

The Police Officers Journal



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Watch your back, legislatures are still at work

— By Richard R. Weiler, Director



Since the Republican government takeover in Lansing, a rash of legislative bills aimed at taking away your benefits continues.

It's never enough that your employer wants concessions. These new Lansing dictators are making laws about every economic benefit you can think of and they don't care if you have already made sacrifices. They are under the misguided philosophy they have a mandate from the voters who elected them — that they, not you or anyone else — know what's right for your community and workforce.

For once, a few legislators are listening as city managers complain about their one-size-fits-all agenda. A downriver city manager calls the state government the "Third Reich" (referring to Nazi Germany). Another calls them the "oppressors of the working class." Take your pick — the facts are undeniable. Businesses receive a \$1.5 billion tax cut, while school aid will lose \$700 million. Then, to make up for that shortfall, retirees with public or private pensions will have to pay a tax on their pensions for the first time in history.

What are they thinking? It's obvious — they are not! They don't care about you or other working families. When the bill to tax pensions was going through the "fast track legislative" process, as most of these bills do, we offered a MAPO amendment to exclude from taxation spouses of fallen officers, duty disabilities and those who receive social security. The amendment also added a higher threshold before the tax begins.

Those who receive a public pension and social security are already penalized under the "Windfall Elimination Provision," signed into law by President Ronald Reagan. When this was brought to the attention of legislators, most were not aware of the provision — what a revelation! They also did not know over 73 percent of police and firefighters are not covered by social security through their public employment. Despite this knowledge, the tax plan passed without amendments.

While I write this column, a bill to amend binding arbitration (Act 312) — will be sent to Gov. Rick Snyder for approval. Articles about these and other bills being considered are included in this Journal.

We are told all this anti-public employment legislation is aimed at teachers. Really? If so, why not exempt public safety? They can't, because these mean-spirited legislatures believe all public employees are overcompensated. Don't let facts get in the way of their views — they know better.

Teachers have taught our children and these legislatures. Police officers protect and have even given the ultimate sacrifice. Firefighters put out fires, save lives and property. What have they done wrong? They can't answer, because their ideological views are different from our views and a growing number of voters, who elected them and can recall them.

To stay up to date on these issues, please visit www.polc.org weekly. ♥

These new Lansing dictators are making laws about every economic benefit you can think of and they don't care if you have already made sacrifices.

Pensions taxed, health costs soar

— Excerpted from POLC.org and media reports

A new pension tax was approved by Gov. Rick Snyder and other budget bills are on a fast track in Michigan.

House Bill 4361, known as the Income Tax Act, was signed into law and will take effect Oct. 1. It replaces the Michigan Business Tax with a 6 percent Corporate Income Tax and modifies the pension tax.

The measure excludes those 67 years of age and over from paying a tax on their public pensions. People born before 1946 will not have public pensions taxed. Private pensions will not be taxed if they are below the current exemption threshold of \$45,120 for single filers and \$90,240 for joint filers.

Those born between Jan. 1, 1946 and Dec. 31, 1952, will not have their retirement income taxed up to \$20,000 for single filers and \$40,000 for joint filers. Income above that level will be taxed at 4.35 percent. When they reach 67, they will qualify for a different income exemption to write off any income up to \$20,000 for single filers and \$40,000 for joint filers. Those born after 1952 will have retirement income taxed at 4.35 percent, dropping to 4.25 percent on Jan. 1, 2013 and qualifying for the senior income tax exemption upon reaching age 67. Social Security benefits and military pensions would not be taxed.

The new tax deal gives Michigan businesses about a \$1.5 billion tax cut. The School Aid Fund will lose nearly \$700 million under the tax plan. The compromise deal also restores an Earned Income Tax Credit (EITC) at 6 percent of the federal EITC and freezes the income tax rate at 4.35 percent until Fiscal Year 2013.

Michigan Association of Police Organizations (MAPO) attempted to add "the Police Officer Pension Fairness amendment," to HB 4361, but it was rejected. However, Senate Bill 409 was introduced by Sen.

Goeff Hansen (R-Muskegon) addressing the unfairness issue due to lack of Social Security income for most Michigan police officers. This bill amends the definition of "taxable income" in the Income Tax Act by excluding retirement or pension benefits from employment with a government agency that was not covered by the Social Security Act to the extent those benefits were included in adjusted gross income.

HEALTH CARE COSTS

A House bill substitute for SB 7 passed the House. The hard cap on health care cost sharing would limit an employer's contribution to \$5,500 for an individual; \$11,000 for a couple; \$12,500 for a single parent and \$15,000 for a family. However, governments and school districts could choose, by a two-thirds vote of their elected boards or commissions, to have employees pay 20 percent of their health insurance policy premiums. Cities, counties and townships could also choose to opt out of a cost cap by a two-thirds vote. The legislation would not impact existing bargaining agreements. MAPO is opposed to this legislation, expected to go before the Senate in mid-July. MAPO argues two points: employees who have already accepted cost-sharing measures are being punished by not giving them credit for those measures and 20 percent of health care costs are much more expensive for a rookie than the Chief of Police. The Senate earlier rejected a "hard cap" when they were considering SB 7.

Retiree health care bills HB 4701 and HB 4702 call for a 4 percent salary contribution by state employees to retiree health care from those in Defined Benefit plans. All state employees hired after 1997 would be moved into an HSA with the state making a one-time lump sum payment based on years of employment with the state under the bills.

ACT 312 LEGISLATION

Act 312 reform legislation was passed by the House and Senate. The substitute for HB 4522 ensures that new authorities with public safety are covered by Act 312 and strengthens "ability to pay" as the primary factor to be considered by the arbitrator. The bill would allow an arbitration panel to compare wages, hours and conditions of employment of employees of a unit of government outside of the bargaining unit. Extension of deadlines would be limited and an arbitration hearing must be concluded 30 days after it begins unless the parties agree otherwise. The state's share of arbitration costs would be shifted to the parties.

PARTNER BENEFITS LAWSUIT

Michigan Attorney General Bill Schuette filed suit against the state Civil Service Commission to block the agency's decision to provide domestic partner benefits to thousands of state employees.

Schuette, along with Republican leaders in the Legislature, said the commission exceeded its authority in granting the benefits, aimed at allowing the same-sex partners of employees access to state health insurance plans. The lawmakers and Gov. Snyder opposed the new benefits as too costly — estimated between \$6 million and \$8 million a year. The House failed to reach the two-thirds majority needed to reverse the commission ruling.

RESPONSE ACTIONS

Signatures are being collected to freeze implementation of the state's new emergency financial manager law until a statewide vote can be taken in the November 2012 election.

Groups unhappy with Gov. Snyder and other Michigan legislators are organizing recalls. ♥

Benton Harbor speaks out against Emergency Financial Manager law

—By Jennifer Foley, POJ Editor with excerpts from media reports

Benton Harbor is one of the first communities to feel the aftermath of the state's new Emergency Financial Manager (EFM) law and they are not going quietly into the night.

Hundreds of protestors marched through Benton Harbor April 27 in opposition of the EFM takeover and city commissioners passed a resolution May 2 declaring the appointment of EFM Joseph Harris unconstitutional and calling for his immediate removal. Harris removed members from the planning commission and issued a written directive permitting the city commission only to meet, to approve the minutes of their meetings and to adjourn — but to conduct no real city business. Harris is privatizing management of the water department and he laid off members of a brownfields authority board and installed his own choices.

Harris also wants to merge the fire and police departments into a public safety department where firefighters could answer burglary calls and police could put out fires. "I'm looking at what's good for Benton Harbor, nothing more, nothing less. And until you can break the contracts, your hands are tied," Harris said.

"I think that both the police and fire unions have been willing to work with him and I think for him to insinuate that the unions have not been flexible is total nonsense," said POLC Labor Rep. Mike Woronko. "When Joe doesn't exactly get his way, he thinks his hands are tied. It shows his misunderstanding of the art of negotiation."

Harris issued a letter to the POLC letting them know he will terminate the police contract in August. He's begun promotions within the department, such as changing

the Police Chief's position to Director of Public Safety, Woronko said. "He's making all these administrative changes and promotions and nobody's trained yet," Woronko said.

Harris has also turned down a \$2.5 million Staffing for Adequate Fire & Emergency Response (SAFER) grant awarded to the fire department, which would've paid the salaries of new hires or firefighters called back from layoffs, said W. James Leve, 5th District Vice President for Michigan Professional Firefighters Union. Leve said the grant, provided through the Federal Emergency Management Agency (FEMA), was turned down because it can't be used for public safety employees.

"In a busy urban environment, I think it's a mistake to go to a public safety system. The two functions are very different," Woronko said.

Jeremy Connell, who leads the firefighters' union, said the combined police-fire services could be unsafe. "But then I think, what choice do we have?" Connell said.

FIGHTING BACK

The resolution, which was sent to the U.S. Dept. of Justice Civil Rights Divisions, President Barack Obama, Gov. Rick Snyder, State Senate Majority Leader Randy Richardville, Speaker of the House Jase Bolger, State Senator John Proos, and State Representative Al Pscholka, stated the EFM appointment was in direct violation of several articles of the Michigan Constitution including:

- Article I §1, which states all political power is inherent in the people and government is instituted for their equal benefit, security and protection.

- Article I §3, which allows the citizens of Benton Harbor the right to petition the government for redress of grievances.

- Article VII §22, which affords Benton Harbor citizens the power to frame, adopt and amend its charter, and amend an existing city or village charter granted or enacted by the legislature for the city or village government.

- Article VII §34, which states the provisions of this constitution and law concerning counties, townships, cities and villages shall be liberally construed in their favor.

- Article IX §2, which provides the citizens of Benton Harbor the right of taxation with representation.

Commissioner Dennis Knowles said the resolution would be mailed to officials on city letterhead but city commissioners would have to buy stamps because they

are no longer able to order supplies. "This is the government working beyond the dictatorship," said Knowles. "This is about democracy ... it is about human rights. It is a litmus test to see if the Constitution even still exists." ♥

A coalition of unions and community organizations, which initiated the "We are the People" rally in Lansing April 13, also expects to file suit against the Act, according to its representatives. "We are about education, litigation and agitation," said Detroit City Councilwoman JoAnn Watson, who co-chaired a special meeting of the coalition April 20, with AFSCME International Representative Herbert Sanders.

Detroit Police and Fire pension boards file suit against EFM

—Excerpts from media reports and *The General Retirement System of the City of Detroit, The Police and Fire Retirement System of the City of Detroit* and Susan Glaser, Alvin Brooks, James E. Moore and Laura Isom, individually vs. Richard D. Snyder and Andrew Dillon.

Detroit's city pension systems — the General Retirement System of the City of Detroit and the Police and Fire Retirement System of the City of Detroit — have filed a lawsuit in federal court seeking to declare the new Emergency Financial Manager (EFM) law unconstitutional.

The pension boards filed a motion for "declaratory and injunctive" relief against Gov. Rick Snyder and state Treasurer Andy Dillon April 18 stating the EFM law vests managers with "czar-like powers."

Michigan's state-appointed EFM's have the power to eliminate existing union contracts and fire elected officials in cities, counties, townships and school districts operating at a deficit. The EFM would also be able to put millage increases on the ballot, layoff employees, slash services,

takeover government pension funds if they are not actuarially funded at 80 percent, close buildings and merge municipalities or school districts with a neighboring government entity.

The lawsuit says there are sufficient grounds to believe the city of Detroit will soon be subject to action under Public Act 4 of 2011, which includes the EFM provision. The suit alleges the EFM statute would modify the city charter and collective bargaining agreements and allow for the removal of pension fund trustees. The retirement systems, which represent about 32,000 current and retired city workers, argue the new law gives the governor and state treasurer, through the EFM, "virtually unchecked power to seize administration and control of the Detroit Retirement Systems and potentially at-

tempt to transfer their assets to any other retirement system." It also says the EFM provision violates IRS provisions.

The legal action, filed by three attorneys from Clark Hill, PLLC, asks the federal court to declare the EFM section of the Act unconstitutional and bar its implementation because it:

- violates the state's Home Rule Provision as it amends the city charter without a vote of the citizens of Detroit;
- impairs contractual rights in violation of the Contract Clause of the U.S. and Michigan Constitutions;
- constitutes a taking of private property without just compensation in violation of the Takings Clause of the U.S. and Michigan Constitutions;
- deprives individuals the rights of due process and equal protection under the

U.S. and Michigan Constitutions;

- improperly diminishes and/or impairs the accrued financial benefits of the members, retirees and beneficiaries of the Detroit Retirement Systems.

The suit raises claims that Detroit Mayor Dave Bing and Gov. Snyder have been meeting secretly to target the retirement systems. In this year's budget address, says the suit, "... the Mayor used the Act and the potential appointment of an emergency manager for the City of Detroit as justification to demand significant concessions from Plaintiffs, and indicated that Gov. Snyder and his administration knew of and supported the Mayor's proposals and plan."

Bing's proposed budget for this year defaults on the city's obligations to pay into the systems, and cuts retiree pay-

outs and benefits unilaterally. Bing earlier campaigned for the pension systems, worth \$6 billion, to be turned over to the Lansing-based Michigan Employees Retirement System.

The suit also says the City Council is considering a "consent agreement" that could abrogate provisions of union contracts, the charter, and affect the pension systems. "On April 18, 2011, Detroit City Council President Pro Tem Gary Brown appeared on WJR radio and indicated his support for a consent agreement between the City of Detroit and the State Treasurer, intimating that discussions or negotiations of such an agreement by the City of Detroit and the Governor and/or State Treasurer already have occurred," according to the lawsuit.

Detroit's two systems have been funded

at or close to 100 percent over the past decades. However, PA 4 says the "net value of pension bonds or evidence of indebtedness" shall not be used in determining funding levels. In 2005, the City of Detroit issued \$1.44 billion in "pension obligation certificates," or bonds, which it later used in part to meet its employer contribution requirements to the pension system.

"(We) fully believe in the constitutionality of the law, otherwise the governor wouldn't have signed it," said Sara Wurfel, a spokeswoman for Gov. Snyder. "The primary focus was on updating the law to help raise key, early warning indicators and ensure local units have the mechanisms and tools to better address locally and hopefully avoid an emergency manager altogether." ♥

2011 Annual POLC/GELC Meeting & Labor Seminar

Friday – Saturday, Aug. 26th-27th



Photos courtesy Grand Traverse Resort



Grand Traverse Resort
 100 Grand Traverse Village Blvd.
 PO Box 404 • Acme, MI 49610-0404
Attendance limited to registered delegates and invited guests only

Questions?
 Call the POLC Office: 248/524-3200

Seminar sessions POLC Business Meeting

- Impact of legislative changes
- Health care plans
- MERC updates
- LEEP Dream Scholarship awards
- POLC Business Agenda
- POLC Board and Officers elections



The scenic Grand Traverse Resort's Wolverine course provides a scheduled diversion for attendees of the Police Officers Labor Council annual Business meetings in Traverse City Aug. 26-27, 2011. Reserve your spot now.



RESERVE ROOMS NOW: Call 800/748-0303 or FAX: 231/534-6670

A reserved block of prime rooms for the POLC gathering is being held on an availability-only basis. Reserve yours now by calling 800/748-0303.

2011 Delegate Registration: Annual POLC/GELC Meeting & Labor Seminar

**Friday, August 26, 2011:
 8:30 a.m. – 1:00 p.m.**

**Saturday, August 27, 2011:
 9:00 a.m. – Conclusion**



ARTICLE V (By-laws) DELEGATES TO ANNUAL MEETING

SECTION 1. Each participating bargaining unit in the Labor Council shall be entitled to one (1) delegate to the Annual Meeting for each ten (10) members or major portion thereof in their unit, provided however, that each participating unit shall have at least one (1) delegate.

SECTION 7. Any delegate from a bargaining unit that is delinquent in payment of dues shall not be admitted or seated at the Annual Meeting.

*Please fill out and return this registration form with non-refundable \$50 per person fee.
 Make conference checks payable to POLC.*

Name of your unit and its current enrollment.

Number of delegates allowed

List names of all unit delegates here: (Please type or print neatly)

This registration must be returned before Monday, August 15, 2011 to:
 Police Officers Labor Council • 667 E. Big Beaver Rd, Ste. 205 • Troy, MI 48083-1413

14th Annual POLC Golf Outing

Four-person Scramble (Limited to first 100 golfers)

**The Wolverine
 Grand Traverse Resort course**

**Friday, August 26, 2011
 Tee-off time: 2:30 p.m. (Shotgun Start)**

Cost: \$72 per person

Includes 18 holes with cart (non-refundable)
 Reservations guaranteed only when golf is paid in full.

The Wolverine - Grand Traverse Resort course. Golf attire is required by the course; all golfers must be in a collared shirt, walking shorts or long pants. Denim jeans or denim shorts are NOT permitted. NO tank tops, NO tee shirts, NO spikes.

RETURN REGISTRATION FORM: Make checks payable to POLC/Golf

Golfer's Names

Phone # and Department Name

This registration must be returned before Monday, August 15, 2011 to:
 POLC Golf Outing • Police Officers Labor Council • 667 E. Big Beaver Rd., Ste. 205 • Troy, MI 48083-1413

Officers win sexual, racial discrimination lawsuits

— Excerpted from LRIS and media reports

Employers beware — discrimination lawsuits are being settled and won by many officers around the country and recent Supreme Court decisions extend anti-discrimination protections.

Third parties are protected from discrimination under Title VII, according to a Supreme Court ruling. In **Thompson v. North American Stainless**, Eric Thompson was fired after his fiancée, Miriam Regalado, both employees of North American Stainless (NAS), filed a sexual discrimination charge with the Equal Employment Opportunity Commission (EEOC). Thompson sued, claiming he was retaliated against because of Regalado's charge. NAS argued Thompson did not engage in statutorily protected activity and was not covered by the anti-discrimination clause.

"We have little difficulty concluding that if the facts alleged by Thompson are true, then NAS's firing of Thompson violated Title VII," the court ruled.

A majority Supreme Court ruled oral complaints are protected under the Fair Labor Standards Act (FLSA). The FLSA's anti-retaliation clause forbids employers "to discharge or in any other manner discriminate against any employee because such employee has filed any complaint or instituted or caused to be instituted any proceeding under or related to (the FLSA), or has testified or is about to testify in such proceeding, or has served or is about to serve on an industry committee."

The Supreme Court also extended the reach of federal laws against job discrimination. The justices said the crucial issue is whether illegal bias was a "motivating factor" in the decision to fire an employee. If other supervisors, not just top decision makers, are biased and influence the outcome, the employer can be held at fault, the court said.

Recent cases highlight the legal success of officers claiming discrimination:

PROMOTIONS TEST FAIR

Thirty-nine Memphis Police Lieutenants passed a test to be promoted to Majors in 2005. But the department decided the test was invalid and denied the promotions.

The City Attorney said the prior administration found a disparity in the test results. The lower courts decided in favor of the city, but after a similar case in Connecticut had a different outcome, the Supreme Court ordered another look. U.S. District Judge Bernice Donald ruled in favor of the officers, stating the city had no reason to doubt the validity of the test. "Because they tried to manipulate the system, now they have to go back and pay these Major salaries when they weren't working as Majors," said the officers' union president J.D. Sewell.

RACIAL LAWSUIT

A jury awarded \$900,000 to five African American police officers in Washington D.C., deciding they were punished for complaining over racial discrimination.

The officers, part of a team investigating vice crimes, filed an official complaint. Top officials later withheld information needed to do their jobs, such as the presence of armed suspects in their vicinity, according to court documents. Weeks after the officers' formal complaint, all five were given lesser posts. The department plans to appeal the decision.

DEPUTY CHIEF REINSTATED

A San Antonio veteran police commander received a \$249,000 settlement after filing a sexual discrimination lawsuit claiming she was denied promotion to assistant chief.

The San Antonio City Council approved the settlement, reinstating Rosemary Flammia to her former rank of deputy chief for one day before retiring. Flammia had been a deputy chief for seven years when she failed to receive the promotion.

She alleged Chief William McManus promoted less-qualified men.

Several months after filing the suit, when Flammia was demoted to captain, she attributed it to retaliation, something McManus and the city denied. "We certainly feel this is a vindication," said Flammia's attorney Richard Ihfe. "She retires at deputy chief, and that's the highest position she held."

"This is about closure, not liability," said City Attorney Michael Bernard.

GENDER DISCRIMINATION

Two Scranton police officers, called "overtime whores" by the former Scranton Chief of Police, will receive \$50,000 each for dropping a federal lawsuit.

The city will pay Officers Jill Foley and Melissa Forsette, who claimed discrimination, a hostile work environment and retaliation based on gender. The "overtime whores" remark spawned calls for the ouster of the Chief of Police by the city's police union, which claimed he had a history of discriminating against women.

Officer Elaine DeLorenzo, 53, has a federal lawsuit pending, claiming she was the victim of age and sex discrimination. She cites a supervisor who called her "granny."

SEX-BIAS SETTLEMENT

The highest-ranking woman in the Concord, Calif. Police Department has reached a \$150,000 settlement with the city over a lawsuit claiming gender discrimination.

Lt. Robin Heinemann alleged she and other female officers were powerless in a "de facto hierarchy" based upon a "presumption of male supremacy." Heinemann said she was the target of "trumped-up" internal-affairs investigations into whether she had been dishonest and disrespectful to superiors. Male officers, accused of wrongdoing, went unpunished, she said, especially if they were friends of Capt.

Dan Siri and then-Chief David Livingston.

The City of Concord will pay an additional confidential amount, for attorney's fees and Heinemann's workers' compensation claim, city officials said. She has returned to active duty.

The city paid \$1.25 million to settle a previous sexual-discrimination lawsuit filed on behalf of Heinemann and other female officers. Concord also paid \$750,000 to settle a sexual-harassment lawsuit in which former Officer Lisa Capocci accused her bosses of retaliating after she complained a supervisor sent her "I love you" messages.

HARASSMENT SETTLEMENT

The Los Angeles County Board of Supervisors agreed to pay \$900,000 to settle a lawsuit by a sheriff's deputy who alleged his boss sexually harassed him and threatened him with violence.

Deputy Robert Lyznick alleged his supervisor asked him to "come into the bathroom for a rectal probe" and said he could get the deputy "so drunk" Lyznick would perform oral sex on him. When Lyznick denied the advances, Sgt. Charles Dery told him "no means yes" and "guys who [are] first to deny it want to do it," the lawsuit states.

Dery said the allegations were fabricated and resigned in 2008 after the Sheriff's Department launched an internal affairs investigation. "Occasionally I'd make jokes of a sexual nature ... that's just the nature of the beast," he said. "It wasn't done every day, but they made up allegations to get rid of me ... I was thrown under the bus."

When the deputy posted sexual harassment awareness posters around the Chatsworth office, Dery allegedly threatened him. "If someone rolls over on me, I'll put a bullet in his head," Dery was alleged to have said, according to the complaint. "I'll drag him out to the desert and bury him in the desert. The desert is a big place and there are lots of places to hide a body."

Sheriff's spokesman Steve Whitmore said after an internal investigation "appropriate action was taken." ♥



NAPO

NAPO fights to support police in legislature

The National Association of Police Organizations (NAPO) has been busy fighting for the enactment of legislation supporting police officers. Here is some of their latest legislative progress:

- **The Law Enforcement Officer Bill of Rights:** This bill would give officers basic rights and due process during internal investigations, administrative hearings and evaluation of citizen complaints. NAPO is working in the Senate to introduce a companion bill.

- **Community Oriented Policing Services Program (COPS):** Congressmen John Conyers (D-Mich.) was among members of the Law Enforcement Caucus to endorse House legislation to reauthorize the COPS program. This legislation would put more than 19,000 police officers on the streets over the next six years. It would also authorize grant programs to combat methamphetamine and meet emerging law enforcement needs, eliminate the law capping hiring cost at \$75,000 and restore the "Troops to COPS" program, which funds the hiring of former Armed Forces personnel as law enforcement officers. The bill has a Senate companion.

- **Flexible Spending Arrangements (FSA):** NAPO is bringing awareness to Capitol Hill about the negative impacts on FSA. Pre-tax earnings to cover medical expenses fund these accounts. Before The Patient Protection and Affordable Care Act was passed, some municipalities allowed employees to contribute up to \$5,000 annually into their FSA. In 2013, FSA will be capped at \$2,500 per year. NAPO is working with Congressional staff to find a legislative avenue to increase the limit on FSA contributions.

- **Patriot Act:** The Senate reauthorized expiring provisions of the 2001 Patriot Act and President Barack Obama signed the four-year bill into law. NAPO has expressed longstanding support of this legislation that allows the government to seek orders from a special court for "anything tangible" related to a terrorism probe; obtain wiretaps on suspected terrorists; and apply to a special court for surveillance orders on "lone wolf" terrorists. ♥

Fallen 9/11 officers honored

— Excerpted from National Law Enforcement Memorial Fund

The National Law Enforcement Memorial Fund (NLEOMF) is honoring 72 fallen peace officers during the 10th anniversary of the Sept. 11, 2001 terrorist attacks with a remembrance ceremony and fundraisers.

The deadliest day in U.S. law enforcement history will be recognized during a ceremony tentatively planned for Sept. 9, said Steve Groeninger, media representative at the Memorial Fund. Visit www.LawMemorial.org for more information.

Officers, their families and friends can honor the memories of fallen officers by participating in fundraisers benefitting the NLEOMF, a 501(c)(3) non-profit organization based in Washington, DC, which is building the National Law Enforcement Museum, scheduled to open in late 2013.

The Memorial Fund has partnered with 5.11 Tactical apparel to honor public safety officers involved in incidents on 9/11 and donate all profits from a special line of tactical clothing to three tribute funds. The goal is to donate \$250,000 to the FDNY Foundation for fire service, \$250,000 for EMS operations, and \$250,000 to the NLEOMF. "We are so grateful to the men and women who put their lives on the line for us on 9/11 and every day. This is one



The National Law Enforcement Memorial Fund is selling this 10th Anniversary 9/11 T-shirt with a roll call on the back honoring the police officers that died during the terrorist attacks.

way for us to show public safety officers across the country that we will not forget their sacrifices," said Dan Costa, CEO of 5.11 Tactical.

5.11 Tactical is using an anniversary logo featuring the Twin Towers, the Pentagon, and flight number 93, whose brave passengers prevented it from being used as a third weapon. Visit www.511tactical.com to buy a shirt, bag, hat or wallet.

The NLEOMF has also developed its own line of 9/11 products. "We are selling a Challenge Coin and a T-shirt that lists a roll call of the 72 officers killed that day," Groeninger said. The 10th anniversary coin (\$10) features the Twin Towers and the Rose and Shield logo on the front. The back shows an American eagle with the flag. The black T-shirt features imagery from the 10th Anniversary 9/11 coin on the left front chest with the roll call on the back. The shirts cost \$16.50-\$18.50. Visit www.ShopLawMemorial.org and browse new items to order.

BLUE VALOR RUN

The first annual Blue Valor Run recognized law enforcement officers who sacrificed their lives during the tragic events of 9/11 and honors all officers who have given their lives in the line of duty. On May 12, more than 100 police officers across the country participated in the 226-mile charity motorcycle ride from Ground Zero to the National Law Enforcement Officers Memorial in Washington, DC, raising over \$80,000, to support the P.O. Ken Tietjen Memorial Foundation and the NLEOMF.

DOVER SPEEDWAY

Race fans can visit the Law Enforcement Appreciation Day at Dover International Speedway to honor law enforcement heroes and support the Memorial Fund.

A \$99 all-inclusive package for law enforcement officers, their families and supporters for the Oct. 2 "AAA 400 NASCAR



This 10th Anniversary 9/11 Coin is being sold by the National Law Enforcement Memorial Fund honoring the 72 officers who lost their lives during the terrorist attacks.

Sprint Cup Series" race includes: a premium grandstand race ticket; admission to pre-race activities; industry presentations and Q&A with special guests; a trackside tour; and access to a Memorial Fund hospitality area with an all-you-can-eat buffet and beverages, including Pepsi and Anheuser-Busch products. Visit www.DoverSpeedway.com/NLEOMF or call the Dover ticket office at 800-441-RACE and mention code "NLEOMF11."

RIDE & RUN TO REMEMBER

This bike ride and 5K run and festival will take place Oct. 16 at the National Law Enforcement Officers Memorial in Washington DC to celebrate and bring awareness to the role of law enforcement. Every 53 hours an officer makes the ultimate sacrifice, according to the NLEOMF. Net proceeds benefit the NLEOMF. To register or for more information, email info@rideandruntoremember.org ♥

ARTIFACTS

The National Law Enforcement Museum has acquired 9/11 artifacts including a 2,200-pound structural beam from Ground Zero. Other 9/11 items the Museum has acquired include a toolbox, air tank, American flag, and a piece from one of the airplanes.

Despite cuts, residents defeat public safety departments

— Excerpted from media reports

Budget-slashing communities are attempting to combine their police and fire service into one public safety department, where officers put out fires and firefighters arrest criminals.

But in Jackson and Harper Woods, voters voiced their disapproval, leaving both cities with budget deficits and layoffs expected in their police and fire departments. "I'm happy for the citizens of Jackson," said Jackson Firefighter Todd Weaver. "I believe they spoke loudly that they want to keep a separate professional fire department and a professional police department."

Officer Shane LaPorte, the POLC local union president, said police supported the public safety department since they respond to 89 percent of all calls to 911. "We handle about 42,000 calls a year with four to six officers, fire handles 3,800 with eight to ten firefighters," LaPorte said. "The fire department handles roughly 10 to 12 calls per day and we handle 60 to 70 calls per day."

"We will move forward providing the best service that we can," said Jackson Police Chief Matt Heins, who was disappointed in the result.

According to the Jackson County Clerk's office, the proposal was defeated May 3 with 1,985 voters opposing it and 1,102 voting yes. According to the City of Harper Woods website, residents voted against the conversion 1,464 to 1,043.

HARPER WOODS

The vote was important to Grosse Pointe public safety departments as the five Pointes and Harper Woods have a mutual aid agreement where they can call on each other in the event of a second-alarm fire or worse. Harper Woods fire-

fighters union opposed the plan, saying it violated the city charter, which states separate police and fire departments must be maintained.

During a recent council meeting, Harper Woods Mayor Pro Tem John M. Szymanski said a vote against the conversion would mean total reliance on the Grosse Pointes to fight their fires. Voting against the conversion would mean a round of layoffs for all the Harper Woods firefighters, according to the meeting minutes.

JACKSON

After the votes came in, Jackson City Manager Warren Renando credited the firefighters who opposed public safety for working hard and being organized, but he said, "There are no winners in this. Both departments are going to get weaker."

Ten firefighters were slated to be laid off July 1 and ten of Jackson's lowest seniority police officers were recently laid off for a total of 20 police layoffs in the past year, said Officer Shane LaPorte, the POLC local union president. The latest layoffs reduce the patrol force by 25 percent, with 33 officers left, he said. Sergeants have their own union. "I think they are the best of what we have, the most motivated," LaPorte said of the recently trained laid-off officers. "The majority of the layoffs are caused by Gov. (Rick) Snyder's decrease of revenue sharing."

About 30 city non-union positions have been lost through attrition from 2005 to 2010, Renando said, with three more this year.

Firefighter Tom Loveberry, who headed the campaign against the proposal, said the firefighters union intends to negotiate "aggressively" with the city to save as many jobs as possible and save the city

money. Firefighters will also continue to work toward a possible merger with Summit Township, Loveberry said.

THE FUTURE

Jackson resident Jean Soltis asked the council, during a meeting prior to the vote, why they did not ask voters for a police or fire millage instead. Councilman Daniel Greer said the city has the highest taxes around and "has enough trouble as it is retaining residents and businesses." Resident Cindy Collver said her taxes are ridiculously high, but people will have no reason to stay in the city if they don't get anything for their money. "I pay a lot of taxes," Collver said. "I expect something more out of this."

Greer said he would like to be able to maintain the services the city has, but it cannot afford them. The city can either make its own cuts now, or an emergency financial manager will come in and make them for the city, he said. Mayor Karen Dunigan said it is getting to the point where the city council will have to keep making cuts to avoid running a deficit. "We're running out of options," Dunigan said. "If we keep making decisions like this, we're more likely to have an emergency financial manager."

"We have a balanced budget," argued LaPorte. "There's no need for a financial manager to come in. (The mayor) doesn't understand the negotiation process and about package deals with wages and benefits. She thinks it should be one pay system for all city employees."

The public safety issue may be brought to the voters again. Since the special election failed, a push could be made to put the proposal on the November ballot. ♥

Racing Through Education on track teaching teens to stay safe

— By Jennifer Foley, POJ Editor

Holland Police Racing Through Education Program coordinator Doug VanderKooy is getting teens' attention with his Distracted Driving program.

Just months after rebuilding a racecar used to educate teens about the dangers of street drag racing, Officer VanderKooy is showcasing the car through a series of community programs. "You get one life ... that's it. There's no exception. That's why motor vehicle safety is so important," VanderKooy writes in his Racing Through Education newsletter.

Over 400 people attended One Life Through Safety, a public education event in April which raised \$3,000 for Racing Through Education and Vriesland Reformed Church Youth Group Mission Trip to Dillon, Montana. The event was held at Mark's Detailing Specialist in Holland. "I would like to do an event once a year where we help another organization," said VanderKooy, who went on the June mission trip with 95 high school teens. "There's no money there," he said of Dillon where missionaries will help ranchers build new fences.

"We're going to go in and help these people, do some bible work with kids in

the villages there," he said.

One Life Through Safety also helped Holland area teens experience distracted driving without physical repercussions. A State Farm driving simulator, controlled by the Michigan Sheriff's Association, allowed students to watch three computer screens as they "drove." "They had a lot more time to work with it than when they just have an hour at a school," VanderKooy said of the simulator which takes 20 minutes per person. Teen drivers experienced changes in weather conditions, hazards such as a deer or people running in front of their cars, and what it's like to be distracted by talking on a phone or texting. One teen girl took a cell phone call while using the simulator and it caused her to crash, he said.

The event featured a Smoke House, a 30-foot travel trailer that fills with smoke that's safe to breathe. "Kids can go through there and it's just like the house starts on fire," VanderKooy said. Firefighters showed them how to drop down and find their way out. "You basically can't see anything in there," he said.

Holland City Police and Fire Departments, Ottawa County Sheriff's Department, U.S. Coast Guard and Holland Town-

ship Fire Department helped at the event, which included car seat safety checks.

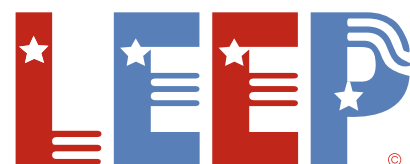
WEST MICHIGAN CAR SHOW

VanderKooy's racecar was among 140 on display at the West Michigan Car Show March 10-12, raising money for March of Dimes. VanderKooy and Jeff Steere, of the Grand Rapids Fire Department, explained the Distracted Driving Program to hundreds and handed out statistics sheets. Each year 21 percent of fatal car crashes involving teens ages 16-19 are the result of cell phone usage. A "Put It Down" Pledge Sheet and backdrop display, "Don't Be The Next Textality," encouraged drivers to put away their cell phones while driving. The program was broadcast on public television and VanderKooy and Steere won an award for Best Looking Show Display.

TEEN DEFENSIVE DRIVING

POLC local union president Joel Maat, coordinator of Teen Defensive Driving, held a defensive driving event April 23 at Johnson Controls Inc. in Holland for 12 student drivers. They went through the same course police officers use. Another course was set up by Macatawa Driving School in Zeeland with an instructor distracting the student drivers. "I also did the PowerPoint on distracted driving with the students," said VanderKooy. "The main thing still is texting and cell phones," however, VanderKooy said, it's also radios, food, MP3 players, and paying attention to other kids in the car.

VanderKooy is using this backdrop display at his presentations to discourage teens from texting and talking on their cell phones while driving.



KENT VOCATIONAL TECH CENTER

VanderKooy did a presentation on the racecar restoration project, distracted driving and teens using alcohol for over 400 students at the Kent Vocational Tech Center in Grand Rapids May 4. "That was a great response," said VanderKooy, who displayed his racecar for auto body and mechanic students.

NEWBIE NATIONALS

Drivers ages 16-24 were invited to Newbie Nationals at US 131 Motorsports Park June 4 to learn how to drag race on a straight raceway instead of city streets. "A lot of kids would love to race, but they don't have a clue what to do," VanderKooy said, adding there were people at the event that showed them.

"They get discouraged and don't come back," he said of drivers who spin out at the starting line because their street tires should not be run through the water box. Racecars have no tire tread so when they get wet, it makes the tires hot and sticky



Holland Police Officer Doug VanderKooy displayed the racecar he rebuilt for the Racing Through Education Program at Center Point Mall in Grand Rapids.

to improve takeoff.

Also in June, VanderKooy gave presentations at Holland Heights K-7 Year End Event, Holland New Tech High School and Cruise in for Kids Burn Camp, with proceeds benefiting the camp located at Camp Manitou-Lin.

FUTURE EVENTS

Fridays: Midnight Madness at Martin US 131 Dragway is on scheduled Friday nights at 8 p.m. Visit www.us131msp.com for the schedule.

Aug. 1: National Night Out in Holland.

Sept. 18: Fall Kick Off of "South Fest" at South Church in Lansing.

Oct. 1: Car show, 5K race and blood drive in Zeeland as a benefit day for the Hornick family of Hamilton, who are dealing with leukemia. ❤️

For more information on Racing Through Education, contact Doug VanderKooy at (616) 218-7678 or e-mail d.vanderkooy@cityofholland.com

EFM cancels Pontiac dispatch union contract

— Excerpted from media reports

The Emergency Financial Manager in Pontiac is the first to use the state's new law to cancel a union contract.

Eleven Pontiac Police dispatchers had their union contract protection canceled — and lost their jobs — under the new emergency financial manager (EFM) law. Pontiac EFM Michael Stampfler received approval from state Treasurer Andy Dillon to cancel their contract and transfer the dispatchers' jobs to the Oakland County Sheriff's Office, which was to takeover police protection in the city by July 1.

The dispatchers' contract prohibits the city from contracting out their jobs. Calls to the union were not returned.

Two Pontiac Police unions previously agreed to a contract to transfer services, after the new EFM law was passed, in hopes of keeping pension and retiree health coverage. The takeover effectively disbands Pontiac Police Department. Stampfler said the move would save \$2.2 million a year and increase police presence in the city from 49 city officers to 74 sheriff's deputies. He said road patrols would increase from 33 to 54.

The dispatchers will be allowed to apply for new county dis-

patcher jobs that will serve Pontiac, though with no job guarantee, Stampfler said. Stampfler said earlier the Sheriff's Office would have 10 open slots they could apply for, but he and state treasury officials could not convince the dispatchers union to accept contracting their jobs to the county.

"We reached the conclusion there really is an impasse," said Dillon, who said he met with the dispatchers union twice to work out an agreement. "We dug into it pretty deep to make sure his request was worth being approved."

Stampfler has reduced \$7.5 million from a \$10.4-million deficit through layoffs of 119 city employees; privatizing services for building and planning, tax collection and information technology, and canceling health insurance for 95 ineligible people.

However, next year, the city will lose an estimated \$7.2 million because of state revenue-sharing cutbacks, less property tax revenues and an unexpected need to pay \$2.5 million to cover the cost of bonds as a result of falling property values, Stampfler said. The bonds paid for development of the city's Phoenix Plaza. ❤️

Contract Settlements

— As reported by POLC Labor Reps.

Benton Township Police Officers

- **New four-year agreement** expires Dec. 31, 2014.
- **Wages:**
 - 1.5% increase effective Jan. 1, 2011.
 - 2% increase effective Jan. 1, 2012.
 - 2.5% increase effective Jan. 1, 2013.
 - 2.5% increase effective Jan. 1, 2014.
- **Fringe Benefits:** Ten percent increase in longevity.
- **Health Care:** Premium share 3% in 2012; 6% in 2013; 9% in 2014.
- **Retirement:** New hires go to a 2.0 pension multiplier.
- **Bargaining Team:** Steve Morrow, Wes Koza and Mike Den-Dooven, aided by POLC Labor Rep. Mike Woronko.

Gladstone Public Safety Officers

- **New three-year agreement** expires March 31, 2013.
- **Wages:**
 - 3% increase effective April 1, 2010.
 - 3% increase effective April 1, 2011.
 - 3% increase effective April 1, 2012.
- **Health Care:** Employees will pay \$12 per week for health insurance. Employer will pay for health insurance upon retirement for six years, which was reduced from 12 years.
- **Retirement:** Employees who qualify for the MERS DB plan will pay 1% of wages to the MERS obligation, effective June 2011, when the contract was ratified. The employer will pay a one-time lump sum of 1% of current wages in April 2012.
- **Bargaining Team:** Todd Crow and John Hall, aided by POLC Labor Rep. Ken Nash.

Leelanau County Sheriffs Department Correction Division

- **New two-year agreement** expires Dec. 31, 2011.
- **Wages:**
 - 2% lump sum paid 30 days after ratification of contract, which will not be added to base wage.
 - 3.5% increase effective May 8, 2011.
- **Fringe Benefits:** Employees will receive a shift differential of 3%, capped at 65 cents. Employees hired after Jan. 1, 2010 will not get longevity.
- **Bargaining Team:** Shawn Dunn, John Forton and Jeff Hemingway, aided by POLC Labor Rep. Ken Nash.

Ludington Police Officers

- **New two-year agreement** expires Dec. 31, 2012.
- **Wages:**
 - 0% increase effective Jan. 1, 2011.
 - 1% increase effective Jan. 1, 2012.
 - 1% increase effective July 1, 2012.
- **Manning & Safety:** Patrol officers remain on 12-hour shifts.
- **Health Care:** Premium share 0% in 2011; 9% in 2012.
- **Bargaining Team:** Steve Wietrzykowski, Aaron Sailor and Dean Schultz, aided by POLC Labor Rep. Mike Woronko.

Meceola Central Dispatchers

- **New three-year agreement** expires Dec. 31, 2013.
- **Wages:**
 - 0% increase effective Jan. 1, 2011.
 - 2% increase effective Jan. 1, 2012.
 - 2% increase effective Jan. 1, 2013.
- **Fringe Benefits:** New procedure for overtime equalization and use of part-time employees. Employees may bank an additional eight hours of sick time each year (from 72 to 80 hours).
- **Health Care:** Employer fully funds HSA: \$2,000 for singles and \$4,000 for family to cover plan deductible with 100% coverage after deductible. Premium share: 0% in 2011; 5% in 2012; 7% in 2013. Drug co-pays are \$20 for generic, \$60 for preferred or \$80 for non-preferred.
- **Bargaining Team:** Tracie Vanatta and Tracey Smith, aided by POLC Labor Rep. Mike Woronko. ♥

Arbitration

— As reported by POLC Attorneys

POLC wins unfair labor practice

The POLC won an unfair labor practice charge filed against Lenawee County, the County's Sheriff's Department and Emergency Telephone District Board.

The POLC filed the charge after a "reorganization" of the Sheriff's Department moved the dispatch supervisor from the Command Unit in the Lenawee County Sheriff's Department to the County's 911 Board. This resulted in the dispatch supervisor being removed from the POLC bargaining unit and becoming unrepresented.

In 2004, voters chose to change the method of funding the County's dispatch center. The County began funding the center from a surcharge on telephones, rather than through the Sheriff's Department. The County claimed it received complaints about surcharge money being used to fund the dispatch supervisor's activities in the Sheriff's Department, which would have been against the law. In response, the County underwent a "reorganization" in February of 2008.

The dispatch supervisor had been a certified officer holding the rank of lieutenant or captain for decades. When the position was moved, the supervisor's duties remained mostly the same with the exclusion of accident reconstruction duties and overseeing three races at Michigan International Speedway. He also did not wear a Sheriff's department uniform or carry a gun.

The supervisor retired after the reorganization and was rehired as a contract employee until a replacement could be found. Several months later, a new dispatch supervisor was hired; who performed the same revised duties.

The POLC alleged the County improperly removed a position from the unit. Administrative Law Judge (ALJ) David Peltz agreed, finding the County committed an unfair labor practice. He rejected the Employer's argument it engaged in a legitimate reorganization, which he said does not occur when an employer removes a position from a bargaining unit without materially changing that position's duties. The ALJ found evidence "overwhelmingly" showed both supervisors performed essentially the same job. He noted cases like this involving unit placement are the prerogative of MERC. The ALJ rejected the County's arguments that the POLC waived the right to bargain this issue and disagreed the position had to be removed from the unit to comply with surcharge funds laws. As the POLC argued in its brief, the County could have complied with both PERA and any other statute.

ALJ Peltz ordered the County post a notice of its illegal action; cease and desist from refusing to bargain in bad faith; refrain from removing positions from the POLC's bargaining unit in such a manner; restore the dispatch supervisor position to the POLC's bargaining unit; and make the POLC whole for loss of dues and fees.

The County did not file exceptions to the ALJ's Decision and Recommended Order. MERC adopted the decision May 3, 2011. ♥

Jackson Sheriff appointed corrections chief

—Excerpted from *The Detroit Free Press*

Jackson County Sheriff Daniel Heyns has a chance to change Michigan's inmate release program that has freed more prisoners who have served their minimum sentences. Heyns became director of the state Department of Corrections in June.

Gov. Rick Snyder appointed Heyns, who served as Jackson's sheriff since 2003, to the position. He oversees the \$2-billion system with 34 prisons and 44,000 inmates, plus parolees and probationers. He said the release program, which began under former Gov. Jennifer Granholm, has potentially endangered the public and, despite the closure of several prisons, has not reduced the state deficit enough.

Heyns plans to visit nearby states to

find out how they are able to spend less on their corrections systems. He said public safety and cost efficiency are priorities as well as correcting criminal behavior. While he said he wouldn't eliminate Michigan Prisoner Re-entry Initiative, Heyns suggested he would limit it to inmates who can successfully rejoin society.

"We cannot give up hope that with appropriate assistance and individual motivation, lives can be turned around and recidivism rates can be reduced," Heyns said.

He has a bachelor's degree in psychology from the University of Michigan, a master's degree in criminal justice from Michigan State University and is a graduate of the National FBI Academy. ♥



The Police Officers Labor Council welcomes the following new units

WELCOME ABOARD

Unit

Flushing Township Patrol
Lainsburg Patrol
Branch County General Employees
Detroit Public Schools Lien/
Communications
Essexville Public Safety

Former Affiliation

POAM
Independent
UAW

Teamsters
POAM



**Law Enforcement
Education Program (LEEP®)**
667 E. Big Beaver Road, Suite 205
Troy, MI 48083

PRSR STD
U.S. POSTAGE
PAID
Traverse City, MI
Permit No. 29

Address Service Requested

Officers can help get word out about drinking and driving

— By Jennifer Foley, POJ Editor



Police liaisons are a lot less common at area schools due to Michigan's poor economic climate.

"We understand there's been some downsizing or rightsizing of departments," said Tom Jenkins, Law Enforcement Education Program (LEEP) coordinator and retired Monroe Police Sergeant. "And this may have eliminated or reduced personnel that go into the schools."

But that doesn't have to stop local departments from delivering life-saving messages to area kids. One LEEP program that POLC officers can support is **Students on Sobriety (S.O.S.)**.

"I want an officer there so kids know this is associated with the local law enforcement," Jenkins said. "This is one of the few programs the schools can get for free."

And it's critical for teens to learn about the dangers of alcohol and driving — since the leading cause of death for

youths ages 15-20 is traffic crashes, according to the National Highway Traffic Safety Administration. In 2009, 24 percent of the 15- to 20-year-old drivers involved in fatal crashes were drinking.

S.O.S. brings law enforcement speakers to high schools to educate teens about the legal, financial and human costs of drinking and driving. Jenkins uses his interactive presentation to teach teens fact from fiction, making them aware of laws and understanding their choices. "I debunk a lot of the myths they've been told by their friends about alcohol," Jenkins said.

During the program, students attempt a sobriety test with vision impairing goggles to simulate what it's like to be drunk. They perform tasks sober and "drunk" to compare their abilities under the simulated influence of alcohol.

POLC police officers are encouraged to contact high schools in their area about

the S.O.S. program. "Maybe they've gone to that school, maybe they've had some problems with that school," Jenkins said, adding he wants to educate kids before a tragedy occurs. ❤️

To schedule an **S.O.S.** presentation, or for more information on other free LEEP programs such as **Kids Fingerprinting, Kids Don't Go With Strangers and 911! Your Friend!**, contact Jenkins at (734) 790-8051, by email at jenkinstd@aol.com or write to LEEP, S.O.S. Program Office, 28091 Dequindre, #303 Madison Heights, MI 48071.