husband at the Twin Towers in New York City. The Troy officer ran his police cruiser into a tree, leaving behind his wife and two boys, ages 9 and 11. "He was on a run for a call and they still aren't exactly sure if he had some kind of heart problem," the widow said of her husband, who served as an officer in Detroit and Troy for 10 years in each community.

The way the 44-year-old died didn't change the response from The Hundred Club of Detroit, which encompasses Oakland, Wayne and Macomb counties and the entire state for state police and federal agents. The Club was there for the fam-

ilies of five firefighters who lost their lives in a training accident in Milford some 30 years ago, and when two police officers were killed after their cars collided during a chase, Packer said.

"They came out to the house and they were just so kind," said the widow, adding that Packer visited them. "What they've done has been more than I would've ever expected. And initially, it was such a big relief, having some bigger bills." She's especially thankful for the time she was able to spend with her sons. "It gave me the opportunity to stay part-time for my kids," she said. "I was able to attend things at school with them. I was able to spend the time I needed to spend with my kids, which was very valuable. You feel torn — you have to support and provide for them, but then you also need to be there for them."

Nine years later, her boys are in college — one is studying environmental science and the other is planning a career in criminal justice. "They gave both the boys savings bonds up through their 18th birthdays and they're assisting with college," the widow said. "I can't thank them enough. I would have to say it would be a little bit of a struggle, with the rising cost of tuition."

LONGTIME MEMBERS

Another way the group offers support is at the Widows and Children's Luncheon during National Police Week in May. Members and survivors gather to pay tribute to those who have died. "We've got some of them coming for 50 years," Packer said of survivors.

During the annual meeting in October, members, honorees and invited guests recognize officers and firefighters for acts of heroism with Valor Awards. "That's the glue that holds the whole thing together," Packer said. "We take ourselves to dinner and all the rest goes to the widows and the kids." With just under 500 members, most stay until they retire and move out



of state. "We don't solicit members," Packer said. "You have to be invited by three members to even join. We have a lot of second and third generation members ... a lot of large businessmen, but not so much corporate CEOs."

"We try to keep the dues at least affordable for new members," he added. "If we have a lot of losses in one year, or we've got a lot of kids in school at a particular time, the members just pay more. We've never had a problem with money and we don't solicit any outside contributions whatsoever, no grants, no government anything."

Bruce Kennedy, 83, spent 45 years in law enforcement and the past 20 years as a member of The Hundred Club of Detroit. "There were several police officers from Detroit over the years that were killed in the line of duty," said the retired City of Detroit Police Command Officer. "In my second job, as Police Chief (and Public Safety Director) for the City of Grosse Pointe, we did lose one firefighter."

"Having been a policeman for years, I recognize the good work that they do," Kennedy said. "Having been a member of the scholarship committee, I've seen how

it's helped the surviving children pay for their education. It's a wonderful feeling to see how they're helped."

CONNECTIONS

Networking is another way to help the families. Packer recalled the plight of the son of a 40-year state trooper killed in the line of duty. He wanted to be a state trooper like his dad, but despite his master's degree in law enforcement, was not able to secure a job. "I said, 'Your dad lost his life in the line of duty, you're well qualified, passed everything,'" Packer told the young man.

"Sometimes it's not what you know, it's who you know," said Packer, who contacted the head of state police. "That guy is a State Police Captain today," Packer said. "Without The Hundred Club, I don't think he would've been a State Police Trooper. There have been a lot of things I've been able to get done for these kids, widows — quietly."

Despite the quiet nature of the group, 122 Hundred Clubs around the country have been started based on the concept of The Hundred Club of Detroit. "So it's kind of something Detroit can be proud of," Packer said. ♥

Conference highlights

Continued from page 2

This year's speakers tackled a host of topics vital to public sector employees. Here are a few highlights:

A panel of health care experts — Scott Allen, Health Alliance Plan (HAP), Kathy McAttee, Blue Cross/Blue Shield (BC/BS) and Tom Schneider, Coalition of Public Safety Health Care Trust (COPS Trust) — said some health care plan provisions recently enacted by Congress will be changed or removed prior to 2014. Immediately effective provisions include: prohibiting companies from imposing lifetime limits; dependent coverage for adult chil-

dren up to age 26 for individual and group policies; tax credits to small employers providing health insurance; and states must report trends in premium increases and recommend certain plans be excluded for unjustified premium increases.

The Michigan Commission on Law Enforcement Standards (MCOLES) report by John Steele, Standards Compliance Section Leader, reviewed issues concerning ethics and the long process and changes. He said the Commission would vote on a new Director at the next regular meeting. Steele said MCOLES grant money is reduced through the state budget and police are down an alarming 2,400 positions since 2001 and 611 positions through

June 2010.

Jim Curran, Karoub Associates, our lobbying firm through Michigan Association of Police Organizations (MAPO), reported thus far revenue sharing is safe from the legislature chopping block. He said Act 312 legislation is back before the Senate due to some employers having second thoughts, but the new Act 312 law will become effective January 2011. Curran said elections of the vast majority of our legislators will result in much uncertainty. A tax structure overhaul will also be considered.

Richard Block, PhD, Michigan State University Professor, discussed the War Labor Board which produced the first set of ar-

bitrators during World War II, when the government controlled the price on goods and employee wages. Later, the National Labor Relations Board (NLRB) made grievance arbitration a mandatory subject of bargaining. Block said arbitration is fair, relatively inexpensive and quick — compared to court.

Leon LaBrecque, CPA, JD, CFP (certified financial planner) said manufacturing in Michigan will never be what it was in the booming years. He said American auto companies — since the Washington DC bailouts — have paid their debt with interest and improved the bottom line, especially Ford, who did not take bailout money. LaBrecque questioned why the

stock market would worry about Greece defaulting, as they have done for the last 50 years! He advised investors to have balanced portfolios and consider Roth IRAs.

One breakout session featured a panel of attorneys, Peter Sudnick and Labor Council Attorneys Tom Zulch and Brendan Canfield, who discussed timeliness of grievances, what a past practice is, and subjects of bargaining, both mandatory and permissive. The second session, run by Staff Representatives Mike Woronko (also an attorney) and Will Keizer, featured discussions on misconduct, discipline and shootings. A shooting incident was presented and the body responded how they would have reacted. ♥



From left, Mike DeKam, Rick Bleich, Paul Combs and Brett McGrew were re-elected to two-year terms on the POLC Executive Committee.

For more, please see the stories featuring LEEP Dream Scholars and Outstanding Service Award winners in this edition of The Police Officers Journal.

\$16,000 a LEEP dream come true for scholars

— By Jennifer Foley, POJ Editor

Sixteen top students interested in public safety careers will receive \$1,000 college scholarships to encourage their pursuit of law enforcement/public safety careers by the professional public safety officers of the Law Enforcement Education Program.

In its sixth year, Law Enforcement Education Program (LEEP) has awarded \$55,000 in Dream scholarships to students showing a demonstrated interest in public service/law enforcement careers. The non-profit public safety group's scholarship program is made possible by a growing list of national supporters.

Students from six states earned a 2010 LEEP Dream Scholarship including:

MICHIGAN

Joshua Champine of Sterling Heights, Mich. A graduate of Lutheran High School North, he was a Metro Conference Scholar Athlete in track and soccer, participated in many clubs, and attended Michigan Youth Leadership Conference. He volunteered as a math tutor, soccer camp helper, church usher, Vacation Bible School co-leader, and performed errands for the elderly. He plans to use his \$1,000 LEEP grant to attend Michigan State University where he will work in Green Coat Security. His career goal is criminal justice.

Jennifer Clayton of Niles, Mich. She has worked as an Emergency Medical

Technician (EMT) for five years. She volunteered for Special Olympics of Michigan as an EMT and assistant coach and served on the medical staff for Hurricane Katrina Refugee Re-location in Phoenix, AZ. She plans to use her \$1,000 LEEP grant to attend Lake Michigan College to continue her EMS studies.

Maria Frosolone, of Saint Joseph, Mich., worked as an Emergency Medical Technician (EMT) and Dispatcher for five years before being promoted to Dispatch Supervisor. She served as team captain for Relay for Life and helped with fundraising to purchase a K-9 officer for the local police department. She plans to use her \$1,000 LEEP grant to attend Lake Michigan College to continue her EMS studies.

Nicholas Kehoe, of Macomb, Mich., is a graduate of Dakota High School. He was a Macomb County Sheriffs Department Explorer Post member, Boy Scout, and head of the Little League. He was a member of Junior Statespersons of America and met with legislators in Washington D.C. through Close-Up political club. He plans to use his \$1,000 LEEP grant to attend Michigan State University. His career goal is to become a U.S. Marshal.

Taylor Langer of Battle Creek, Mich. A graduate of Pennfield High School, she participated in volleyball, softball, and Students Against Drunk Driving. She

performed job shadowing for the Law Enforcement Program and volunteered with Christmas Packages for Soldiers. She plans to use her \$1,000 LEEP grant to attend Kellogg Community College and follow in her stepfather's footsteps in law enforcement.

Joshua Sparks, of Clio, Mich., graduated from Clio High School. He was vice president of his Leadership class, captain of the baseball and basketball teams, and school store manager. He was a member of Prom Committee, DECA and Student Council and volunteered with Veterans Park clean up. He will use his \$1,000 LEEP grant to attend Mott Community College. He plans to follow in his father, Flint Police Lt. Darwyn Sparks' footsteps in law enforcement.

CALIFORNIA

Vanessa Casalegno, of Hollister, Calif., graduated among the top ten in her class from San Benito High School. She was a scholar athlete, captain of the varsity basketball and tennis teams, received several athletic honors, and awards in chemistry and economics. She volunteered with the Community Pantry, LA Congress and her church youth group and confirmation retreat program. She plans to use her \$1,000 LEEP grant to attend Santa Clara University and her career goal is to work in the FBI.

Cassia Fernandes, of San Bernardino, Calif., a Cajon High School graduate, also graduated from the Explorer Academy for youths interested in careers in law enforcement. She volunteered as a teacher's assistant and tutor. She is active in her church youth ministry and is a Catechist Assistant. She plans to use her \$1,000 LEEP grant to attend Chaffey College and

pursue a career in law enforcement.

Zachary Gillmore of Brawley, Calif. At Brawley Union High School, he was President of Campus Life, varsity basketball captain, a member of Mock Trial County Championship Team and a speech contest champion. He is a mentor and went on two missionary trips to Mexico. His father is Chief of Police in Brawley and he plans to use his \$1,000 LEEP grant to attend California Baptist University.



Vinnie Romo, of Pico Rivera, Calif., graduated from Santa Fe High School as a scholar athlete. She was awarded Explorer of the Year for the Fire Explorers and was Lance Corporal in Cal State Young Marines. She was varsity captain of water polo and played in the National Junior Olympics. She is a lifeguard, swim instructor and feeds the homeless during the holidays through a program based in her home. She plans to use her \$1,000 LEEP grant to attend California State University and her career goal is public safety.

Hayley Sa, of Livermore, Calif., graduated from Livermore High School as a scholar athlete. She was team leader and team captain of the varsity track and cross-country teams and earned many athletic and academic awards, including the Livermore High School Teacher Recognition Award. She volunteered at community events and as a retreat leader and confirmation assistant. She plans to use her \$1,000 LEEP grant to attend Sonoma State University and her career goal is to become a crime scene investigator.



MINNESOTA

Jennifer Dunham, of Maplewood, Minn., graduated from North High School where she took a law enforcement class. She finished a FEMA training program and received certifications as a Healthcare Provider and Heartsaver First Aid from the American Heart Association. She lettered in choir, was a student aide, and was involved in Pay It Forward Club. She was a Girl Scout day camp counselor, a Sunday School teacher, Eucharistic minister and altar server. She plans to use her \$1,000 LEEP grant to attend Century College and become a police officer.



MONTANA

Bartholomew Tobiason, of Kalispell, Mont., graduated from Glacier High School where he was varsity defensive captain, co-team captain and awarded Most Valuable Player of the soccer team. He participated in track, football, and was team captain of Intramural Dodge Ball. He held many titles in Boy Scouts and was extensively involved in community volunteer work. He received a Small Business Merit Badge for starting a lawn mowing business. He plans to use his \$1,000 LEEP grant to attend Flathead Valley Community College and work in a law enforcement investigation unit.

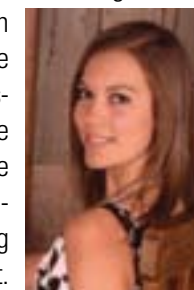
TEXAS

Amber Meadows, of Burnet, Texas, graduated from Burnet High School where she was a member of State Felony Traffic Stop and Criminal Incident Team and Head Officer of Criminal Justice competitions. She



was a state soloist, trumpet section leader and squad leader. She worked at two scout reservations, serving as a counselor in training at one. She plans to use her \$1,000 LEEP grant to attend Sam Houston State University and work in law enforcement.

Lauren Stone, of White Oak, Texas, graduated from White Oak High School where she took sixth place in a debate about criminal investigation. She was the presenter at the State Student Council Convention and a Spring Forum participant. She is a black belt and has served as a volunteer assistant instructor in Tae Kwon Do. She is a member of Grace-Women's Volunteer Association. She plans to use her \$1,000 LEEP grant to attend Stephen F. Austin State University, majoring in Criminal Justice Law Enforcement.



WASHINGTON

Aleaha Gregor, of Tacoma, Wash., graduated from Washington High School where she performed two job shadows with local fire departments. She was involved in Government Club, Students Against Destructive Decisions, Captains Council, wrestling, track, and was captain of the cross-country team. She is a leader in Homeless Outreach Dinner Ministry and received the Discus Award for academics, athletics and faith. She plans to use her \$1,000 LEEP grant to attend George Fox University. Her career goal is to become a firefighter. ♥



2010 Michigan Dream Scholarship recipients (from top left) Joshua Sparks, Joshua Champine, Nicholas Kehoe, (from bottom left) Taylor Langer, Jennifer Clayton and Maria Frosolone are recognized by POLC Director Richard Weiler (left center) and POLC Executive Committee Vice-Chairperson Paul Combs (right center).

Knowing how to watch the hands can save your life

— By Mike Siegfried, San Bernardino County Sheriffs Department

Officers who focus on watching the suspect's hand movements react more efficiently and effectively to potentially deadly encounters, according to a Force Science Research Center study.

The study, co-authored by Dr. Bill Lewinski and Dr. Joan Vickers, found that veteran officers directed their attention to the suspect's gun hand or arm. In other words, they were better at watching the suspect's hands, especially the gun hand. This skill allowed them to perform at a higher level than rookie officers, according to "Gaze Control and Shooting Performance of Elite and Rookie Police Officers During a Force-on-Force Encounter." However, trainers and veteran officers skilled at hand watching often have a hard time articulating how they do it. They use simple phrases like, "Just keep an eye on the hands," or "It's important to always watch the hands."

HOW TO WATCH THE HANDS

It wasn't until I did some training a few years ago with Roy Harris, a world-class martial artist and martial arts hall of fame member, that I learned how to watch the hands of a suspect. Harris explained that under most circumstances when a person brings a weapon into play, she has to make at least two movements with her

hand. First, the thumb and index finger move toward the center of the body. Next, the elbow moves out away from the body. Movements of the hands away from the center of the body where the thumb and index finger are not extended are less of a threat than movements where the thumb and index fingers are moving to the center of the body.

FORECAST MOVEMENTS

Instead of saying, "I need to see your license," say, "Where do you keep your identification?" You need to know where the suspect's hands will be going in order to perform the requested action. You also should ask, "What form of ID do you have?" There is a big difference between someone saying, "I keep my driver's license in my wallet," and "I keep my release from prison paperwork and my parole card in my wallet." The reason this is so important is a person makes the same hand motions to get a wallet from his rear pocket as he would to access a weapon from the same area. You don't want to overreact to a movement that you told the suspect to make.

A better option is to forecast the movement. Have the subject turn sideways so you can see what he is retrieving from his pocket. Tell the subject to use only his thumb and forefinger to slowly remove his

wallet. Once the wallet is out, tell him to remove his identification. This limits his ability to allege an officer took something, like money, from the wallet.

MORE COURT-DEFENSIBLE

Having a definable system of how officers are trained to watch the hands makes it easier to explain to a jury or a judge why you thought an offender was accessing a weapon. It's not enough to say, "I couldn't see his hands." You need to be able to explain to a jury what not seeing the subject's hands meant. If you can explain that the subject's thumb and index finger moved toward the center of his body and his elbow moved away from the body, and these movements are often indicative of weapon retrieval, the judge and jury can better understand your reasoning and actions.

USE AN AUDIO RECORDER

There have been numerous times when I have made statements to suspects because I was recording the contact and I wanted the person hearing that recording at a later date to understand what I was seeing. Make statements like, "I see that you are making a fist. Let's not go there. You and I don't need that kind of trouble." Make these statements for the person, usually a supervisor, who will be conducting the use-of-force investigation if the situation deteriorates. ♥

Mike "Ziggy" Siegfried is a detective, academy instructor, and use-of-force subject matter expert with the San Bernardino County, California Sheriffs Department. Copyright Police Magazine. All rights reserved. Used with permission.

A person might seem like they are reaching for ID when they are actually reaching for a weapon. Watch how hands are positioned in relation to the body for signs the subject is going for a weapon.



Fatal shootings, traffic-related deaths increase sharply for officers in 2010

— Excerpted from National Law Enforcement Officers Memorial Fund

Last year, police officers could take some comfort in knowing line of duty deaths declined to a 50-year low. In the first six months of 2010, however, line of duty deaths surged almost 43 percent, according to the National Law Enforcement Officers Memorial Fund (NLEOMF).

If the trend continues, 2010 could end as one of the deadliest years for U.S. law enforcement in two decades. Preliminary NLEOMF statistics show 87 officers died in the line of duty between Jan. 1 and June 30, 2010, compared to 61 officers during the first six months of 2009, an increase of 42.6 percent. Officer fatalities have already reached 75 percent of the total for all of 2009, which was 116 — the fewest line-of-duty deaths since 1959.

"It is certainly disheartening that last year's encouraging news on officer fatalities has not continued into 2010," said NLEOMF Chairman and CEO Craig W. Floyd. "These latest figures provide a grim reminder that, even with all of the safety improvements that have been achieved in recent decades, our law enforcement officers still face grave, life-threatening dangers each and every day."

"As governments across the country

face tighter and tighter budgets, we must ensure that critical officer safety measures such as training, equipment and personnel are not sacrificed," Floyd added.

All major categories of officer deaths rose sharply, according to the NLEOMF's preliminary data:

- Firearm-related deaths were up 41 percent, from 22 in the first six months of 2009 to 31 in the first half of 2010.

- Traffic-related fatalities rose 35 percent, from 31 at mid-year 2009 to 42 as of June 30. This includes 29 officers who died in automobile crashes, four killed in motorcycle crashes and nine who were struck and killed while outside their vehicles.

- Deaths from all other causes jumped 75 percent, from 8 to 14 as of June 30.

- The total percentage of traffic-related deaths was 48 percent; firearms-related fatalities accounted for 36 percent; and 16 percent were from all other causes. If the trend continues, 2010 will be the 13th consecutive year in which more officers are killed in traffic-related incidents than from any other cause.

- California, Texas and Florida accounted for over one-quarter of officer fatalities in the first half of 2010. California had

nine, Texas had eight and Florida had six deaths. Five federal law enforcement officers also died in the line of duty.

- Eighty-two of the fatalities were men; five were women.

Six officers died in three separate multiple-fatality shootings. In February, Fresno County, (Calif.) Sheriff's Deputy Joel Wahlmaier and Reedley (Calif.) Police Officer Javier Bejar were shot while attempting to serve an arrest warrant on a suspected arsonist; Deputy Wahlmaier died that day, and Officer Bejar succumbed to his injuries on March 1. In May, Sergeant Brandon Paudert and Officer Bill Evans of the West Memphis (Ark.) Police Department were gunned down following a traffic stop by two suspects armed with AK-47s. In June, Tampa (Fla.) Police Officers David Curtis and Jeffrey Kocab were shot at close range following a traffic stop by a suspect with an outstanding warrant. ♥

The statistics released by the NLEOMF and Concerns of Police Survivors (C.O.P.S.) are preliminary and do not represent a final or complete list of individual officers who will be added to the National Law Enforcement Officers Memorial for 2010. The report, "Law Enforcement Officer Deaths, Mid-Year 2010 Report," is available at www.LawMemorial.org/ResearchBulletin.

LEEP Child ID program draws crowd — Continued from page 3

soon as I do the next child, the previous one is gone."

GETTING THE WORD OUT

In August, Jenkins brought the new technology to the POLC/GELC Meeting & Labor Seminar in Traverse City to show union officers the benefits of the **Kids Fingerprinting** program. In September,

he demonstrated **Kids Fingerprinting** at an open house presentation through Oakland Henry Ford Macomb School Health Network.

"We're looking at getting into kindergarten and first grade for **Kids Fingerprinting** and **Kids Don't Go With Strangers** and high schools for the sobriety program," Jenkins said. **Students on**

Sobriety (S.O.S.) educates teens about the legal, financial and human costs of drinking and driving. ♥

Jenkins, who is also an MCOLES instructor, has been responsible for live presentations on behalf of LEEP programs throughout Michigan and Ohio for the past three years. For more information, or to schedule a presentation, contact LEEP at 1-800-451-1220.

Boston, Tulsa police will be fired for lying

— Excerpted from media reports

Boston and Tulsa officers caught lying on the job, in any report or court testimony, will be fired.

The Massachusetts department implemented the new anti-lying policy after a series of high-profile lying cases, which resulted in expensive civil lawsuits and tarnished the Boston Police Department's reputation, according to media reports. The Oklahoma policy was put in place in light of an ongoing federal investigation involving five police officers.

Interim Tulsa Police Chief Chuck Jordan signed a department order clarifying the department's "no lie" policy. "Integrity, honesty and truthfulness goes to the very core of what we are as police officers," he said.

Four Tulsa police officers under inves-

tigation have been placed on suspension without pay. "I hope the community can see that we will not tolerate this and we will clean this up," said Interim Chief Jordan.

Previously Tulsa officers found to be lying in testimony or on any report could be forced to take days off or a reduction in rank. Now Tulsa and Boston police departments will conduct Internal Affairs investigations, and if they determine an officer has lied, that officer will be fired.

Despite police union concerns, Boston Police Commissioner Edward Davis said it was necessary to protect the integrity and credibility of his department. "The unions view this as very serious punishment," Davis said. Boston patrolmen's union president Thomas Nee was unavail-



able for comment. The Tulsa police union stands behind the change.

Although Davis said instances of officers caught lying on duty are "relatively isolated," he added, "A police officer's credibility is vital to their role in testifying in court. From this day forward we can say the Boston Police Department takes this issue very seriously. That's the first step in establishing a reputation that will stand up in court." ♥

Massachusetts police union objects to GPS in police cruisers

— Excerpted from media reports

The City of Lowell, Mass. wants to keep track of police officers with GPS, but the police union says it's an intrusion.

City officials say installing GPS devices in cop cars would improve officers safety. Union officials are expected to object, saying the devices would be used to keep track of officers.

The city attempted to install global-positioning system devices in city cell phones for Health and Inspectional Services Department inspectors, according to media reports, but decided against it after the union objected. The same union represents the police.

The city manager described the proposal as a "no-brainer" designed to keep officers safe, according to media reports. He said the plan is not related to the recent theft of a police cruiser. But a union representative said rank-and-file officers see the GPS as an intrusion adding, "Basically, we felt they were trying to keep track of us."

TRACKING SPEED

In St. Petersburg, Fla., records from a GPS device installed in a police cruiser were used against an officer in a Pinellas County traffic court case.

Officer Jeffrey Nichols appeared in

front of a judge to defend himself against accusations he caused an accident. While on his way to a call, GPS records revealed Officer Nichols was traveling 50 mph in a 35 mph zone when his police cruiser hit a van driven by 71-year-old Don Grimm.

Police said the call was not an emergency, and that Nichols did not have his lights or siren on.

Grimm was cited for the accident because he pulled out in front of Nichols vehicle, but he contested the ruling. While Judge William Overton said Grimm was guilty of the charge, Grimm said he would likely sue Nichols, using the GPS evidence, in a civil suit. ♥

Member News

Contract Settlements

— As reported by POLC Labor Reps.

Plainwell Department of Public Safety

• **New two-year agreement** expires June 30, 2012.

• **Wages:**

2.0% increase effective July 1, 2010.

1.5% increase effective July 1, 2011.

• **Work Schedule:** Regular work schedule/pay period reduced from 80 to 78 hours during times of economic duress. Change from regular 10-hour shift to a 12-hour shift with a short training day.

• **Manning & Safety:** One full-time employee laid off. Change from unlimited part-time employees under 70 hours per pay period to a limit of three part-time employees, plus the laid-off employee who is being offered under 70 hours.

• **Fringe Benefits:** Worker's compensation leave extended from six months to one year. Non-duty disability benefits are earned during compensable time off. Reduce local court time from three hours pay to two hours pay.

• **Health Care:** All employees increased from 0% premium share to 10% premium share.

• **Bargaining Team:** Jim Pell, aided by POLC Labor Rep. Will Keizer.



Portland Police Unit

• **New three-year agreement** expires July 1, 2013.

• **Wages:**

1.5% increase effective July 1, 2010.

1.5% increase effective July 1, 2011.

1.5% increase effective July 1, 2012.

• **Fringe Benefits:** Cap annual vacation time to be cashed in at 120 hours for current employees and 80 hours for new hires. The remainder of earned annual vacation hours is "use it or lose it." Call-in Holiday Pay (unscheduled) reduced from 3-1/2-times to 2-1/2-times pay. Add annual comp bank cash out. No time may be banked in June of each year. Eliminate educational incentive for new hires.

• **Manning & Safety:** Remove "Panel of Three" and replace with City Manager in Grievance Step process.

• **Retirement:** New hires go to a MERS Defined Contribution/Defined Benefit Hybrid plan. Employees contribute 3% into DC. Employer contributes 7% to both. Annual valuated DB rate: remainder into DC deposit. (Currently 3.63% to DB and 3.37% to DC.)

• **Health Care:** Increase premium share from 7% to 10%. Retirees pay the same premium share for health care as current employees.

• **Bargaining Team:** Tom Teitsma, aided by POLC Labor Rep. Will Keizer. ♥



Sick time policy is a violation of ADA

— Excerpted from Labor Relations Information System

Dracut Police no longer have to explain their illnesses before being granted a sick day.

The Massachusetts Division of Labor Relations has struck down the sick-time verification policy, finding it violated the collective bargaining agreement and the Americans with Disabilities Act (ADA).

An arbitrator, appointed by the state, ordered the town to stop using its illegal policy which involved the Deputy Chief requiring all officers requesting a sick day to first provide him their symptoms and the nature of their illness. The Deputy Chief would then decide whether to grant the sick day.

A female officer's use of three sick days prompted the arbitration. She refused to provide the information requested citing personal medical privacy. The Deputy Chief then questioned her fitness for duty and ordered her to undergo medical and fitness for duty testing, and what he termed "random" drug screening. The collective bargaining agreement between the union and town included a negotiated sick-time verification policy — to be used when officers are suspected of abusing sick time, or take four or more consecutive sick days. Since the town never alleged the officer abused sick time, the union said the town was prohibited from requesting verification. The union also argued that requiring a general diagnosis as a condition of granting sick time violated the ADA.

The arbitrator ruled there was no legitimate reason to order the testing since the officer was ordered to work eight full shifts during fitness testing. The arbitrator also found the policy violated provisions of the ADA, citing *Pennsylvania State Troopers Association v. Pennsylvania State Police Department*.

The town said it followed the business necessity justification provisions of the ADA, requiring the information as a "reasonable and common mechanism to monitor sick leave usage, to verify that payment for an unworked day is warranted." The Division of Labor Relations rejected the town's arguments, concluding the town inappropriately used the collective bargaining agreement's drug testing and fitness for duty testing in a disciplinary manner. ♥

Police Academy grad receives LEEP scholarship for training

— Jennifer Foley, POJ Editor

Cadet Kimberly Livernois has a jump on the competition as she applies for police officer positions in this tough economy.

Livernois was selected to receive a \$500 Law Enforcement Education Program (LEEP) scholarship, which she used toward her training at Macomb Police Academy.

She was recognized for her academic accomplishments, graduating third in her class on May 24. The St. Clair Shores single mother of two paid for her own training.

"She was the best academic person that had to pay their own way through the academy," said Richard Weiler, POLC Executive Committee Director.

Normally, police departments select an individual from a pool of applicants to send to an academy for certification and the hiring department pays for the training. However, Livernois wanted to have a foot in the door by having her training completed before she applies for positions, Weiler said.

"She's applying to all kinds of police departments for full-time employment," however, Weiler said, "There's hiring freezes. That's the problem in most departments." ♥



POLC Executive Board Member Lt. Thomas Wilk of Macomb County Community College Police (left) congratulates Cadet Kimberly Livernois on her \$500 LEEP Scholarship.

Novi Patrol leaves POAM after nearly three decades for 'better fit' with POLC

— Jennifer Foley, POJ Editor

They were members of the Police Officers Association of Michigan (POAM) for over 27 years, but this spring Novi Patrol Officers joined the POLC and the deciding factor was attorneys.

The 49 patrol officers decided it was time to move on when they were informed POLC members are provided with the representation of Labor Council attorneys for **all** arbitrations. "The thing I think that convinced them was the fact that we use attorneys for **all** of our (Act) 312 proceedings," said POLC Labor Rep. Frank Klik of the arbitration that is binding on all parties. "It's important to note we utilize attorneys for all arbitration proceedings," said Klik, referring to grievances and contract disputes.

The POAM does not represent its members with attorneys during Act 312 or other arbitration proceedings, said Mark Kohls, POLC Local Union President for Novi Patrol. They use a business

manager to assist members with arbitrations, he said. "The way contracts are going in all the communities around us these days pretty much everybody is going to arbitration," Kohls said. "POLC has labor attorneys and POAM doesn't do labor attorneys. I think POLC was a better fit for us. That (legal representation) was the deciding factor for us."

Another factor in the switch is the way POAM operates. POAM's Executive Board is comprised of POAM members, some of whom are full-time employees of the POAM. POLC's Executive Committee is comprised of only POLC members who are **not** employees of the union.

"POLC is run by an Executive board comprised of actual members," Klik said. "Officers we represent from all over are on our Executive board. I do know there's a distinct difference there." ♥

POLC files Unfair Labor Practice after Benton Harbor cuts police, fire

— By Jennifer Foley, POJ Editor with excerpts from WSBT.com



The POLC filed an Unfair Labor Practice (ULP) against the City of Benton Harbor charging Police Chief Roger Lange unlawfully threatened, restrained and coerced officers in retaliation for their union activity, including threatening termination. The action follows the announcement that one-half of the city's police force would be laid off and the fire department eliminated to cut costs.

The POLC, which represents the Benton Harbor Police and Dispatchers, filed the ULP after a series of incidents from June through August involving union representatives being disciplined by Chief Lange. In one, Lange notified three officers they would be disciplined for an incident involving their portable audio transmitters. The officers later received written reprimands. Another followed emails between the Union President and Lange regarding issues related to the collective bargaining agreement, wages, hours and terms of employment. Later, Lange threatened the employee and deemed his statements to be insubordination and stated any further like conduct "shall result in disciplinary action to be taken against you, up to and including discharge," according to the ULP.

The ULP claims failure to bargain in good faith, charging Lange with assigning overtime to reserve officers when the contract states that work must be offered to union officers first on an overtime basis. One officer also received a written reprimand for alleged policy violations, which the ULP states, was in retaliation for the officer's protected union activity.

POLC Labor Rep. Mike Woronko said dealing with the City has been an uphill battle since emergency financial manager Joseph Harris was appointed by the State Treasurer to cut \$1.8 million from the city's budget. "He wanted the (police) department to take a 25 percent cut (in compensation and benefits) or layoffs," Woronko said. "He doesn't really want to listen to any alternatives that we come up with."

The union rejected the 25 percent cuts and nine officers were laid off Oct. 1, with 11 full-time officers remaining. In all, 14 layoff notices were issued, one for a dispatcher. Three officers will be called back with grant funding and one officer left for another job. Dispatch services will be assumed by Berrien County for a total police department savings of \$388,000 in the current year.

Despite the cuts, Lange says safety won't be compromised. During a news conference, he said Berrien County Sheriffs De-

partment and Michigan State Police will help fill the gaps and he will talk with other area law enforcement agencies to see if they will help out. "The Chief said (he will) still cover our most critical hours by putting these (nine) officers back on part-time," Woronko said. However, in subsequent talks with the POLC, the city said they wanted the officers to return as non-union employees. "We said 'no thanks,'" Woronko said. "Here you have a city that's broke and they need police officers, but they won't use union police officers."

Woronko said the officers weighed the issues and decided being without union representation, especially in these tough economic times, was not a good idea. "It's really foolish because these guys are sitting home collecting unemployment when they could be helping the city," Woronko said, adding that no further talks are planned. "It's definitely an effort to break the union."

"Benton Harbor is in a lot of trouble. It needs some leadership and it's not getting it. That really makes my job and the Union President's job really difficult," Woronko said, adding there's no established bureaucracy. "Trying to get a decision for everything out of this emergency financial manager is difficult."

The cost-cutting plan includes eliminating the fire department, opting instead for shared-service agreements with nearby communities. Woronko said response time alone makes this a bad idea. The POLC is working with the firefighters in a public campaign to stop the public safety layoffs. Union representatives have spoken with the media to bring the safety concerns of significantly reduced police and fire services to light.

Other planned cuts include: a full-time administrative assistant for the mayor and commission; the city clerk who is retiring; the city manager, his administrative assistance and human resources director; the finance director position; payroll and human resources functions will be outsourced and the full-time payroll position will become part-time; the assessor who is retiring; code enforcement will be absorbed into the office of the city manager with a significant reduction in personnel; the public works manager position and the department will be downsized by four heavy equipment operators due to retirements and layoffs; and reductions in the costs of communications, garbage collection and legal and professional services. If Harris's plan were implemented, the changes would generate general fund savings of up to \$1 million annually. ♥

Supreme Court rules hundreds of labor cases were improperly decided

— Excerpted from *The National Law Journal*

The U.S. Supreme Court ruled the National Labor Relations Board (NLRB) did not have authority to issue nearly 600 decisions in the last two years with only two board members.

In *New Process Steel v. National Labor Relations Board*, a 5-4 Court rejected the NLRB's attempt, dating back to 2007, to continue functioning when its membership was in imminent danger of dropping from four to two.

Some 75 to 80 cases challenging the legitimacy of two-member board decisions will be returned to the NLRB. Another 500 or so involve appeals not raising the two-member board issue; cases where parties have already complied; and cases where the parties are in the process of complying. While all of those decisions are void, labor and management attorneys said the facts of those cases may determine whether the aggrieved parties petition the board or the courts of appeals for review.

"I think it's going to be very difficult for those employers or unions that had cases decided but didn't challenge the decisions on the ground that the two members lacked authority to try to go back and revisit the issues," said Peter Conrad, a partner in the labor and employment department of New York's Proskauer Rose and a former NLRB hearing officer. Conrad said many board orders in discrimination cases require employee reinstatement and back pay. "It is conceivable, but not likely, an employer is going to terminate that employee because the order is now invalid. Even if the case were revisited by the board, it is unlikely the board would reach a different outcome."

The two-member board consisted of a member from each of the two major political parties, he said. But, no one knows for sure how many cases may go back to the board.

The New Process Steel case involved a steel processing plant in Butler, Ind., that withdrew recognition from the International

Association of Machinists. The NLRB ordered the employer to recognize the union, honor a 2007 contract and repay lost wages.

The Supreme Court had to decide whether two or three members constituted a quorum of the NLRB. Section 3(b) of the National Labor Relations Act states the "Board is authorized to delegate to any group of three or more members any or all of the powers which it may itself exercise." And, "three members of the Board shall, at all times, constitute a quorum of the Board, except that two members shall constitute a quorum of any group" to which the board has delegated its powers. By the end of 2007, the five-member board had four members, with two terms expiring, and one vacancy. The board delegated powers to three of its four members. Two of them, a Democrat and Republican, remained in January 2008.

Justice John Paul Stevens said he interpreted the law to require the board's powers be vested at all times in at least three members. "... if Congress had intended to authorize two members alone to act for the Board on an ongoing basis, it could have said so in straightforward language," Stevens wrote. Justice Anthony Kennedy, joined by justices Ruth Bader Ginsburg, Stephen Breyer and Sonia Sotomayor, dissented. "The Board's delegation to a three-member group that ultimately dwindled to two was a thoughtful and considerate exercise of its reasonable discretion when it was confronted with two imperfect alternatives," Kennedy wrote.

Three presidential nominations for board seats are pending before the Senate. Senate Judiciary Committee Chairman Patrick Leahy, D-Vt., blamed the board's "vacancy crisis" on "continuing obstruction in the Senate" of confirmation of President Barack Obama's nominations. ♥



Arbitration

— As reported by POLC Legal Staff

Suspension reversed

The suspension of a City of Battle Creek employee, accused of insubordination, was reversed in a settlement one day prior to the scheduled arbitration.

The POLC filed a grievance after the Grievant was told she could not have union representation during an investigatory interview.

When the City called the Grievant in for an interview, she refused

to answer questions until she spoke with her attorney and had union representation. The City initially had no issue with her request to delay questioning. Later that day, the City ordered the Grievant in for a second interview. The investigator told her she did not have a right to an attorney and had been given enough time to secure union representation. When the Grievant attempted to clarify whether she would be entitled to have her POLC Representative present, the City cut the interview short and accused her of being insubordinate. By then, the Grievant had been told her POLC Representative would be available for a meeting within several days.

The five-day suspension was reversed and the discipline was removed from the Grievant's file. ♥

Officers receive LEEP honors for bravery, dedication on the job

— By Jennifer Foley, POJ Editor

Two officers were chosen for Law Enforcement Education Program (LEEP) Outstanding Service Awards this year for bravery and dedication to their profession.

Buena Vista Township Patrol Officer Jaime Villanueva and Battle Creek Police Officer Robert Miller were presented with the awards at the 2010 Annual POLC/GELC Meeting & Labor Seminar Aug. 28.

On Nov. 20, 2009, Officer Villanueva went beyond her duties as a police officer and stepped into a burning building to rescue a paralyzed woman.

When Officer Villanueva arrived on the scene of an apartment building fully engulfed in flames, bystanders reported a victim

was still inside. Officer Villanueva, with the assistance of three bystanders, entered the woman's bedroom and safely removed her. Then Officer Villanueva re-entered the building with two other officers to search for more victims. She was later taken to the hospital to be treated for smoke inhalation.

MAKING A COMEBACK

Officer Miller could have turned in his badge and gun after being shot in the head during a standoff. After surgery, he suffered permanent hearing loss in his left ear and a visible scar on his face.

However, he underwent mental and physical rehabilitation and returned to work. On May 10, 2010, Officer Miller came to the aid of Sgt. Marc Pierce, who was being stomped on by a mentally disturbed individual. Just as the assailant grabbed a meat cleaver and was preparing to strike Sgt. Pierce in the head, Officer Miller fired his handgun neutralizing the individual and preventing further injury to Sgt. Pierce.

"We are the police and it's a dangerous profession, and the mental game is more important than anything," Miller said. "Being mentally strong and prepared is key." ♥



Battle Creek Police Officer Robert Miller (left) and Buena Vista Township Patrol Officer Jaime Villanueva received Outstanding Service Awards.

Gilda's Run raises \$15,000 for cancer support program



More than 90 motorcyclists and drivers joined the 10th annual Gilda's Run, raising over \$15,000 for Gilda's Club Grand Rapids. The motorcycle ride and poker run, is an annual benefit for Gilda's Club, which offers free emotional and social support to men, women and children with cancer and their families and friends.

The event, which began at Kosciuszko Hall in Grand Rapids, concluded with 30 additional attendees at the Pig Roast. POLC and Law Enforcement Education Program (LEEP) sponsored Gilda's Run.

"As a Police Officers Labor organization, we often feel that there are ways to give more to our community," said POLC Labor Rep. Will Keizer. "As we talked, we realized that all of us have been touched at some point in our lives by the devastation that cancer causes. We recognize Gilda's Club as a vital networking source that teaches us how to live with cancer, regardless of outcome. They've shown that social and emotional support is as important as medical treatment."

"I am overwhelmed by all of this year's donor generosity," Keizer added. ♥

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