

# The Police Officers Journal



VOLUME 19, NUMBER 2 • SPRING 2009



*Photo: National Law Enforcement Officers Memorial*

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# The Police Officers Journal

VOLUME 19, NUMBER 2 - SPRING 2009

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Photo: National Law Enforcement Officers Memorial

## National Police Week Events

### May 10–16, 2009 – Washington, D.C.

- **Tuesday, May 5, 2009** – Annual Blue Mass: 12:10 p.m. St. Patrick Catholic Church, 10th & G Streets, NW, Washington, DC.
- **Sunday, May 10, 2009** – Annual Law Ride. Lineup begins at 9:00 a.m. in Lot 8 of R.F.K. Stadium. Procession leaves at 11:00 a.m. for the National Law Enforcement Officers Memorial.
- **Monday, May 11, 2009** – 30th Annual DC Area Law Enforcement Officers Memorial Service. Fraternal Order of Police DC Lodge #1 Auxiliary, 11:00 a.m. Metropolitan Police Department Memorial Fountain, 300 Indiana Avenue, NW, Washington, DC
- **Tuesday, May 12, 2009** – 16th Annual TOP COPS Awards Ceremony National Association of Police Organizations. 7:00 p.m. Warner Theatre, 513 Thirteenth Street, NW, Washington, DC. Contact: Jill Sizelove (703) 549-0775.
- **Wednesday, May 13, 2009** – 21st Annual Candlelight Vigil 8:00 p.m. National Law Enforcement Officers Memorial (202) 737-3400 *It is advised that anyone attending take the Metro Red Line to Judiciary Square.*
- **May 14–16, 2009** – National Police Survivors' Conference 9:00 a.m. to 4:30 p.m. Hilton Alexandria Mark Center (Mandatory registration) Contact: (573) 346-4911 or email: [cops@nationalcops.org](mailto:cops@nationalcops.org)
- **Friday, May 15, 2009** – 28th Annual National Peace Officers' Memorial Day Services. Noon – West front of the United States Capitol. Contact: [www.policeweek.org](http://www.policeweek.org)
- **Friday, May 15, 2009** – Wreathlaying ceremony 3:30 p.m. National Law Enforcement Officers Memorial. ♥



# \$4 billion in police aid included

In February the President signed into law the American Recovery and Reinvestment Act, H.R. 1, which included \$4 billion in funding for state and local law enforcement programs, including significant funding for the COPS Hiring Recovery Program (CHRP).

NAPPO was able to secure \$1 billion for the hiring and re-hiring of officers, and most importantly, the retention of officers scheduled to be laid off by local budget cuts. H.R. 1 waives both the 25% local match and the \$75,000 per officer salary cap, allowing CHRP grants to provide 100% funding on approved salaries and benefits for three years. CHRP is a competitive grant program providing funding directly to law enforcement agencies.

Applications for CHRP grants will be accepted **only** online through the COPS Office web site: [www.cops.usdoj.gov](http://www.cops.usdoj.gov). The online application materials were scheduled to be available before the end of March. Please visit the COPS Office web site or NAPPO's web site ([www.napo.org](http://www.napo.org)) for application guidelines.

NAPPO worked with Congress, the COPS Office and the administration to ensure the \$1 billion in funding could be used for officer retention. NAPPO's officers met with Vice President Joseph Biden to discuss the urgency of allowing COPS funding to be used for officer retention. NAPPO gratefully acknowledges the COPS Office for working with us to retool the CHRP language to allow grants to be used for

officer retention.

## ADDITIONAL FUNDING, TOO

H.R. 1 also includes \$2 billion for Byrne-JAG and \$225 million for the Byrne competitive grants. Note that 40% of the Byrne-JAG funds is distributed directly from the Office of Justice Programs to municipalities based on the FBI Uniformed Crime Report and the remaining 60% is distributed by formula to the states.

In order to receive funds, state and local governments must have an outline of how the funding will be used. Byrne-JAG funds can also be used for officer retention **if there is proof that the officer would be laid off due to budget shortfalls**. Please be sure city or state administrators know this funding is available and can be used for personnel costs and officer retention. With the COPS hiring funds and Byrne-JAG, there is little excuse for officers to continue to be laid off.

The Office of Justice Programs hopes to have a two to three day turn-around time on Byrne-JAG grants.

## FUNDING SUMMARY

Here is a summary of state and local funding in the American Recovery and Reinvestment Act:

- \$1 billion for the COPS Office for hiring, rehiring and retention of career law enforcement officers and civilian public safety personnel. The bill waives the 25% local match and the \$75,000 per officer cap;

- \$2 billion for the Byrne JAG formula grant program.

- \$225 million for Byrne competitive grants (*"for competitive, peer-reviewed grants to units of State, local, and tribal government, and to national, regional, and local non-profit organizations to prevent crime, improve the administration of justice, provide services to victims of crime, support critical nurturing and mentoring of at-risk children and youth, and for other similar activities"*).

- \$225 million for Violence Against Women programs.

- \$40 million for competitive grants to provide assistance and equipment to local law enforcement along the Southern border and in High-Intensity Drug Trafficking Areas to combat criminal narcotics activity stemming from the Southern border, of which \$10 million is for ATF's Project Gunrunner.

- \$225 million for Indian Country grants.

- \$100 million to be distributed by the Office for Victims of Crime.

- \$125 million for assistance to law enforcement in rural areas.

- \$50 million for Internet Crimes Against Children initiatives. ♥

***If you have questions regarding the COPS hiring program or you need more information on the stimulus, please contact NAPPO's Director of Governmental Affairs, Andy Mournighan, at (703) 549-0775.***

## On the docket

- **Friday, May 1, 2009: POLC Stewards Training Seminar**

8:30 a.m. – 5:00 p.m., Kosciuszko Hall, 935 Park SW, Grand Rapids, Mich.

*This event is free of charge, includes lunch, and is open to all Public Service, Dispatch, Corrections and Law Enforcement personnel. For information call the POLC office, 248-524-3200.*

- **Monday, May 4, 2009 – 16th Annual Michigan Law Enforcement Officers Candlelight Memorial Service**

7:00 pm State Capital steps. Lansing, Mich.

- **Tuesday, May 5, 2009 – POLC Stewards Training Seminar**

10 a.m.-2 p.m., Location: Gaylord, Mich. TBD

*This event is free of charge, includes lunch, and open to all Public Service, Dispatch, Corrections and Law Enforcement personnel. For information call the POLC office, 248-524-3200.*

- **Saturday, July 11, 2009: 9th Annual 'Gilda's Run'**

Motorcycle Poker run and pig roast for charity. 9:00 a.m. start and finish at Kosciuszko Hall, 935 Park SW, Grand Rapids, Mich. \$30 per person, \$55 per couple includes BBQ. Dinner only, \$10.

*Bikers and cagers welcome for a scenic ride through Ottawa and Kent counties. Continental breakfast, registration 8:00 a.m. BBQ at 6:00 p.m. Prepaid registrants (before July 7) receive a free 9th Anniversary T-shirt (include shirt sizes). Contact Will Keizer, 1293 Oakwood Dr, Jenison MI 49428. (658-3551)*

- **Friday, July 17, 2009 – 11th Annual Wormburners LEEP Golf Outing (see page 5)**

Oak Ridge / Marsh Oaks Golf Club, 35035 26 Mile Rd, New Haven, Mich. 8:30 a.m., Four-Person Scramble, Shotgun start at 10:00 a.m.

*Donations for the annual Wormburners Charity Golf Outing are welcomed. All proceeds support LEEP, the Law Enforcement Educational Program of the Police Officers Labor Council. For information call the POLC office, 248-524-3200.*

- **Wednesday August 12, 2009 – 15th Annual MAPO Golf Outing**

8:30 a.m. registration. 10:00 am shotgun start. Links of Novi Golf Course, 5395 Ten Mile Road, Novi, Mich. For information call the POLC office, 248-524-3200.

- **August 28–29, 2009 – Annual POLC Labor Council Meeting and Seminar**

Traverse City, Mich. TBD. For information call the POLC office, 248-524-3200.



Photos courtesy Grand Traverse Resort

## Still on the Books

**W**hat do you think about enforcing some of the weird laws still on the books in your own jurisdictions? Drop us a note with samples, please. Meanwhile take a look at these examples and imagine what your job would be like if they had to be stringently enforced:

### In California ...

➤ It is a misdemeanor to shoot at any kind of game from a moving vehicle, unless the target is a whale. **(Road patrols be alert for drivers who yell 'Thar she blows.')**

### In Indiana ...

➤ Citizens are not allowed to attend a movie house or theatre nor ride in a public streetcar within at least four hours after eating garlic. **(Won't need to use a Breathalyzer)**

### In Massachusetts...

➤ Taxi drivers are prohibited from making love in the front seat of their taxi during their shifts. **(At least turn off the meter.)**



# 11th Annual Wormburners Four Person Scramble - Charity Golf Outing

**Oak Ridge / Marsh Oaks Golf Club  
Friday July 17, 2009**

**Check In: 8:30 am – Shotgun Start: 10:00 am  
Limited to the first 144 paid players**

Participants and sponsors should use the attached coupons (or copies) to register for the 11th Annual Wormburners Charity Golf Outing. All proceeds of this event support the Law Enforcement Educational Programs (LEEP) of the Police Officers Labor Council.



### \$90 per person Golf Outing Includes:

- Continental Breakfast
- 18 Holes of Golf w/Cart
- Closest to the Pin Contest
- Souvenirs and Prizes
- Skins
- Three-Meat Dinner
- Longest Drive Contest
- Sleeve of Balls
- Mystery Drawing

**Event Coordinators – EJ Belmore 586-216-4741 – Ed Wertz 248-345-0655 – Dan Dombroski 586-594-4114**

Please make checks payable to **LEEP**.

Mail to Wormburners Golf, 21618 Erben Street, St. Clair Shores, MI 48081 or give to an event coordinator.

*All donations are tax deductible. Tax receipts will be provided upon request.*



## TEAMS

### Registration for play - \$90/person

Department represented (and/or team nickname) \_\_\_\_\_

Print the full names of all teammates:

1: Team Captain \_\_\_\_\_ Captain's phone #: \_\_\_\_\_

2: \_\_\_\_\_

3: \_\_\_\_\_

4: \_\_\_\_\_

**SINGLES**, if you are playing single, provide your info below, and we will place you in a foursome:

Department (or area) represented: \_\_\_\_\_

1: Name \_\_\_\_\_ Phone #: \_\_\_\_\_

*Make checks payable to **LEEP**. Mail to Wormburners Golf, 21618 Erben Street, St. Clair Shores, MI 48081*

## Corporate LEEP Sponsorship Opportunities

**Be a WORMBURNERS Tee or Greens Sponsor for \$150**

Name: \_\_\_\_\_

Company: \_\_\_\_\_

Tee / Green Sponsor (\$150@) \_\_\_\_\_  Award / Prize Donation (value) \_\_\_\_\_

Cash Contribution \_\_\_\_\_  Send me a tax receipt

*Make checks payable to **LEEP**. Mail to Wormburners Golf, 21618 Erben Street, St. Clair Shores, MI 48081*

# Public pension plans f

## Detroit funds hit hard by 'ill-advised' investments

**W**hile the national economic collapse has buffeted pension funds everywhere, Detroit's Police and Fire Retirement System losses are especially severe, in part because Detroit's pension funds have invested in some ill-advised, higher-risk ventures, the *Detroit Free Press* reports.

Detroit's pension funds lost more than \$2 billion, 30% of their value, in an 18-month period ending in December 2008—which may eventually require the deficit-ridden city to double contributions to the plans, the newspaper said.

Experts say losses could deepen this year as pension funds around the country revalue holdings in commercial real estate, mortgages and other investments.

Police and Fire Retirement System investment analyst, Richard Huddleston, said in a January memo to trustees that while the board has assets of \$3.1 billion, only \$1.27 billion is readily available—for payments to retirees and other investment commitments.

"The cash requirements are dangerously high," Huddleston wrote, adding that cash management could become an "untenable proposition."

The city's other pension fund is the General Retirement System.

### A NATIONAL MELTDOWN

Detroit, of course, is not alone in its

pension problems. Public and private pension funds across the country have suffered huge losses in the stock market meltdown.

A survey by *Pensions & Investments* magazine said the nation's 1,000 largest public and private funds lost an estimated \$1.7 trillion from Sept. 30, 2007, through the end of 2008—an average loss of 23.3%.

Detroit's losses appear steeper and are likely to sting more, given the city's grave finances and the likelihood that city taxpayers would pay for higher contributions. An increase could be cushioned by the fact that the boards are financing their contributions over 30 years with pension obligation bonds, the *Free Press* reported.

Without a stock market recovery in the next few years, Detroit might have to raise contributions to the police and fire fund from about 25% of employee payroll now to as much as 50% by 2011, said actuary Norman Jones, of the fund's private firm, Gabriel Roeder Smith & Co. of Southfield.

Contributions to the general retirement fund, now 10% of employee payroll, might also double, he said. The city's payroll contributions to the two funds is expected to add up to about \$90 million this year. But Jones said it's too early to know.

### TAXPAYERS WOULD PAY

"It's implausible that the market will recover fully in the next few years," Jones said. Jones added, though, that the two funds—which support more than 20,000 city retirees—are in no danger of running out of money anytime soon and retirees' pensions are safe; it's taxpayers

who would pay to keep the pensions adequately funded.

Detroit is hardly the only local pension fund suffering. Macomb County's Employees' Retirement System lost about 31% over the same 18-month period.

And Michigan's state public retirement systems—which covers Michigan public school employees, state workers, state police and judges—lost more than \$17 billion over that time, a fall of about 28%.

Terry Stanton, a spokesman for the Michigan Treasury Department, which handles pension funds' investments, said the state's public pensions are sound and designed to withstand investment ups and downs.

He said state workers and retirees do not need to be worried about their pensions, which are constitutionally guaranteed.

Detroit's current figures could be optimistic because the city's pension boards invested heavily in commercial real estate, mortgages, small businesses and alternative investments such as the cargo airline TradeWinds, as well as complicated collateralized loan and debt obligations, which experts say are difficult to value.

The police and fire fund's outside auditing firm, Plante & Moran, noted that, as of last June, one-fourth of its assets—about \$1 billion worth—were not publicly traded and therefore difficult to value.

### DECLINES PREDICTED

James Shilling, a finance professor at DePaul University in Chicago, said he believes investments in commercial real



# Police 'liquidity draught'

— excerpted from *The Detroit Free Press*

estate and mortgages will continue to decline, perhaps as much as 20% in 2009.

In some cases, the police and fire board said its investments were worth as much as it paid for the properties, a position Shilling viewed with skepticism.

The board, for example, says it had invested \$469 million in real estate as of December, including office, retail and industrial properties across the country. The fund pegged the current value of those investments at \$459 million. Shilling said those investments likely lost value, given the national free fall in real estate.

The city's pension funds also invested hundreds of millions of dollars in risky alternative investments. These investments are not publicly traded and, according to the police and fire board's auditor, are often a higher risk.

In a report to the board in December, auditors said the retirement system "should consider tracking the performance of the consultants" who investigate proposals the board invests in.

One adviser signed off on several deals that later fell apart, costing the board tens of millions, the *Free Press* found. Another \$90 million is at risk, including a \$30-million investment in the bankrupt cargo airline whose principal owner has claimed he felt pressured to make illicit payments to win additional investments.

George Orzech, a captain with the Detroit Fire Department and a trustee of the police and fire system for 21 years, said mayoral appointees on his board pushed some bad investments.

"Politics, absolutely," Orzech said.

## PICKING LOSERS

One of Detroit's biggest, most con-



troversial money losers is a hazardous waste deep injection well in Romulus. The police and fire fund first invested \$5 million in the well in the 1990s, a stake that ballooned to more than \$43 million. Despite fierce opposition from the well's neighbors, state and federal regulators granted permission for it to open in December 2005.

Less than a year later, in October 2006, environmental regulators shut the well down after finding leaks and record-keeping violations. In April 2008, the pension fund's trustees declared the investment worth just \$10 million.

Another questionable investment was GVC Networks, a telecommunications company founded by Detroit businessman Kirkland Dudley.

Detroit's two pension boards agreed to each invest \$10 million in GVC in the fall of 2006 but didn't actually turn over the money until early 2007. The company never repaid its debt as it came due later in 2007. The boards lost the \$20 million and spent \$3 million more trying to salvage the deal.

While pension boards, both private and public, will invariably guess wrong

on some funds, the Detroit boards' investments in GVC were notable for the number of red flags apparently ignored or dismissed by trustees.

In 2004, three years before the pension funds' investments, U.S. District Judge Victoria Roberts ordered Dudley and one of his companies to pay \$415,000 to IBM Credit Corp. for unpaid bills.

In fall 2006, the *Free Press* raised questions about GVC after it was one of several firms awarded part of a \$58-million Detroit Public Schools technologies contract. The deal was rebid after the paper revealed then-Superintendent William Coleman had referred a friend who was under criminal investigation to perform work for a GVC subcontractor.

Moreover, GVC claimed in its school bid that it was based in Detroit, which earned it extra points in the selection process. But the *Free Press* reported that GVC never occupied the empty suite downtown that it listed as its address. And it identified its chief operating officer as "Mr. X."

A lawyer for GVC did not return a call seeking comment. ♥

# Report hits prison costs stresses need for altern

— Excerpted from media reports

**A** Pew Center on the States report, released in March, says the number of people on probation or parole has nearly doubled to more than 5 million between 1982 and 2007. Including jail and prison inmates, the total population of the U.S. corrections system now exceeds 7.3 million—one of every 31 U.S. adults.

The report notes that construction of new prisons will be increasingly rare as most states grapple with budget crises. It said improved community-supervision strategies represent the most feasible ways for states to limit corrections spend-

ing and reduce recidivism.

The report saw huge discrepancies among states in the corrections population—one of every 13 adults in Georgia and one of every 18 in Idaho at one end of the scale, one of every 88 in New Hampshire at the other, according to the Associated Press. The racial gap also was stark—one of every 11 black adults is under correctional supervision, one of every 27 Hispanic adults, one of every 45 white adults.

“Every single one of them should be making smart investments in community corrections that will help them cut costs and improve outcomes,” said Susan

Urahn, managing director of the Center on the States, told reporters.

## PRISON COSTS

Prisons consume nearly 90 percent of state corrections spending according to the report, even though two-thirds of all offenders under supervision are on parole or probation. Costs per year for a prison inmate average nearly \$29,000, while average costs for managing a parolee or probationer ranges from \$1,250 to \$2,750 a year.

Adam Gelb, director of Pew’s Public Safety Performance Project, said that violent and incorrigible criminals need to





# s, results, natives

be locked up, but contended that many prison inmates could be safely overseen in their communities at far lower cost, the media reported.

“New community supervision strategies and technologies need to be strengthened and expanded, not scaled back,” he told reporters. “Cutting them may appear to save a few dollars, but it doesn’t. It will fuel the cycle of more crime, more victims, more arrests, more prosecutions, and still more imprisonment.”

The report says strong community supervision programs for low-risk offenders costs much less than incarceration and, when properly funded and managed, cuts recidivism by as much as 30 percent. According to the National Association of State Budget Officers, states spent a record \$51.7 billion on corrections last fiscal year—up 300 percent over two decades.

## COMMUNITY ALTERNATIVES

Among the Pew report’s recommendations for community corrections:

- Basing intervention programs on sound research about what works to reduce recidivism.
- Using advances in supervision technology such as electronic monitoring and rapid-result alcohol and drug tests.
- Creating incentives for offenders and supervision agencies to succeed, and monitor their performance.
- Imposing swift, certain sanctions for offenders who break the rules of their release.

The report cites a probation program

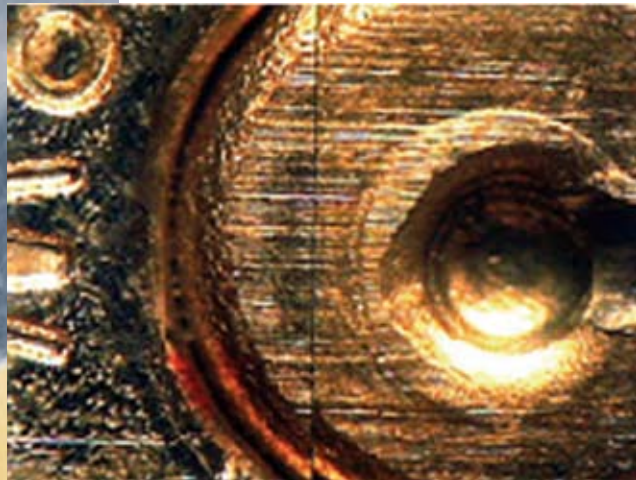


in Hawaii which offers counseling and treatment. Failure to comply with its random drug tests, office visits, and treatment requirements is met with immediate sanctions—typically a few days in jail. Participants were far less likely than others on probation to be arrested for new crimes or return to prison.

Arizona enacted a law last year to create performance incentives and a county-based probation supervision system. For

every month that an offender complies with the terms of supervision, probation time can be shortened by up to 20 days. Slip-ups result in a loss of the earned time.

Kansas curbed its prison population by offering grants to community corrections programs, cutting down on the high number of probation and parole rule-breakers sent back to prison solely for such rule violations. ❤️



# Police forensics workload hit crisis levels in Michigan

— Excerpted from media reports

**M**ichigan Law enforcement officials warned Lansing's lawmakers in February of a crisis at the Michigan State Police crime labs, where caseloads have soared 25 percent since the Detroit police crime lab was closed in late 2008.

Many of the State Police's 216 forensic employees are working up to 30 hours of overtime each two-week pay period to keep up with added workload, Michigan State Police Capt. Michael Thomas told a State Senate hearing. "It will have an impact across the entire public safety system in the state," he said, saying the department is falling farther behind on efforts to lower a backlog of cases.

Detroit's work shifted to State Police forensic scientists after an audit found errors in 10 percent of 200 random gun cases at the Detroit lab. Wayne County Prosecutor Kym Worthy had earlier said authorities would review more than five years of files to search for cases where gun evidence may have been misjudged by the Detroit police lab.

Oakland County Undersheriff Michael McCabe said his county's small lab is also being overwhelmed because local departments see the increasing backlog

at state labs and are starting to send more work to the county.

"You've got an Armageddon on your hands," McCabe told the Senate Appropriations Subcommittee on State Police and Military Affairs at the hearing.

Worthy also testified at the same hearing, telling legislators Detroit police should never again run a crime lab. She wants the State Police to handle forensics for all Detroit crimes, hoping Wayne County can help pay for operating a new State Police lab in Detroit.

But money is tight at the state and local levels, and Gov. Jennifer Granholm's administration was expected to propose spending cuts in its budget proposal for the fiscal year that starts Oct. 1. The State Police had transferred \$5 million from elsewhere in its budget for overtime and for hiring new forensic workers, but that probably will not be enough.

## RIPPLE EFFECT

"They're going to need more money," Sen. Valde Garcia, R-Howell, said. "The question is will the administration and the Legislature give them the money? We saw the ripple effect that's occurring.

"You've got more people sitting in jail

waiting for evidence to be processed. You've got criminals that have not been brought to justice because the evidence hasn't been processed. And you may have innocent people sitting in prison because the evidence was processed incorrectly," Garcia added.

MSP's Thomas said he wants to hire 45 new employees—an extra 20 percent—to help address the extra 20,000 cases a year the state is handling because of the Detroit lab's closure. Some workers could come from the closed Detroit lab, where problems centered around police employees handling gun cases—not civilian employees handling other cases, according to officials.

The State Police also has a higher caseload because it is conducting new tests on evidence in Detroit cases. Before taking over Detroit's caseload in late September 2008, the State Police appeared to be making progress in reducing its case backlogs.

But the backlog of firearms cases more than quadrupled in 2008. The backlog of DNA, trace evidence, documents and polygraph cases increased, too. The backlog of cases involving drugs, latent prints, and toxicology decreased in 2008. ❤️

# Economy crimps plans, delays work, on National Law Enforcement Museum

**P**lanners for the National Law Enforcement Museum announced an extended timeline and substantial cost-saving measures in February “to keep the project on track despite the very challenging economic times that our nation is facing.”

The change calls for construction to commence in the fall of 2010, with completion expected by mid-2013. The Museum will be in Washington D.C.’s historic Judiciary Square, adjacent to the National Law Enforcement Officers Memorial. Officials report that more than \$37 million has been raised to date for the Museum, but that the economic downturn and credit crisis has made it virtually impossible to borrow money for museum projects.

Costs will be reduced by \$29 million, by moving an entire level of administrative space off-site, and scrapping plans to relocate a maze of utility lines under some of the land Congress designated for the Museum. The Museum will be scaled back from a four-level, 100,000 square foot building to a three-level, 55,000 square foot facility. In addition to lowering construction expenses, the cost of operating the Museum will also be substantially reduced.

## NECESSARY CHANGES

In addition to the administrative level, other areas eliminated or reduced include

*Craig Floyd, chairman and chief executive officer of the National Law Enforcement Officers Memorial Fund, second from left, meets with three former U.S. attorneys general, to look over the original designs for the National Law Enforcement Museum in 2007. From left are, John Ashcroft, Floyd, Edwin Meese and Richard Thornburgh. The museum site is at Washington’s historic Judiciary Square, adjacent to the National Law Enforcement Officers Memorial.*

the café and atrium. Two-thirds of the exhibit space will be retained, along with a theater, Museum shop, and areas for education and research. The Museum’s glass entrance pavilions and plaza also remain unchanged.

“These changes were necessary and fiscally prudent given the stark economic realities we are dealing with,” according to Craig W. Floyd, Chairman and CEO of the National Law Enforcement Officers Memorial Fund (NLEOMF), which is in charge of the project. The revised plan was approved by the NLEOMF’s Board of Directors, representing 16 of the largest U.S. law enforcement organizations.

“We are committed to honoring the recognition opportunities already secured by generous donors, including all of our ‘Thin Blue Line’ and theater seat donors,” Floyd said.

In 2000, the U.S. Congress authorized the Museum to be built on Federal land across the street from the National Law Enforcement Officers Memorial, and re-

quired a start date by November 2010. The authorizing law requires the Museum to be funded by private donations.

The National Law Enforcement Officers Memorial Fund is a private non-profit organization dedicated to honoring the service and sacrifice of America’s law enforcement officers. The NLEOMF maintains the National Law Enforcement Officers Memorial in Washington, DC, which contains the names of 18,274 officers who died in the line of duty throughout U.S. history. For more information about the National Law Enforcement Museum, visit [www.LawEnforcementMuseum.org](http://www.LawEnforcementMuseum.org).



Photos: National Law Enforcement Museum



## Contract Settlements

As reported by POLC Labor Representatives



### Branch County Sheriff Deputies

- **Three year contract** expires December 31, 2011
- **Wages:**
  - 2.5% increase effective January 1, 2009, retroactive
  - 2.5% increase effective January 1, 2010
  - 2.5% increase effective January 1, 2011
- One time only educational stipend of \$250 for an associate's degree and \$500 for a bachelor's degree.
- **Health Care:** Employees premium sharing increases for the current PPO I plan. Employees can opt for a lesser plan (PPO III) with no premium sharing for the first year. Subsequent years may have premium sharing determined by a formula tied into future increases. An employee would never pay more than 2% of the premium for this plan.
- **Bargaining Team:** Rick Fillmore, Guy Houtz, Roy Shutts, aided by POLC Labor Rep. Duane Smith.

### DeWitt Twp. Patrol

- **Four-year contract** expires December 31, 2011
- **Wages:**
  - 2.0% increase effective January 1, 2008 retroactive
  - 2.0% increase effective January 1, 2009, retroactive
  - 2.0% increase effective January 1, 2010
  - 3.0% increase effective January 1, 2011
- Employees will be compensated at time and one half for holidays worked in addition to customary holiday pay. Court call-in pay changed from two to three hours minimum. New employees are now not eligible for annual longevity payments.
- **Health Care:** The members agreed to transition to a HSA funded at 100% per year until January 1, 2011 at which point it will be funded at 80%.
- **Pension:** The Final Averaged Compensation changes from 5 years to 3 years at a cost of 1.06% to the employee.
- **Bargaining Team:** Steve Smith, Jason Jones, with POLC Labor Rep. Duane Smith.



### Lathrup Village Command Officers

- **Four year contract** expires June 30, 2012
- **Wages:**
  - 2.0% increase effective July 1, 2008, retroactive
  - 1.5% increase effective July 1, 2009
  - 1.5% increase effective July 1, 2010
  - 2.0% increase effective July 1, 2011
- Current members receive an additional 2% of their gross pay into a deferred compensation 457 plan from the City in lieu of agreeing to allow new Sergeants coming into the bargaining group to maintain their current MERS pension plan. The patrol group has a higher benefit level which they have been paying towards for several years.
- **Health Care:** Transition to a HRA plan with no out of pocket expenses to the employee other than a \$20 per pay. (\$520 a year). New employees hired after July 1, 2008 receive 3% of their base salary towards a portable Health Care Savings Account for health care upon separation of employment.
- **Bargaining Team:** Vince Lynch, Bill Armstrong, and POLC Labor Rep. Duane Smith.

### Missaukee County Deputies

- **Three-year contract** expires December 31, 2011
- **Wages:**
  - 3.0% increase effective January 1, 2009, retroactive
  - 2.5% increase effective January 1, 2010
  - 2.5% increase effective January 1, 2011
- **Health Care:** Employer to reimburse employees for three office visit co-pays per family member each year. Employees pay \$20 single, \$40 double, and \$45 family, health care premium share per month in 2009; \$25 single, \$50 double, and \$55 family in 2010; \$30 single, \$60 double, and \$65 family in 2011.
- **Manning, Safety, Misc:** Employer will pay three years of health care coverage for the family of an employee killed in the line of duty.
- **Bargaining Team:** Mike Wiers, Monie Shafer, aided by POLC Labor Rep. Mike Woronko.

CONTINUED ON PAGE 13 →

# Contract Settlements

CONTINUED FROM PAGE 12

## Roosevelt Park Police

- **Five-year contract** expires November 30, 2013
- **Wages:**
  - 2.5% increase effective December 1, 2008, retroactive
  - 2.5% increase effective December 1, 2009
  - 2.5% increase effective December 1, 2010
  - 2.5% increase effective December 1, 2011 through term of contract.
- **Retirement:** Pension plan changes to MERS B-4 in 2012.
- **Bargaining Team:** Rob Burns, Rob Sypoién, and POLC Labor Rep. Mike Woronko.

## St. Joseph Township Police

- **Three-year contract** expires December 31, 2011
- **Wages:**
  - 3.0% increase effective January 1, 2009, retroactive
  - 3.0% increase effective January 1, 2010
  - 3.0% increase effective January 1, 2011
- **Manning, Safety, Misc:** Court call-in time minimum increased from 2 to 3 hours.
- **Health Care:** No change in coverage or premiums.
- **Bargaining Team:** Dan Unruh, Mike Lanier, Eric Wolff, with POLC Labor Rep. Mike Woronko. ♥

# U.S. Supreme Court forbids ‘political’ payroll deductions

The United States Supreme Court earlier this year upheld an Idaho state law prohibiting cities and counties from allowing payroll deductions “for political activities.” Labor organizations had challenged the law, contending it violated a members’ rights to engage in free speech.

As is usual in employment cases, the Court’s opinion was not unanimous.

In the majority opinion written by Chief Justice John Roberts, the Court held that Idaho’s ban on political payroll deductions, as applied to local governmental units, does not infringe the unions’ First Amendment rights.

## MAJORITY OPINION

“The First Amendment prohibits government from ‘abridging the freedom of speech’; it does not confer an affirmative right to use government payroll mechanisms for the purpose of obtaining funds for expression. Idaho’s law does not restrict political speech, but rather declines to promote that speech by allowing public employee checkoffs for political activities. Such a decision is reasonable in light of the State’s interest in avoiding the appearance that carrying out the public’s business is tainted by partisan political activity. That interest extends to

government at the local as well as state level, and nothing in the First Amendment prevents a State from determining that its political subdivisions may not provide payroll deductions for political activities. . . .

## A DISSENTING VIEW

Leading the dissenting judges, Justice John Paul Stevens wrote “In both the public and private sector, payroll managers routinely remit portions of employees’ wages to third parties pursuant to the employees’ written instructions. For decades, employers in Idaho had discretion to allow such payroll deductions. In 2003, however, the State enacted [a law] which, among other things, prohibits employers from allowing any payroll deduction for ‘political activities.’ For several reasons, I cannot conclude as the Court does that this restriction on payroll deductions was reasonably calculated to further the

State’s ‘interest in separating the operation of government from partisan politics.’ Because it is clear to me that the restriction was intended to make it more difficult for unions to finance political speech, I would hold it unconstitutional in all its applications.” ♥

**“The question is whether the State must affirmatively assist political speech by allowing public employers to administer payroll deductions for political activities. For the reasons set forth in this opinion, the answer is no.”**



## Michigan's Court of Appeals splits Oakland County contract

It may not be the decision the 750 uniformed members of the Oakland County Deputy Sheriff's Association sought, but a recent ruling by the Michigan Court of Appeals draws defining lines for all law enforcement labor groups seeking the protection of Act 312 arbitrations.

The Court upheld a Michigan Employment Relations Commission (MERC) action dividing the unit's single contract—staledated since 2003—into two contracts, separating out the 350 deputy sheriffs, from other uniformed workers, primarily corrections officers.

Under Michigan's collective bargaining law only certain public service workers are eligible for arbitration, specifically "employees engaged as policemen, or in fire fighting or subject to the hazards thereof, emergency medical service personnel employed by a police or fire department, or an emergency telephone operator employed by a police or fire department."

When the Association and County failed to reach agreement on terms of a new contract, the County refused to proceed to arbitration on the entire bargaining unit and sought to "clarify" the existing bargaining unit and declare certain employee groups ineligible for arbitration. MERC agreed with the county and split the group with only the deputies' bargaining unit to be eligible for binding arbitration.

### FROZEN IN PLACE

MERC explained its decision by noting the expired 2003 contract had left the parties "frozen in place," with no immediate mechanism for adjusting conditions of employment. "The bargaining process itself has been skewed by the inability of the parties to agree, or otherwise resolve, which groups of employees are covered by which dispute resolution mechanism. The intractable nature of the dispute between the parties is evidenced by the filing of an extraordinary number of unfair labor practice charges," MERC had ruled.

The Oakland police union then challenged the Commission's decision in the Michigan Court of Appeals.

Upholding the decision severing the unit, the Court noted "the two separate units may continue to be represented by the Association, which will act separately on behalf of each unit. The employer will be able to bargain separate agreements with the two units without having issues that should properly be limited to one group impinging negotiations involving the other. We find it appropriate to direct the severing of the existing unit in order to foster more productive bargaining and to thereby effectuate the purpose of the Act."

**[Oakland County v. Oakland County Deputy Sheriffs' Association, 2009 WL258198 (Mich.App. 2009).]**

# Arbitration

—As reported by POLC Legal Staff

## POLC clears Perry officer of sex charges

An arbitrator ruled that a seven-year discipline-free veteran of the Perry Police Department was discharged without just cause after unsubstantiated allegations were made that he had a sexual encounter with a civilian while on-duty at the department.

The unsubstantiated charges were made by a part-time officer according to POLC attorneys, and contained in the civilian's statement, later retracted. The arbitrator noted the statement was improperly made under duress. Since no other evidence was presented by the employer to support the charges, the arbitrator ruled the officer was discharged without just cause and should be reinstated with full back pay and all applicable contract benefits.

## Training cancelled, but not comp time

The POLC contract says it, but Chesterfield Township failed to follow it—and an arbitrator upheld the scheduling provisions of the existing agreement. The Township forced three grievants to use comp time when a scheduled morning training session was cancelled on short notice and the officers involved were unable to work their regular afternoon shifts that day because they had made prior commitments.

The contract calls for "work schedules to be posted a minimum of four weeks in advance of their effective work date." With only two days notice, the grievants were given the "option" of working their regular afternoon work shift or using up their comp time. The grievants will be reimbursed for the comp time.

## Clio officer's termination unjustified

An arbitrator agreed with POLC attorneys that the City of Clio did not have just cause to terminate a seven-year police veteran, and upon completion of a doctor's recommendations which the officer had already agreed to do prior to termination, will receive full back pay and benefits.

The officer had been on a four-month leave to deal with personal problems and stress, upon the recommendation of the City's doctor. Upon reevaluation in January 2008, the officer was found fit for duty with some recommendations. The City terminated the officer's em-

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## POLC Director appointed to MCOLES

**P**OLC Director Richard R. Weiler was named to the Michigan Commission on Law Enforcement Standards (MCOLES) earlier this year.

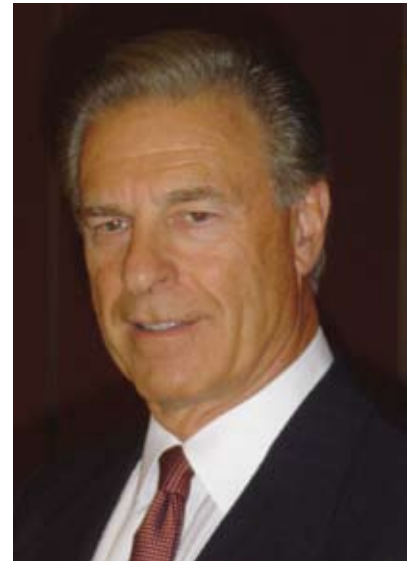
MCOLES is the oversight commission for all law enforcement training and criminal justice training funds in Michigan.

Weiler will serve for a term expiring November 1, 2010 and says his focus will be on professionalism, formal in-service training, and number of officers receiving training. The commission oversees law enforcement training standards, implementation of a web-based information system available to all law enforcement, and awards training grants to advance

MCOLES objectives.

Weiler, a resident of Sterling Heights, is one of six gubernatorial appointees to the commission to be confirmed by the State Senate. He has served as Director of the Police Officers Labor Council since 1984.

He is also a member of the Executive Board of the National Associations of Police Organizations (NAPO). A Detroit Police Department retiree, he is a former Secretary-Treasurer of the Detroit Police Officers Association, and a lecturer and author of several labor relations / labor management articles. ♥



*Richard R. Weiler*

### Arbitration

CONTINUED FROM PAGE 14

ployment because the doctor also noted the officer was not psychologically well suited to be a police officer, despite seven years of excellent performance evaluations and essentially a discipline-free career.

#### Benton Harbor suspension reduced

A brief high-speed chase ended without incident, except for a grievance stemming from the three-day suspension handed out to the officer in charge of the shift, whose one attempt to halt the chase by radio was covered by other radio traffic.

An arbitrator ruled the officer might have done more than make one attempt to terminate the pursuit, but agreed with POLC attorneys that the three-day suspension imposed was excessive and contrary to the principles of just cause and progressive discipline, based upon the short 64-second time frame involved in the incident and the officer's prior performance history. The three-day suspension was reduced to one day, and the officer was made whole for all losses sustained beyond a single 12-hour suspension.

#### Injured Chesterfield officer's firing overturned

A terminated 15-year Chesterfield Twp. Police Department Sergeant was returned to work with full back pay, seniority and benefits after an Arbitrator determined the employer had violated its own departmental policies after the officer's return from medical leave.

The officer had received severe head injuries in 2004 when he crashed his motorcycle on the way into work. When he returned in

January 2006, he experienced difficulties and received several disciplinary actions for the first time in his career, and his personal doctor and the Township's doctor both determined he had returned to work too soon. The sergeant was again placed on medical leave and treatment for about a year. Disciplines and related grievance arbitration were also put on hold.

In 2007, a settlement was reached amending his discipline cases to a 45-day suspension retroactive during the medical leave and a demotion to patrol officer. The officer accepted the terms, wishing to simply return to his career, acknowledging his need to not command other police officers. The settlement was not a last chance agreement and required a "material violation" of a department policy to terminate his employment POLC attorneys argued.

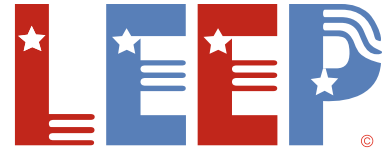
To facilitate his return to work, the officer was placed into the Field Training Officer program. Department policy allows such placement but not as a new hire POLC's attorneys noted, and this policy was violated when a probationary sergeant was ordered to treat the grievant as a new hire. Mixed signals were sent regarding the grievant's progress and a lack of trust quickly developed. Within a month the former sergeant was terminated for the alleged "material violation" of not passing the FTO program.

In his ruling, the Arbitrator said it was unreasonable to treat the grievant as a new recruit. Additionally, he ruled the officer's performance did not constitute a material break of the settlement agreement, and that the employer entirely overlooked the things the officer did well and focused only on his mistakes. The arbitrator noted the Employer's own evidence clearly demonstrated the officer's successes far outweighed his difficulties. ♥



# LEEP keeps police focus on child safety issues for 2009

*Retired Monroe Police Sgt. Tom Jenkins, a 28-year veteran, is a familiar face to students as he makes LEEP's safety presentations come to life during school appearances.*



**T**he Law Enforcement Education Programs (LEEP) continues its focus this year on child safety activities for audiences ranging from early elementary students to high school seniors. Recent LEEP mailings urged administrators to make use of a live presentation of Students on Sobriety (S.O.S.) in high schools, and offered free posters and passout materials for use with CD showings of the program.

Now is exactly the right time for schools or local police departments to schedule a LEEP student activity in their area. We urge all local POLC departments to support the LEEP offerings.

Leading an expanded child safety effort for LEEP this year is a familiar face to most police officers—28-year veteran Monroe PD Sgt. Tom Jenkins. The former road patrol officer teaches at the Macomb County Police Academy and is an MCOLES instruc-

tor. He also travels as a TIPS Alcohol Management Instructor and for the past three years has made live presentations on behalf of LEEP's SOS program throughout Michigan and northern Ohio.

Elementary school administrators can take advantage of LEEP's popular "Project Safekids" child identification activities, or the "'911 – Your Friend," programs to introduce the basics of child safety awareness on how kids can use the "911" emergency phone dispatch services.

POLC officers or local school administrators can schedule or sponsor any of the LEEP community programs in their area schools by contacting the LEEP programs office at (800) 451-1220, or addressing a request to LEEP at 28091 Dequindre, #303, Madison Hts, MI 48071. ♥

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