

# The Police Officers Journal



VOLUME 24, NUMBER 3 • SUMMER 2014

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## Is there a fix for P.A. 54 in the mix?

— By Richard Weiler, Director



**A**s a refresher, Public Act 54 of 2011, which was sponsored by Rep. Marty Knollenberg (R-Troy), amended the Public Employment Relations Act. This act prohibited public employers from granting any wage increases beyond the expiration date of the contract, including traditional step increases. This legislation further has the employee picking up any increases in health, dental, vision, prescription, or other insurance benefits under a collective bargaining agreement once that agreement expires.

There are two legislative bills currently being reviewed by lawmakers that would, in effect, fix (exempt) those provisions for employees eligible for Compulsory Arbitration, Act 312. The two bills are HB 5097 and SB 850. The Senate bill was introduced because the House, thus far, has not taken up the measure. On June 10, 2014, the Senate passed this bill.

This now goes before the entire House, but it will have to wait. The Legislature adjourned on June 12 for their summer break and will return July 16. If the measure is passed as is, the bill would take immediate effect.

The Michigan Municipal League (MML), along with other employers' groups, are pushing hard against passing any of these measures. The MML didn't voice an opinion on the issue when the law was initially passed. Now that they are opposed to amending it, they have not explained why. One can only assume they are concerned about saving municipalities money on the backs of public safety workers.

When this Legislature took benefits away from employees, they moved before anyone could take a breath. Now that restoring some benefits are on the table, the Legislature is working — let's say — at a slow pace. While legislators are campaigning for re-election for the August primary, public employees eligible for Act 312 will have to wait a little longer, but hopefully they will see a wrong made right in the end.

### Macomb Police Academy grad - See Story on page 12



*POLC Executive Committee member Steve McInchak (left) presents Macomb Police Academy graduate Edward Thomas with a \$1,000 LEEP Award.*

## Delaying police interviews after high-intensity events can improve memory

— Excerpted from Force Science News

**W**hile many departments allow officers 48 hours recovery period before interviewing them following a shooting or other high-intensity event, some agencies still maintain that taking an officer's statement as soon after the incident as possible — even before the officer is allowed to go home — better assures an accurate and comprehensive recall of what happened because the occurrence is freshest in their mind at that point.

"It's true that during a delay, some contamination of an officer's memory can possibly occur," said Force Science Institute Executive Director Dr. Bill Lewinski. "But the overall benefit of waiting while he or she rests and emotionally decompresses far outweighs any potential loss of memory. A day or two between the event and the interview will have no significant effect on reducing recall. In fact, the opposite is true. Delay enhances an officer's ability to more accurately and completely respond to questions."

Lewinski said this position is supported by some 20 years of scientific research on sleep and memory consolidation and by the Police Psychological Services Section of the International Assn. of Chiefs of Police, comprised of psychologists and other experts on human behavior who are intimately familiar with the law enforcement experience.

### DIFFERENT MEMORY

Fully comprehending the unique dynamics of a sudden, high-stress, potentially life-threatening episode is key. "... memory of a high-impact critical incident that an officer has personally and intimately experienced is far different than the memory of a poem or facts for an exam on constitutional law," Lewinski said. "Here we're talking about memory of an event that may occur suddenly, require time-pressured decision-making, and be action-packed, visually and behaviorally complex, rapidly evolving, and perhaps life-threatening. The emotional and cognitive reactions to these factors separate that kind of circumstance dramatically from the memory experiences of most people."

Adrenaline impacts memory. "Findings from both animal and human studies suggest that when emotional arousal and adrenaline are involved, it takes some time after an incident for the experience to become settled, deeply entrenched, and consolidated in the brain," Lewinski said, adding this can take up to 12 hours or even a week. "We could say that emotion-arousing events, in a sense, delay forgetting."

### WHY 48 HOURS?

Besides adrenaline, there's the influence of sleep. "Our brains do not rest when we are asleep," Lewinski said. "They are active in processing and consolidating our day's activities and embedding

**Fully comprehending the unique dynamics of a sudden, high-stress, potentially life-threatening episode is key.**

memories. There is little doubt that incidents of an intensely personal and emotional nature can be more accurately remembered and reported on after a good sleep cycle. But, after a critical law enforcement incident, quality REM and slow wave sleep generally occurs two nights out, not the night — or the time of sleep — immediately following a gunfight or other high-stress situation.

"Just as a person who is engaged in an argument or some interpersonal conflict will leave the scene and replay or review the incident as they're driving home, including all the emotional elements that accompanied the conflict, so will officers do the same thing after a shooting. A high level of arousal will inhibit the officer's ability to emotionally disengage and fully rest during the first sleep cycle."

### EMOTIONAL DECOMPRESSION

Beyond improving memory, a delay aids an officer's emotional decompression, Lewinski said. "Stress from a shooting or other emotional event not only impairs sleep but also affects cognitive processing," he said. "Individuals who are distraught or fatigued have a diminished ability to understand the meaning and complexity of questions and to accurately and precisely express themselves."

"Generally, officers experience some basic level of distress at having taken someone's life," he said. "The powerful emotions and the flood of hormones that accompany such emotions in circumstances like this greatly influence and magnify the degree of distress experienced. Memory, attention, and critical thinking can be significantly impaired. Combine that with probable physical fatigue from an extended period of wakefulness and you have an officer who could be cognitively operating as if legally intoxicated during an interview that's conducted immediately post-incident."

### RECAPTURING LOSS

If there is any memory loss or distortion during the delay period, Lewinski said it most likely can be "tempered" by using "one of several interview techniques to facilitate recall." One example is context reinstatement, where the officer is encouraged to mentally immerse himself back into the scene, emotionally and physically, and then begin to describe what happened to the interviewer. This, combined with reviewing video of the event or walking through the location, can be very effective in retrieving "lost" memories. ♥

Visit [www.forcescience.org](http://www.forcescience.org) for more details.



# National Law Enforcement Museum construction ready to begin

— By Jennifer Foley, POJ Editor

Police Week 2014 visitors left Washington D.C. with the assurance construction of a museum to tell their story would be underway by mid-July.

Fourteen years in the making, preparations for the high-tech, interactive museum began in 2000 and with plans finalized and building permits in hand, construction of the outer shell was set to begin last September. But the municipal bond market crashed, leaving the site without financing. With an early November deadline to begin construction looming, movement stopped until alternate financing was secured and the House and Senate approved bills this spring reauthorizing construction.

On Feb. 28, 2014, Rep. Steny Hoyer introduced the bill to amend the National Law Enforcement Museum Act (H.R. 4120), which extends the period of time National Law Enforcement Officers Memorial Fund would be allowed to begin construction of the museum on federal land within the District of Columbia from 13 to 16 years. “We had to go back to Congress and get it extended again and I’m pleased to report on April 28, the House of Representatives passed a bill, which extended our authorization three more years to November 2016,” said Memorial Fund Chief of Staff Herb Giobbi.

President Barack Obama signed the bill into law. The Memorial Fund now has until Nov. 9, 2016 to begin construction, but plans to have the museum completed by that time.

“I know Congress was very supportive,” Giobbi said. “They really wanted to do this for two reasons – to create 400 jobs over a 28-month construction period, 40 to 50 permanent additional jobs when the mu-

seum opens, and educate people about law enforcement. They worked very hard to pass it in time for this year’s Police Week really as a tribute for the men and women coming here.”

The 57,000 square-foot museum will be mostly underground, located adjacent to the National Law Enforcement Officers Memorial in Washington, DC’s Judiciary Square. The museum will tell the story of American law enforcement through state-of-the-art audio and visual programs to bridge the gap between law enforcement’s past and present, along with comprehensive collections of historical and contemporary artifacts. It will also provide a public forum for discussions, lectures and conferences, extensive resources for research and diverse educational programming.

“We wish almost that there was a different word than museum. We want visitors to have a sense of what it’s really like everyday to walk in an officer’s shoes,”

Giobbi said. “To say, ‘Wow I understand what the cop on the beat, what the FBI agent does.’”

Visitors will enter through two glass pavilions, similar to the Louvre entrance in Paris. Louvre lighting consultant Claude Engel, who lives in D.C. now, is also consultant for the National Law Enforcement Museum. “It will have a similar feel and effect,” Giobbi said. When visitors descend into the museum, their first sight will be Eagle One – the helicopter used to rescue people from the 1982 Air Florida Flight 90 crash into the Potomac River – hanging from the ceiling.

## TIMELINE

On Nov. 9, 2000, President Bill Clinton signed a bill into law authorizing the planning for the museum on federal land, but the Memorial Fund would have to pay for it with private funds. “The original legislation passed had a 10-year sunset clause. It



President Barack Obama signs the law authorizing an extended construction date for the museum.



Construction of the National Law Enforcement Museum was set to begin in July.

basically indicated we had the authority to commence construction within 10 years – by November 2010,” Giobbi said.

On Oct. 14, 2010, Attorney General Eric Holder, Homeland Security Secretary Janet Napolitano and others broke ground on the museum.

In 2011, major underground infrastructure construction was completed, moving all utilities and rerouting steam lines to prepare for construction of the core and shell. The Memorial Fund then sought a three-year extension to the sunset clause which the Legislature approved. “So we had to commence construction by November 2013,” Giobbi said.

By September 2013, three federal approvals for design were awarded by the National Capital Planning Commission, Department of Interior, and Commission on Fine Arts. “We were all set by September 2013,” Giobbi said. “We had the building permit ready to go. We were about to get a “mortgage” in a sense. The District of Columbia gave us authority to issue municipal bonds. But unfortunately the municipal bond market kind of collapsed.”

## EXHIBITS

In addition to the many law enforcement artifacts available for viewing, museum exhibits will allow visitors to experience law enforcement work first-hand in areas including:

- Motorola 911 Emergency Ops, which allows visitors to become a dispatcher, taking what were real calls with the help of a 911 trainer.
- Take the Case exhibition funded by Target Corp., which allows visitors to work as detectives.
- A medical examiner’s area where visitors can see how autopsies are used to identify evidence and solve murders.
- The Firearms Training Simulator allows people to experience what it’s like for officers to make split-second life-or-death decisions.
- “Reel to Real” compares the Hollywood version of police work to reality.
- The History Beat highlights law enforcement history.
- A Corrections section will feature prison cells.
- The Hall of Remembrance highlights stories of fallen officers.

## FUNDING

Over \$54 million in cash and in-kind donations towards its original capital campaign goal of \$80 million has been raised. Major donors include:

- Motorola Solutions, Inc. and Motorola Solutions Foundation: \$15 million.
- Target: \$1.5 million
- Dupont: \$3 million
- Police Unity Tour: \$5 million
- Warner Brothers: \$1.75 million
- MagLite: \$1 million
- National Association of Police Organizations (NAPO): \$2 million

Various efforts are underway to raise funds for the museum. For more information or to make a donation, visit [www.LawEnforcementMuseum.org/support/](http://www.LawEnforcementMuseum.org/support/).

- An area to hear the oral histories of Society of Former Special Agents of the FBI.

“We have all of these things that are very hands on,” Giobbi said. “We have what appears to be a life-size building that lights up and shows how a S.W.A.T. exercise will go. It’s very high tech, very hands on.” ❤️



# 2014 Annual POLC/GELC Meeting & Labor Seminar

## Friday – Saturday, Aug. 22nd-23rd



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**Questions?**

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### Seminar sessions POLC Business Meeting

- Health Care
- Compulsory Arbitration (ACT 312)
- MERC Happenings
- Legislative Updates
- Economic News & Views
- LEEP Dream Scholarship awards
- POLC Business Agenda
- POLC Board and Officers elections



The scenic Shanty Creek Resort's Schuss Mountain course provides a scheduled diversion for attendees of the Police Officers Labor Council annual Business meetings in Bellaire, Aug. 22-23, 2014. Reserve your spot now.



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**A reserved block of prime rooms for the POLC gathering is being held on an availability-only basis. Reserve yours now by calling 800-678-4111.**

### 2014 Delegate Registration: Annual POLC/GELC Meeting & Labor Seminar

**Friday, August 22, 2014:  
7:30 a.m. – 1:00 p.m.**

**Saturday, August 23, 2014:  
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 Friday, August 1, 2014 to:**  
Police Officers Labor Council • 667 E. Big Beaver Rd, Ste. 205 • Troy, MI 48083-1413

# 17th Annual POLC Golf Outing

## Four-person Scramble (Limited to first 100 golfers)

**Schuss Mountain  
Shanty Creek Resorts course**

**Friday, August 22, 2014  
Tee-off time: 2:30 p.m. (Shotgun Start)**

#### Cost: \$50 per person

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

**Schuss Mountain** - Shanty Creek Resorts 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 Friday, August 1, 2014 to:**  
POLC Golf Outing • Police Officers Labor Council • 667 E. Big Beaver Rd., Ste. 205 • Troy, MI 48083-1413



# POLC supports use of officer body cameras after privacy issues addressed

— By Jennifer Foley, POJ Editor with excerpts from *The San Diego Union-Tribune*

**W**ayland Police are wearing body cameras to help document runs and gather evidence and Police Officers Labor Council (POLC) supports the new technology.

“We actually worked with the Chief of Police designing a policy that would safeguard their privacy, but collect all the video for evidentiary value that they need,” said POLC Labor Rep. Will Keizer. “They can shut it off when they have a conversation which is personal or sensitive in nature that is not directly related to a call or investigation.”

“It’s like having a second officer to help recall or give notes, like a backup officer,”



*Axon Flex body cameras can be mounted on sunglasses.*

Wayland Police Chief Steve Harper said of the single patrol department with two officers on duty on weekends only. “Budgets are shrinking so sometimes you can’t have that second officer to be at that stop. Now you have that second officer with this body worn camera.”

All officers are required to wear the cameras on their shift. They announce when they are shutting them off and why before doing so. It could be to discuss a case with another officer, use the restroom, take a break, have a personal conversation, work inside the police department or write a report. “We don’t want to have any issues with accusations so they state why they’re turning it off,” Harper said. “The main concern is the dissemination of personal or confidential information, such as other police reports or stopping and talking to other officers about a case.”

Officers at thousands of law enforcement agencies are wearing body cameras to record their interactions with the public, according to National Association of Police Organizations (NAPO). NAPO contacted Attorney General Eric Holder to

insist officers be involved as the Department of Justice works to develop guidelines for officer-worn cameras. “There’s a lot to it (the policy),” Keizer said, adding that officers may forget to shut off the recording. “The system that’s put in place has a failsafe in it. If something is inadvertently recorded, it can be deleted with the Chief’s password. They have the ability to mark items that have evidentiary value and those segments can be saved and the remainder of the day can be deleted.”

The digital evidence management system, Evidence.com, keeps record of who views the videos and when they’re viewed. “So when a prosecutor or defense attorney wants access to evidence, they can be given a secure link to go to. It’s a very good evidence tracking system,” Harper said. Evidence can be burned to a DVD or CD for use in court and long-standing cases, like homicides, are kept in the station’s Evidence Room on a solid-state drive. The cameras come with recharging stations that upload the day’s video to the cloud, also maintained by Taser.

Harper sets the length of the time files are stored if they remain uncategorized,

which for his department is normally 30 days with a seven-day waiting period. “We don’t have an infinite amount of storage space,” he said. “We can always pull it before it gets deleted. It’s kind of nice the way Evidence.com works – or I would have to sit down half a day and review video.”

## WEARING CAMERAS

Taser International spokesman Steve Tuttle said officers can stream their video onto smartphones. They can hold the camera to see around corners or in dark attics. They can insert dates and labels on the video later for archive retrieval.

Wayland is using the Axon Flex, which can be fastened by magnets to sunglasses, a shirt collar, epaulet, or a baseball cap. “I like the glasses because we have a couple of guys on bike patrol,” Harper said. “The cameras won’t be pointed to ground while they’re riding patrol.”

Officers keep the cameras on during suspect and witness interviews and while on the streets. “You don’t ever know when a situation is going to change. If you’re on the case and scribbling notes and you have to chase a suspect, it helps make everything accurate and truthful,” Harper said. “In-car cameras only capture the time the officer is in the patrol car. You can only hear the audio when you step away from the car camera.”

Harper gave the example of a man running from police, jumping a fence, hurting his knee and yelling out in pain. The suspect could claim the officer injured him without video available.

And with interviews, Keizer said, “They can go back and transcribe that to get an accurate statement.”



*Wayland Police Officer Obadiah Riojas, a POLC member, wears a Taser Axon Flex body camera on his epaulet. Wayland Police use the cameras while on duty interacting with the public.*

*Photo courtesy of Wayland Police Department*

## USE OF FORCE COMPLAINTS DECLINE

The Rialto Police Department in San Bernardino County, California was one of the first in the nation to adopt the technology, and Chief William Farrar ran a yearlong study in 2012 on its effects. Rialto Capt. Randy De Anda said complaints about officer behavior dropped 88 percent from the prior year, and the use of force by officers also declined, by 60 percent. “We believe it was hugely

*Continued on page 13*

# Clear Channel Outdoor honors peace officers with national digital tribute

—Excerpted from *National Law Enforcement Officers Memorial Fund*

**F**or the first time in the history of Police Week, a national public service campaign broadcasted highlights of National Law Enforcement Officers Memorial Fund (NLEOMF) Annual Candlelight Vigil so people across the nation could pause and pay tribute to those who made the ultimate sacrifice.

Clear Channel Outdoor (NYSE:CCO) marquee locations in New York City were among the sites to raise awareness of Police Week events. Clear Channel Media and Entertainment also provided a week-long public service campaign and special news coverage.

During the Candlelight Vigil on May 13, all of CCO’s more than 1,100 large format digital billboards across the U.S. paused for 24 seconds on a single iconic National Police Week image in remem-

brance of the 286 U.S. law enforcement officers whose names were being formally dedicated on the Memorial. Clear Channel’s full-motion digital billboards in Times Square, Penn Plaza and the Port Authority simultaneously displayed a two-minute video from last year’s Candlelight Vigil while inviting passersby to pause, honor and remember.

Leading up to the Candlelight Vigil and throughout National Police Week, May 11-17, CCO displayed tributes to honor fallen officers who served in communities where the company operates. Additionally, CCO encouraged the public to donate to the Memorial Fund’s United by Light program and to dedicate a virtual candle with a personalized message in honor of a special officer. The outdoor campaign was expected to reach 37 million people.

“We are honored to stand with the Memorial Fund in remembering these officers and saying thank you to those who continue serving, said Suzanne Grimes, Clear Channel Outdoor President and Chief Operating Officer. “We all owe a debt of gratitude to these heroes and their families who have paid the ultimate sacrifice for our safety.”

The public service campaign was broadcast across CCO’s 840 radio stations encouraging listeners to support the NLEOMF by lighting a virtual candle, donating, or learning about the brave men and women who lost their lives in the line of duty. CCO’s news team also conducted a series of interviews with key members of the NLEOMF to raise awareness of the heroic acts and ultimate sacrifices of law enforcement officers.

National Police Week was established by a joint resolution of Congress in 1962 and pays special recognition to those law enforcement officers who have lost their lives in the line of duty for the safety and protection of others. With the dedication of the 286 names being added this year, the Memorial now bears the names of 20,267 fallen U.S. law enforcement officers.

“It is our hope that by viewing Candlelight Vigil footage and the individual officer tributes displayed across the nation, many new people will experience the emotions and splendor of this event,” said Craig W. Floyd, Chairman & CEO of the Memorial Fund. “We hope people feel a greater appreciation for the service and sacrifices these individuals make.” ❤️

# Retired Detroit police, firefighters benefit if grand bargain is approved

— Excerpted from media reports

**W**hile Detroit pensioners are gearing up for the July 11 deadline to cast their ballots in favor or against the “grand bargain,” which would cut their monthly pension checks, retired Detroit Police and Firefighters will receive no base cut if the plan is approved.

The Retired Detroit Police and Fire Fighters Association (RDPFFA) agreed to support a deal that would not cut monthly pension checks and keeps almost half

of annual cost-of-living increases. The current cost-of-living adjustment is 2.25 percent. It would be reduced to 1 percent through the grand bargain. A separate voluntary employee beneficiary association (VEBA) for retiree healthcare will be established.

The City of Detroit had been proposing a 6 percent pension cut and no cost-of-living payments so holding the line on pension cuts for the uniformed retirees “is a favorable result, to put it mildly,” said

Ryan Plecha, a lawyer for the city’s retiree associations. “If you had told me six months ago that we would get this deal, I would have said you were crazy.”

The 78-year-old retiree association represents about 6,500 police and fire pensioners, accounting for 80 percent of the city’s uniformed retirees. The mediated agreement was approved with an 11-0 unanimous vote from the RDPFFA board.

Detroit’s general retirees face a much graver picture. The city proposes a base

4.5 percent cut for general retirees and the elimination of cost-of-living increases. Some members of the General Retirement System could see an additional cut of up to 15.5 percent if they received interest earnings on annuity savings accounts between 2003 and 2013 that exceeded actual investment returns.

If the plan is rejected, base pension cuts for general retirees could swell to 27 percent or higher.

The Michigan Legislature authorized the state’s participation in Detroit’s bankruptcy grand bargain, approving \$195 million in aid for Detroit pensioners and long-term oversight of city finances. Gov. Rick Snyder urged retirees to approve the plan of adjustment. “The retirees do much bet-

ter going along with the settlement than by not,” Snyder said. “There’s no real value for some to vote no. They’re putting themselves at more financial risk.”

If the city’s debt-cutting plan is approved by a majority of city pensioners, the DIA art would be shielded from a fire sale in exchange for limiting reductions in monthly checks. “It makes pensioners as whole as possible and protects the Detroit Institute of Arts from having its artwork seized and sold off,” said State Sen. Tupac Hunter, D-Detroit.

Lawmakers fear taxpayers could be left on the hook for a \$3.5 billion pension liability if a court found Michigan’s constitutional protection of pensions leaves the state liable to pay the promised benefits.

## WHAT’S NEXT

- Gov. Rick Snyder is expected to sign a nine-bill package that adds state tax dollars to a pool of \$466 million in private funds to limit cuts to city pensions.
- July 11: Deadline for an estimated 67,000 creditors to vote on city’s debt-cutting plan.
- July 24: Start of trial to determine whether U.S. Bankruptcy Judge Steven Rhodes will confirm the city’s plan to restructure \$18 billion in debt.

A federal bankruptcy judge has already ruled pensions can be cut.



## legislative victories

**N**ational Association of Police Officers (NAPO) is working diligently to encourage the Legislature to pass bills beneficial to law enforcement. Here are some recent NAPO-supported victories:

### NAPO VICTORIES:

**Justice for Victims of Trafficking Act:** On May 20, 2014, the House of Representatives passed the Justice for Victims of Trafficking Act (H.R. 3530), as amended, by a vote of 409-0. NAPO has worked closely with the bill’s sponsor, Congressman Ted Poe (R-TX), to ensure this important piece of legislation passed the House. This bill accomplishes the following:

- Reauthorizes a victim-centered grant program to train law enforcement officers to rescue victims, prosecute human traffickers and restore the lives of victims.
- Allows state and local human trafficking task forces to obtain wiretap warrants without federal approval to investigate child sexual exploitation and pornography and human trafficking.
- Requires law enforcement to upload photos of missing children into the National Criminal Information Center database and notify the National Center for Missing and Exploited Children of any child missing from foster care or childcare.
- Reduces demand for human trafficking by encouraging police and courts to punish persons who purchase illicit sexual activities from trafficking victims as human traffickers rather than petty criminals.
- Requires traffickers to show by clear and convincing evidence, rather than a preponderance of the evidence, that they believed the child to be an adult.
- Reauthorizes the Victims of Child Abuse Act to provide funding

to support regional and local Child Advocacy Centers, which provide multi-disciplinary response to child abuse.

- Increases the obligation cap for the Justice Department’s Crime Victims Fund, which provides services and support for crime victims financed through criminal fines.

**Excellence in Mental Health Act:** On April 1, 2014, President Barack Obama signed into law a demonstration project of U.S. Senator Debbie Stabenow’s (D-MI) Excellence in Mental Health Act. Introduced with Senator Roy Blunt (R-MO), the law expands access to community mental health services and strengthens the quality of care provided for those living with mental illness.

“Today is the last step in enacting this landmark advance in community mental health funding, but it’s just the first step on the road to making this program a reality in communities across the country,” said Stabenow. “I look forward to working closely with the administration as they select and implement the demonstration projects funded by this legislation.”

This legislation is part of NAPO’s commitment to improve access to mental health treatment in the U.S. It will improve officer safety and provide more options for officers to use when dealing with mentally ill citizens. Law enforcement resources have increasingly been diverted from public safety to address unmet mental health needs. The essential public safety net for mental health services has been decimated by years of funding cuts. This version of the legislation, included in the Protecting Access to Medicare Act, establishes pilot programs in eight states to increase access to community mental health centers and improve the quality of care at those centers. Those programs could then be extended to other states.

## Officer wins reverse discrimination lawsuit

— Excerpted from Labor Relations Information System (LRIS)

**A** Long Island cop was awarded \$1.35 million in a reverse discrimination lawsuit, which claimed he was denied a promotion to police chief because he is white.

A federal jury sided with Lt. Christopher Barrella’s claim that ex-Freeport Mayor Andrew Hardwick’s decision to appoint a less-qualified Hispanic lieutenant as the town’s top cop was racially motivated. “I am very gratified that the jury ruled that I deserved to be chief of police,” Barrella said in a statement released by his legal team. “It has been a long and trying process, but I always had faith that if we could present our case to a jury of my peers they would see that I was discriminated against.”

Barrella’s attorneys had argued that Hardwick, who is African American, deliberately demoted several white officers in the department and forced others into retirement after being elected mayor, replacing them with less-qualified African American and Hispanic candidates.

### Hardwick appointed Bermudez, the lawsuit alleged, without reviewing Barrella’s resume...

Barrella, who has a master’s degree in public administration and a law degree from St. John’s University, claimed the mayor snubbed him for the top job in favor of then Lt. Miguel Bermudez, who only has a high-school diploma and who was one of the most junior lieutenants on the job.

The 23-year veteran finished with the highest score on the police chief’s exam, while Bermudez came in third. Hardwick appointed Bermudez, the lawsuit alleged, without reviewing Barrella’s resume — which included special training at the FBI academy — or interviewing him for the job.

“He was really bent on putting in a minority in the position of chief of police and he pushed Lt. Bermudez up the ranks and into the chief of police spot,” said Barrella’s lawyer, Amanda Fugazy. “The mayor had

made numerous racial-based statements about (Bermudez) being the first Hispanic chief of police. He said many times that he wanted a government that looked more like the village.”

When Barrella filed the suit in January 2012, the defendants tried arguing that Bermudez is a “white Hispanic” and therefore no discrimination occurred because Bermudez is of the same race as Barrella, according to his attorneys.

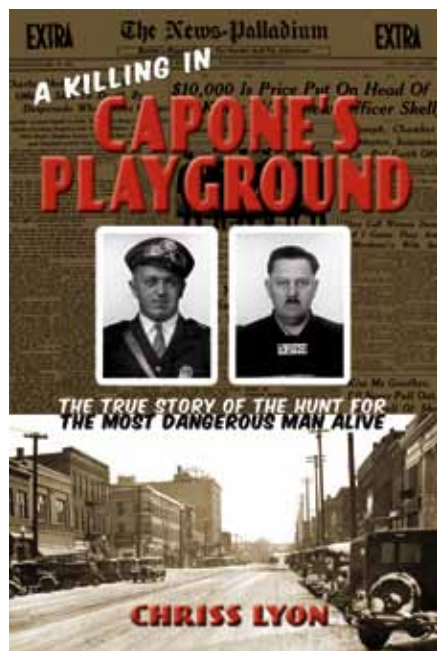
Neither Hardwick nor his attorney could be reached about the verdict.

Prosecutors also discussed the personal relationship between Hardwick and Bermudez, who worked for many years together as Freeport firefighters.

“The court finds that a jury could reasonably conclude that Hardwick’s decision to promote Bermudez, and his concomitant failure to consider the Plaintiff for any command staff position, resulted from discrimination on the basis of race,” U.S. District Judge Arthur Spatt wrote during the trial. ❤️



## Dispatch Supervisor shares Berrien County history in gangster book



**B**errien County 911 Dispatch Supervisor Chriss Lyon has spent years sharing the gangster history in Berrien County through blogs, articles, even television appearances. Now she is sharing the complete story in her recently published book, *A Killing in Capone's Playground: The True Story of the Hunt for the Most Dangerous Man Alive*.

Lyon's forensic genealogy and investigative research allowed her to uncover little known details about the St. Valentine's Day Massacre, the grotesque murders that left seven people embedded into masonry walls and oil-slickened concrete

in Chicago in 1929. Some of the masterminds behind the massacre later became residents of Berrien County.

Lyon uses never before published police reports, interviews with family members of key witnesses, and leading experts to establish the foundation for what would become a haven for gangsters from the Prohibition era through the mid-twentieth century.

Ten months after the St. Valentine's Day Massacre on Dec. 14, 1929, St. Joseph, Michigan Police Officer Charles Skelly came face to face with one of the murderers during a routine traffic stop. Skelly

was shot, but was able to identify his killer before taking his last breath. The trail led to Fred Burke's Stevensville, Michigan hideout where authorities found an arsenal of weaponry, including the two Thompson machine guns used in the massacre and over \$300,000 in stolen bonds.

"Citizens who turned a blind eye to crime helped create 'Capone's Playground,' an environment abundant in all that is illegal and immoral," Lyon said. ♥

To order the book signed by Lyon, which costs \$19.95, visit [www.in-deptheditions.com/KillingInCapone'sPlayground.html](http://www.in-deptheditions.com/KillingInCapone'sPlayground.html)



Chriss Lyon

Berrien County 911 Dispatch Supervisor Chriss Lyon wrote a book about the county's gangster history.

## Macomb Police Academy grad follows in footsteps of previous LEEP Award winners

— By Jennifer Foley, POJ Editor

**M**acomb Police Academy graduate Edward Thomas is following in the footsteps of other Law Enforcement Education Program (LEEP) Award winners. Thomas, who graduated May 19 with a \$1,000 LEEP Award for outstanding overall achievement, has already been offered a job as a police officer.

Thomas accepted a police officer position with Bloomfield Township Police Department, where he will begin working in late June.

"This has really been consistent with all of the cadets that have been selected for the LEEP scholarship," said Charles Craft, Director of Macomb Police Academy. "All have been hired shortly after the academy. (The agencies) recognize the same thing we do that these are just all around outstanding candidates."

POLC Executive Committee member Steve McInchak presented Thomas with the LEEP Award, which is given twice yearly to graduates with the highest overall achievement who have not been sponsored by a law enforcement agency. To qualify, Thomas had to pass the Michigan Commission on Law Enforcement Standards (MCOLES) certification test and meet MCOLES employment standards to become certifiable as a law enforcement officer in Michigan.

"This scholarship means a lot to them — not only the recognition, but all these pre-service cadets pay a tremendous amount

of money and they really go out on a limb to get themselves trained as cadets," Craft said. "It's about a \$6,000 investment. They pay their own way and they don't have any promise of employment. When you get a LEEP scholarship to offset this, it's a big deal for these folks."

Thomas, 25, had the second highest academy average in his class, at over 94 percent. "He was a high achiever in the skills assessment, firearms, subject control, first aid, and emergency vehicle operation," Craft said. "In addition to that, he displayed outstanding interpersonal skills in terms of his relationships with trainees and staff."

Thomas, a lifelong resident of Macomb County hailing from St. Clair Shores, never let any setbacks during his training slow him down. "It became very apparent to all the staff that he had a very tremendous work ethic," Craft said.

With a bachelor's degree in health sciences from Oakland University, Thomas was very deliberate in his plan to become a police officer. "A lot of mistakes that people make when they're relatively young and in college come back to haunt them when they go to become police officers," Craft said. "He didn't get himself involved in anything that could cause him problems. He was thinking of the future. I can't imagine that he isn't going to be very successful as a police officer." ♥

## Body Cameras Continued from page 9

successful," De Anda said.

"Some of that attributed to people understanding they're on video and they don't want to be on the news," Harper said, adding body cameras reduce violent reactions from citizens. "Officers sometimes have their careers ended by an injury and if this can help keep them on the road longer this would be great. When you look at officer safety, reduced reports of complaints against officers, accuracy on police reports . . . for our guys I thought it would be a benefit."

When people call to complain about a ticket, Harper simply asks, "Would you like to come in a review the video of your traffic stop?" "I haven't had any citizens say 'I still don't think you're right,'" after viewing their video.

As body cameras become more prevalent, Harper said, the video may be the only thing a judge needs to substantiate a traffic ticket, reducing officers and witnesses being called into court. "They're going to totally change the interactions between officers and the public in a very positive way," said Scott Greenwald, who serves as ALCU general counsel. He cautioned that police agencies should require officers to record every contact with the public until the contact is completed.

"It was not like we bought them because we're having problems with our officers," Harper said. "This is not a disciplinary tool. I'm not going to watch 12 hours of video — but if there's a complaint from a citizen, I will check it out and in the course of me viewing the video I'll address it if I see another problem."

### GRANT & TESTING CAMERAS

The City of Wayland applied for a private grant through their liability insurance company and received full funding for six body cameras. "We did a demo in April of last year and saw what we could," Harper said. "When I looked at what the cost is and what it saves me in time and what it does for chain of evidence . . . it really was very affordable." Harper said it costs about \$1700 a year for digital cloud storage for the six cameras. ♥



### Hough Counseling and Assessments, PLLC

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### Hough provides in-network law enforcement counseling

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with medical insurance through C.O.P.S. Health Trust. Hough is owned and operated by Tami Hough, the wife of retired Detroit Police Officer Tom Schneider, who helped

develop and run C.O.P.S. Health Trust. Our licensed counselors are familiar with the traumatic events law enforcement officers must endure on the job. We provide a full range of behavioral health services to clients of all ages and assessments in many areas including: academic achievement, ADHD, career exploration, cognitive and intellectual ability, substance abuse and psychopathology. Our Certified Rehabilitation Counselors specialize in all types of disabilities and our Consulting Psychiatrist assists patients who may need medication and/or hospitalization. The office is located in Troy, in the same building as POLC corporate offices.



## Contract Settlements

— As reported by the POLC Legal Staff

### Boyne City Police Department

- **New one-year agreement** expires April 30, 2015.
- **Wages:**  
3% effective May 1, 2014.
- **Health Care:** No changes.
- **Bargaining Team:** Kevin Spate and Dan Mercer aided by POLC Labor Rep. Ken Nash.

### City of Charlevoix Police & Fire Departments

- **New three-year agreement** expires March 31, 2017.
- **Wages:**  
1% consolidation of service one-time bonus upon ratification.  
2% effective June 1, 2014.  
1% effective April 1, 2015.  
1% effective April 1, 2016.  
\*The bonus package increases the first year wage increase to 3 percent the first year of the contract without making the additional 1% a cumulative amount.
- **Fringe Benefits:** Special license pay to be paid on anniversary date in lump sum, rather than added to the hourly rate of pay. Employees on short-term disability only need to use seven sick days for payment before disability payments begin. The previous contract required Employees to use their entire sick bank before disability payments were made.
- **Health Care:** Premium share to be 90% Employer paid and 10% Employee paid. Opt out of coverage payments are reduced from \$3,500 to \$3,000 per year.
- **Bargaining Team:** Jim Schlappi and Bob Roloff aided by POLC Labor Rep. Ken Nash.

### Elk Rapids Police Officers

- **New two-year agreement** expires Feb. 29, 2016.
- **Wages:**  
2.5% effective March 1, 2014.  
1.5% effective March 1, 2015.
- **Manning & Safety:** Agreed to a new drug testing policy.
- **Fringe Benefits:** Holiday pay reduced from 3-1/2 times regular pay to 2-1/2 times regular pay. Holidays increased from nine to 10 days by adding Christmas Eve Day. Personal days increased from 48 hours to 60 hours.
- **Health Care:** No changes.
- **Bargaining Team:** Jamie Peterson aided by POLC Labor Rep. Ken Nash.

### Flushing Township Police Officers & Sergeants

- **New four-year, nine-month agreement** expires March 31, 2017.
- **Manning & Safety:** Added new rank of sergeant to contract.
- **Health Care:** No change.
- **Bargaining Team:** Patrolmen Lou Cool and Mark Bolin aided by POLC Labor Rep. Lloyd Whetstone.



### Grand Blanc City Command

- **New two-year agreement** expires May 31, 2015.
- **Wages:**  
2% increase effective June 1, 2013.  
2% increase effective June 1, 2014.
- **Retirement:** Employee contributions change from capping the Employer contributions to the Employees shall pay 3% over the percentage Patrol Officers pay. In the previous agreement, Command was paying 13% and will now be paying 8%.
- **Health Care:** No change.
- **Bargaining Team:** Lt. Chris Rhind and Bryan Byarski aided by POLC Labor Rep. Lloyd Whetstone.

### Hampton Township Lieutenants

- **Existing four-year agreement** expires June 30, 2015.
- **Wage re-opener:**  
2% effective July 1, 2014.
- **Bargaining Team:** Lt. Mike Wedding aided by POLC Labor Rep. John Stidham.

### Hampton Township Police Patrol

- **Existing four-year agreement** expires June 30, 2015.
- **Wage re-opener:**  
2% effective July 1, 2014.
- **Bargaining Team:** Patrolman Brian Dansereau aided by POLC Labor Rep. John Stidham.

### Kentwood Supervisory Unit

- **New three-year agreement** expires June 30, 2017.
- **Wages:**  
2% effective July 1, 2014.  
1.5% effective July 1, 2015.  
2% effective July 1, 2016.
- **Fringe Benefits:** New Vacation Accrual Process changes from being earned by anniversary date to accruing by paycheck. Employees may carry 348 hours of vacation. Increase Comp Time accumulation from 250 hours to 480 hours with payout request two times per year instead of three. Funeral/Bereavement Leave increases from three to four days for immediate family of spouse, parents and children. Added names of step-mother and step-father, sister-in-law and brother-in-law for two days leave. Added one paid day for aunt, uncle, niece, nephew, and spouse's grandparents. Employees receive 5% pay increase for working in an appointed higher classification. Removed letters of understanding (LOU's) and inserted that wording into contract. Removed outdated LOU's.
- **Health Care:** Added optional HMO/HSA \$1,250/\$2,500 medical insurance plan with Employer contributing 50% of deductible into HSA the first year and 35% the second and third years. Employees pay 2% of premium cost. The other health care option is HMO Priority Health Standard Plan with a \$0 deductible and \$500 out-of-pocket maximum for singles and \$1,000 for two persons or family.
- **Retirement:** Employer's contribution to DC increases from 8.5% to 9% and Employees contribution increases from 5% to 6%. DC vesting changes from two years of service at 50% to four years of service at 25%. The cap out remains at 100 percent vested at 7 years. Sick time payout at retirement increases from \$1.50 to \$2 per day (up to 150 days) times years of service (maximum 30 years).
- **Bargaining Team:** Jeff Leonard, James Connell and Ryan Vanderveen aided by POLC Labor Rep. Edward Hillyer.

### Montague Police Unit

- **New three-year agreement** expires June 30, 2017.
- **Wages:**  
1.9% effective July 1, 2014.  
1.9% effective July 1, 2015.  
1.9% effective July 1, 2016.  
If during any of the contracted fiscal years the Employer gives higher general wage increases to non-union Employees' pay scale, this bargaining unit shall also receive that higher wage increase.
- **Health Care:** Change the duration clause to re-open the Agreement to discuss health care prior to the Employer's health care renewal date. The purpose of this discussion is to investigate options to achieve a reasonable and cost effective plan for both the Employer and Employees. Changed health care plan from BCBSM BCN5 to choice of BCN HMO Focus Platinum \$500 or BCN HMO Focus Gold \$1,500. BCN HMO Focus Platinum \$1,500 has no premium cost to Employees under Hard Cap provision.
- **Bargaining Team:** James Fessler aided by POLC Labor Rep. Edward Hillyer.

### Mt. Morris Township Command

- **New three-year agreement** expires March 31, 2017.
- **Retirement:** Employees will increase their contribution for retirees from 6.34% to 7%.
- **Health Care:** No change.
- **Bargaining Team:** Sgt. Jim Gagliardi and Jay Newcomer aided by POLC Labor Rep. Lloyd Whetstone.

### Ostego City Police Officers

- **New one-year agreement** expires June 30, 2015.
- **Wages:**  
2% effective July 1, 2014.
- **Health Care:** No changes.
- **Bargaining Team:** Det. Bruce Beckman aided by POLC Labor Rep. John Stidham.

### Richfield Township Police Officers

- **New three-year agreement** expires March 31, 2017.
- **Retirement:** Gradually increase Employer caps for retirement contributions from 11% to 19.5% beginning April 1, 2016 until end of contract. Employees are currently paying 20.4% and that amount will drop by the end of the contract to 11%.
- **Fringe Benefits:** Change shift picks by seniority as follows: Employees can only hold a shift for two six-month periods. After that, a different shift must be selected.
- **Health Care:** Premium share to be 90% Employer paid and 10% Employee paid. Opt out of coverage payments are reduced from \$3,500 to \$3,000 per year.
- **Bargaining Team:** Mike Bernard and Adam Vasicek aided by POLC Labor Rep. Lloyd Whetstone. ♥

## Arbitration

— As reported by the POLC/GELC Legal Staff

### FLINT ORDERED TO PAY PART OF HEALTH CARE INCREASES

The City of Flint was ordered to pay the difference between the health care costs imposed on Flint Police Captains and Lieutenants and the costs for the increases "they would have been responsible under the new law had they been allowed to change to the least expensive health insurance plan," according to an Administrative Law Judge (ALJ).

The ALJ found in the POLC's favor in an Unfair Labor Practice charge against the City. The ULP was filed after the City notified the Employees they would be required to pay any increases in health insurance costs following the June 30, 2011 expiration of their collective bargaining agreements. The City argued the cost increases imposed were pursuant to Public Act 54.

POLC legal staff submitted a demand to bargain the impact and effect of the Employer's actions, effectively seeking to bargain a new, lower cost health care plan for Employees. When the Employer refused to bargain, the POLC filed a ULP charge on behalf of both bargaining units.

The ALJ rejected the Employer's argument that PA 54 relieved public employers from bargaining the impact and effect of passing on the increases in health care costs. He said the Legislature intended impact and effect bargaining to remain in tact for PA 54.

The Employer also argued it could not offer a new health care open enrollment period per IRS regulations. The ALJ rejected their claim, stating there are qualifying events that trigger an open enrollment period, including significant cost change. The ALJ added the City failed to provide an expert opinion to support its assertion; it failed to rely on this argument at the time it refused to bargain; and the City could have bargained other issues.

The City may appeal the ruling to MERC. ♥

**The ALJ rejected the Employer's argument that PA 54 relieved public employers from bargaining the impact and effect of passing on the increases in health care costs.**

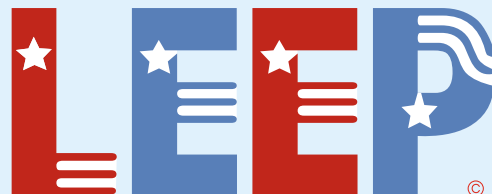




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### **KIDS FINGERPRINTING AT MASON ELEMENTARY**

*LEEP Kids Fingerprinting assistant Sylvia Jenkins prepares a CD Rom for a Mason Elementary student complete with the girl's digital picture, digital fingerprints and a physical description. The CD Rom can be used with the Amber Alert system to help locate missing children.*