

The Police Officers Journal



VOLUME 23, NUMBER 2 - SPRING 2013



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PUBLICATIONS

Fred LaMaire

Right-to-work legal challenges are many

— By Richard Weiler, Director



Now that right to work has passed, it really should be called “right to work for less,” which is the case in other states enacting such a law. Here is a brief summary of litigation filed since the Governor signed this piece of legislation.

In all cases discussed in this column, the courts have not made any decisions as of this writing. The Michigan Education Association (MEA) filed the first piece of litigation in December, shortly after enactment of the legislation. The MEA's claim is the Legislature violated the Open Meetings Act when unions and the general public were locked out of the hearing process.

In January, the Governor — knowing challenges were going to be filed — asked the Michigan Supreme Court to weigh-in on the constitutionality of right to work. Specifically, he asked the court to determine whether the law interferes with the Michigan Civil Commission's ability to negotiate contracts on behalf of state workers and whether it violates the Equal Protection Clause in the U.S. Constitution because it applies to all public employees, except police and fire. Gov. Rick Snyder requested the court review this quickly — by the time current state contracts expire. However, the court is not compelled to adhere to his timeline.

Also in late January, the American Civil Liberties Union (ACLU), along with several other unions, filed suit in Ingham County alleging violation of the Open Meetings Act. Additionally, allegations were made that Michigan's Constitution guarantees the right to assemble and petition the government, which parallels the U.S. Constitution First Amendment of free speech and assembly.

Two more cases were filed in February, one by the American Federation of Labor and Congress of Industrial Organizations (AFL-CIO) in Federal District Court. This case focuses on Act 348, which covers private employment. Plaintiffs contend right to work is unlawful in its entirety because some provisions are contrary to federal law and these unconstitutional provisions cannot be separated from other provisions. Another contention is the National Labor Relations Act (NLRA) was violated since it limits state action regarding matters otherwise regulated by the NLRA. United Auto Workers (UAW), American Federation of State, County and Municipal Employees (AFSCME) and Michigan Corrections Organization filed the second case. This case, before the Michigan Court of Appeals, seeks a formal declaration that the law infringes upon the Michigan Civil Service Commission's ability to regulate conditions of employment for state employees, as granted by the state constitution. There is a long history of Michigan courts upholding the Civil Service Commission's right to oversee collective bargaining rights for state employees.

Although those whom have Act 312 are not directly impacted by right-to-work, depending on how the courts rule, there may be some rub-off effects on police and fire.

One more case of interest involves the Taylor Federation of Teachers and the School Board. The parties negotiated a new ten-year deal before the new law takes effect March 27, 2013. It seems the Mackinac Center, which is anti-union, found three teachers to sue the parties over the “union security agreement” clause, claiming it violates the Public Employment Relations Act.

My crystal ball is kind of cloudy these days, so predictions about what will happen are uncertain. My hope is the courts strike down the so-called right-to-work law, so employees won't be working for less. ♥

National Police Week 2013

May 6 – Michigan

Monday, May 6: 20th Annual Michigan Peace Officers' Candlelight Memorial Service — 7 p.m. east steps of Lansing State Capitol, intersection of Michigan Avenue and Capitol Avenue.

May 7-17 — Washington, D.C.

Tuesday, May 7: 19th Annual Blue Mass — 12:10 p.m. St. Patrick Catholic Church, 619 Tenth Street, NW (10th & G Streets). (202) 347-2713.

Saturday, May 11: Annual National Police Week 5k — 9 a.m. assembly at FBI Washington Field Office, 601 4th Street, NW. www.nationalpoliceweek5k.com

Sunday, May 12: Police Unity Tour Arrival Ceremony — 2 p.m. National Law Enforcement Officers Memorial. Email Jimmy Waldron at info@policeunitytour.com

- 18th Annual Law Ride & Wreath Laying Ceremony — Line up begins at 6:30 a.m. with procession at 10:30 a.m. from RFK Stadium, 19th and East Capitol St. National Law Enforcement Officers Memorial. Email JD Perkins at jdpbk@yahoo.com

- 20th Annual NAPO TOP COPS Awards Ceremony — 7 p.m. Omni Shoreham Hotel, 2500 Calvert St. NW. (advanced registration required — \$100 for adults). Email Elizabeth Loranger at Eloranger@napo.org

Monday, May 13: 25th Annual Candlelight Vigil — 8 p.m. National Law Enforcement Officers Memorial. Take Metro Red Line to Judiciary Square. (202) 737-3400.

- National Association of Police Organizations (NAPO) Legal Rights & Legislative Seminar, 9 a.m. - 4:30 p.m., at Omni Shoreham Hotel, 2500 Calvert St. NW. Registration \$299 for NAPO members; \$400 for non-members. Contact Elizabeth Loranger at cloranger@napo.org or (703) 549-0775.

- TREXPO Law Enforcement Expo is free to NAPO members, conference is \$89 at Walter E. Washington Convention Center. Register at www.TREXPO.com

Tuesday, May 14: National Police Survivors' Conference — 9 a.m. - 4:30 p.m. Hilton Alexandria Mark Center in Alexandria, VA. Advanced registration required. Contact Concerns of Police Survivors at cops@nationalcops.org or (573) 346-4911.

- 11th Annual Honor Guard Competition — 8 a.m. Grant Statue — west side of U.S. Capitol. Email Ken Roske at policeweekhg@aol.com

- 3rd Annual Pipe Band Demonstration — 10 a.m. Grant Statue — west side of U.S. Capitol. Email Ken Roske at policeweekhg@aol.com

- Officer World Expo — NLEOMF Building. Free officer safety, survival and technology training. www.officerworldexpo.com

- Philly to D.C. Memorial Run — Noon at National Law Enforcement Officers Memorial. Contact Jim Harity at (610) 633-2685.

- 19th Annual Emerald Society & Pipeband March and Service — 4:30 p.m. assembly at New Jersey Avenue and F Street, NW. Begin March to National Law Enforcement Officers Memorial at 6 p.m. Contact Dennis Long at (732) 754-7051.

- TREXPO Law Enforcement Expo is free to NAPO members, conference is \$89 at Walter E. Washington Convention Center. Register at www.TREXPO.com

Wednesday, May 15: 32nd Annual National Peace Officers' Memorial Day Services — 11 a.m. West Front, U.S. Capitol. www.policeweek.org

- LAPD Memorial Roll Call — 7:30 a.m. National Law Enforcement Officers Memorial.

- NCIS/USMC Wreathlaying Ceremony — 8 a.m. National Law Enforcement Officers Memorial. Email Cheryl Seesman at Cheryl.I.seesman@navy.mil

- Shomrim Society Wreathlaying — 9:30 a.m. National Law Enforcement Officers Memorial. Contact Micheal Weinhaus at Michstkid@comcast.net or (301) 455-7991.

- FOP/FOPA Wreathlaying Ceremony — Immediately following ceremony at U.S. Capitol.

- TREXPO Law Enforcement Expo is free to NAPO members, conference is \$89 at Walter E. Washington Convention Center. Register at www.TREXPO.com

Thursday, May 16: National Police Survivors' Conference — 9:00 a.m. - 4:30 p.m. Hilton Alexandria Mark Center. Advanced registration required. Contact Concerns of Police Survivors at cops@nationalcops.org or (573) 346-4911.

Friday, May 17: 13th Annual National Police Challenge 50K Relay — 8:30 a.m. U.S. Secret Service Training Center, Laurel, MD. www.secretservice.gov/npc50/race.html. ♥



Berrien County Sheriff's Deputies (from left) Perry Godush, David Lee, Otis Clark and John McCoy stand at attention during a Police Week ceremony at Berrien County Law Enforcement Memorial. Nationally, 119 officers died in the line of duty in 2012, a 30 percent decline from 2011. Executive Committee members Shane LaPorte and Rick Bleich will represent the POLC at National Police Week events in Washington, D.C.

Berrien remembers officers with monument, annual ceremony

— By Jennifer Foley, POJ Editor



Top, Berrien County Judge Charles LaSata speaks during the 2012 Police Week service at the Berrien County Law Enforcement Memorial. Middle, Berrien County Undersheriff Chuck Heit escorts a family member of a fallen officer. Bottom, a Michigan State Police Trooper escorts a family member to place a flower on the memorial.

Take Bluff Park in St. Joseph, Michigan is home to several beautiful memorial monuments recognizing residents of Berrien County. Every year on May 15, the ultimate sacrifice of Berrien police officers is remembered during a memorial ceremony at one of those monuments — the Berrien County Law Enforcement Memorial.

In place for over 20 years, the monument honors officers who died in the line of duty through 1988. “It goes through most of the decades of the 20th century and we hope we don’t have to add anybody else to it,” said Berrien Springs Deputy Chief Rick Smiedendorf of the 15 fallen officers. He helps organize the memorial ceremony each year with St. Joseph City patrol officer Deniece Fisher. “For a long time POLC members were the movers and shakers behind this,” Smiedendorf said. “I was a (POLC) patrolman when I started out doing this and retired from St. Joe and they still keep me around for the ceremony.”

Smiedendorf helped organize fundraisers to construct the \$10,000 granite monument along with members of Berrien County law enforcement agencies.

Family members of the fallen are invited to attend the Police Week memorial ceremony at noon on May 15, along with dignitaries and members of the public. The event draws anywhere from 30 to 100 attendees each year, including the Berrien County Sheriff’s Department Honor Guard, which POLC Executive Committee member Brett McGrew participated in for 10 years. “Some (of the fallen officers) were shot, some had heart attacks, some were victims of a traffic accident,” Smiedendorf said. “Anybody from a law enforcement agency within Berrien County, if they died on duty, their name goes on the memorial.”

During the ceremony, officers from each department escort family members of the deceased so they may place a flower on the memorial. If family members are unavailable, an officer from that department will do the honors. Organizers like to have meaningful speakers at the ceremony. “There’s a good chance if we get a judge or prosecutor, they’ve had some time working with that individual (fallen officer) and that means something to the families,” Smiedendorf said.

“We’ve had some people from the C.O.P.S. (Concerns of Police Survivors) group come and speak. It’s hard to get them — they’re out usually in Washington, D.C.,” however, he said, most people never get a chance to go to the national ceremony. “We were fortunate to be able to fund (the Berrien memorial).”

The ceremony includes a roll call of the officers’ names, Pledge of Allegiance, rifle salute, TAPS, a bagpiper playing Amazing Grace, and

“It goes through most of the decades of the 20th century and we hope we don’t have to add anybody else to it.”

a closing prayer from a police chaplain. “All officers who come put their police car lights on and they remain on during the ceremony,” Smiedendorf said. “Everything we’ve done we’ve learned from other memorials. The latest thing we added a couple years ago, is we have pictures of all (officers) whose names are on the memorial.”

It’s difficult to believe now, but when officers were initially seeking to honor their fallen comrades, there was some opposition, Smiedendorf said. Some residents were concerned there would be too many memorials cluttering the bluff. But officers found the perfect place for the police memorial — inside an existing flower garden near a reflecting pond.

After the memorial was finished, Smiedendorf received a call from a woman upset her brother, who was a motorcycle cop in St. Joseph, was not recognized. Francis LaMunion was hit and killed by a motorist in 1927 while attempting to stop a speeding vehicle. His sister, who was three-years-old when he died, produced a newspaper article about the accident and his name was later added.

Perhaps the most recognized name on the memorial is that of St. Joseph City Police Officer Charles Skelly, who was shot to death by notorious gangster Fred “Killer” Burke, wanted in Chicago for his leading role in the murder of seven members of the Bugs Moran gang, widely known as the St. Valentine’s Day Massacre. The first officer listed on the wall is Clarence Shockley, a night watchman out of Niles, killed in 1907 after interrupting a business breaking and entering. The last is St. Joseph Township Police Chief Keith Mills, who died in the line-of-duty in 1988 from a heart attack. Also remembered are two Michigan State Troopers who lost their lives on New Years Eve 1971 after stopping a suspected drunk driver. The suspect disarmed and shot both



The Berrien County Sheriff’s Department Honor Guard marches into position to give a rifle salute during the 2012 Police Week ceremony.

Photos courtesy of The Herald-Palladium

officers, who were pronounced dead at the scene. The suspect, who was linked with several armed robberies and the killing of one person in a drugstore holdup, was later shot and killed during a police pursuit.

“(The memorial service) puts a face on a name, whether it’s a family member, whether it’s a picture just hanging there,” Smiedendorf said. “We get good feedback from the public.”

ANNUAL POLICE HONOR

Officers from various POLC units are among those recognized on the Berrien County Law Enforcement Memorial. The following officers, who died in the line of duty, will be honored during a ceremony at noon on May 15:

- Patrolman Clarence Shockley** Niles City Police Department Aug. 15, 1907
- Trooper William Martz** MSP Paw Paw Post March 12, 1925
- Patrolman Francis LaMunion** St. Joseph City Police Department June 23, 1927
- Patrolman Charles Skelly** St. Joseph City Police Department Dec. 14, 1929
- Patrolman Vance Cooper** Niles City Police Department March 4, 1937
- Deputy Elton Stover** Berrien County Sheriff’s Department Dec. 10, 1965
- Sgt. Robert Stevens** Benton Township Police Department April 29, 1970
- Trooper Charles Stark** MSP New Buffalo Post Dec. 31, 1971
- Trooper Gary Rampy** MSP New Buffalo Post Dec. 31, 1971
- Trooper Stevens Devries** MSP Niles Post Oct. 12, 1972
- Detective/Capt. Paul Winquist** Niles City Police Department Nov. 11, 1980
- Trooper Allan Peterson** MSP St. Joseph Post Aug. 29, 1981
- Trooper Robert Mihalik** MSP St. Joseph Post Sept. 9, 1984
- Patrolman Donald Deford** Lincoln Township Police Department March 14, 1988
- Chief Keith Mills** St. Joseph Township Police Department Oct. 18, 1988

Bullet-resistant vest use is on the rise

Officer shooting deaths fall in 2012

— By Jennifer Foley, POJ Editor, with excerpts from Police Executive Research Forum, RAND Corporation, NAPO and media reports

As law enforcement officers remember their fallen brothers and sisters during Police Week, they know some line-of-duty deaths could've been prevented. Two studies, showing a recent rise in bullet-resistant vest use and decline in officer deaths, suggest body armor can make a difference.

A rising number of officers nationwide are required to wear body armor after two consecutive years in which officers were killed by gunfire with growing frequency, according to a recent Police Executive Research Forum (PERF) study, conducted with support from the National Institute of Justice. Ninety-two percent of officers reported they are required to wear body armor, either at all times when on duty or at most times on duty; up from 59 percent who wore body armor some of the time while on duty in a similar 2009 PERF study. The latest study was conducted between October 2010 and May 2011.

The change follows a 2010 directive by Attorney General Eric Holder, who warned police agencies of the loss of millions of dollars in federal aid if body armor use did not become mandatory. Jurisdictions now must have a written "mandatory wear" policy in effect if they wish to obtain federal funding for body armor through the Bulletproof Vest Partnership (BVP) program.

Nearly all of the more than 1,000 nationally represented sample of police officers in the most recent PERF study said they are required by written policy to wear body armor either "all of the time" (57 percent) or "most of the time" (35 percent) when they are on duty. Of these officers, 88 percent reported they obey the mandatory wear policies "all of the time" while 11 percent obey the policies "most of the time."

DEATHS DECLINE

Law enforcement officer line-of-duty deaths declined 30 percent in 2012 from the previous year, putting an end to climbing numbers since 2010, according to the National Law Enforcement Officers

Memorial Fund (NLEOMF). "Can we say there has been a cause and effect (related to the new mandatory policies)? No," said Chuck Wexler, executive director of PERF, a law enforcement think tank. "But it is not unreasonable to say that these policies may be a contributing factor."

Craig Floyd, NLEOMF Chairman and Chief Executive Officer, said body armor also protects officers in car accidents and in knife attacks. "Clearly, the new data indicates that message on officer safety is sinking in," Floyd said.

POLC VEST USE

Many POLC units have taken advantage of the BVP grants. Hillsdale County Sheriff's Department is one of those units, with \$9,275 in approved funding toward 34 vests. The department picked up the remaining 50 percent of costs, providing officers with over \$18,000 worth of body armor.

"A lot of officers were resistant to wearing them — one of them being me," said Hillsdale County Sheriff's Capt. Carl Albright, Uniform Division Commander. While Hillsdale deputies have been supplied with vests for the past 28 years, the older body armor was hot and uncomfortable. "The newer ones are lighter. There's no reason not to wear them," however, Albright said, "A lot of officers have that attitude, 'I'm too tough, I'm too smart.' Now, it only makes sense to me, if you're going to give federal money, there should be something that requires (officers) to wear them."

In 2011, the Sheriff's Department finalized a policy requiring officers to wear their vests. Everyone has body armor, from the lowest deputy to the Sheriff and all 15 corrections workers. That's a total of 40 officers wearing vests and corrections officers now have more compact, finer weave vests. "We've got everyone in corrections in knife-rated vests," Albright said. "This is the first year we've been actually able to tailor it to their job. Their main concerns are shivs or stabbing instruments whereas we face firearms.

Law enforcement officer line-of-duty deaths declined 30 percent in 2012 from the previous year, putting an end to climbing numbers since 2010.

The smaller caliber the weapon it is, the more difficult it is to stop. A knife point is a lot smaller than a bullet."

Albright believes there is a correlation between required vest use and the recent drop nationally in officer line-of-duty deaths. "It's one of the biggest safety things you can have," Albright said. "It can help even in car crashes." The vests spread out trauma from steering wheels and projectiles, like pieces of metal or stone, which may come into the car through the windshield during a crash. "It's not just for firearms and people need to realize that," Albright said.

SUPPORT

NAPO sought full funding (\$50 million) for BVP grants in 2012. Congress approved \$21.5 million. By the end of the year, just under \$20 million had been spent, according to NAPO. Fiscal Year 2012 BVP funds are available through Aug. 31, 2014 or until all available 2012 awards funds have been requested. Each year, NAPO requests \$50 million for the program, however, Congress typically approves about half of that funding.

An earlier RAND study, analyzing police officer shootings over a four-year period, found that wearing body armor more than tripled the likelihood an officer would survive a shooting to the torso. Tom LaTourrette, the study's author and a senior scientist at RAND, a



POLC Executive Committee member Brett McGrew (left) of the Berrien County Sheriff's Department and Lt. Mike Kline display one of the new bulletproof vests their department acquired.

nonprofit research organization, examined 561 line-of-duty shootings involving officers nationally between 2004 and 2007. Of the 262 torso shootings studied, officers who were not wearing body armor had a 68 percent chance of dying compared to 20 percent among those who did wear body armor. The study concludes the benefits of providing body armor to all officers would be twice as large as the cost. ♥

Visit <http://policeforum.org/library/police-equipment/PERFBodyArmor-ReportFINAL.pdf> for the complete PERF report.

Firefighters union wants body armor for EMS

— Excerpted from KSTP.com

The president of the Minneapolis Firefighter's Union wants basic body armor for firefighters who enter active shooting scenes. He cited a mass shooting at Accent Signage last fall in which police escorted three firefighters into the building to save the lives of the wounded.

The officers were protected with body armor, but the firefighters

had no weapons, no bullet-resistant vests or headgear while inside the building with the gunman.

Union president Mark Lakosky said it would cost \$20,000 to \$25,000 for EMS personnel to have body armor and that would be a lot cheaper bill to pay than "after our families get paid for one of us catching a round." ♥

Hurricane Sandy leaves many officers homeless



While law enforcement officers in New York, New Jersey and other areas of the northeastern United States work tirelessly to aid in relief efforts following the devastation of Hurricane Sandy, several have no homes to return to.

Many homes were flooded, wiped out or burned to the ground and many residents

are without power or are homeless. There are mile-long lines at the gas stations and mass transportation has been debilitated for what could be many months.

As these officers help others, please consider making a donation to help in their time of need. NAPO's Relief Fund, a 501 (c) (3) program, is accepting donations on behalf of these officers and you don't have to

be a NAPO member to receive help; you just have to be part of a law enforcement family. ♥

Donations are fully tax deductible. Please send checks payable to NAPO Relief Fund and mail to: National Association of Police Organizations, 317 South Patrick Street, Alexandria, Virginia 22314. For more information, call (800) 322-6276.

Nation watches Detroit EFM saga

— Excerpted from media reports

Lawsuits and protests followed the appointment of Kevyn Orr as Detroit's Emergency Financial Manager (EFM) and the nation is watching as Michigan lawmakers and lawyers battle it out.

At issue legally is whether the latest version of an EFM law, which took effect March 28, is unconstitutional. Fifty-three percent of Michigan voters rejected the Republican-led Legislature's 2011 Emergency Manager law in November 2012. A new replacement bill was back on Gov. Rick Snyder's desk just 37 days later.

Organizations preparing legal assaults included Detroit-based Council 25 AFSCME union, which was working with Sugar Law Center of Detroit to file a federal lawsuit objecting to the law.

Protestors of the Detroit EFM appointment claimed it was a blow to civil rights and voting rights of African Americans in the nation's largest city with a black majority. Snyder said there was no other choice. "There is probably no city that is more financially challenged in the entire United States," Snyder told Detroiters in a town-hall style meeting. "If you look at the quality of services for citizens, it's ranked among the worst. So we went from the top

to the bottom over the last 50 or 60 years."

A state review team described cash shortfalls that could reach \$100 million by June and general-fund deficits, which climbed over \$326 million in 2012. The city that once had a population of 1.8 million, now houses some 700,000. "It's time to say we should stop going downhill," Snyder said. "There have been many good people that have had many plans, many attempts to turn this around — they haven't worked. The way I view it, today is the day to call all hands on deck."

The new law gives communities more options once a financial emergency is determined: a consent agreement, mediation, EFM or Chapter 9 bankruptcy. Elected officials may remove the manager after 18 months. However, like it's 2011 predecessor, EFM's have the ability to amend or dismiss union contracts. The EFM also has the power to cut city spending, merge or eliminate departments and urge the sale of city assets.

POLICE REDEPLOYMENT

Meanwhile, Detroit Board of Police Commissioners is at odds with a four-phase redeployment plan to put more officers on the streets. The Commissioners said re-

structuring the police department without board approval violated the city charter.

Now that Orr is in place, they are waiting for clarification on the board's role. "If the EM is going to bypass (board approval), it may not be his right to do that," said Rev. Jerome Warfield, chairman of the board. "Not that we'd ever want to impede him, but we just want to know: Which rules are we playing by?"

The restructuring, implemented March 1 under Mayor Dave Bing, resulted in disbanding the Gang Squad and Tactical Mobile Unit so far. Other units police sources said were being considered for jettisoning are: Violent Crimes Task Force, Crime Scene Analysis Unit and eight officers assigned to Detroit City Council, which costs taxpayers about \$800,000 annually and has been a source of controversy for years.

High school students protested the plan due to concerns about school safety with the Gang Squad being disbanded.

The department said 71 percent of its 2,030 officers are in patrol positions. Interim Police Chief Chester Logan said the goal is to reach 80 percent on patrol, 15 percent in investigative positions and 5 percent in administrative jobs. ♥



MAPO offers social media pages, new website

The Police Officers Labor Council is proud to introduce a new website — www.mapo411.com as part of an ongoing commitment to provide a wide array of professional resources to its members.

Members are also encouraged to follow Michigan Association of Police Organizations (MAPO) on Facebook and Twitter, which offer updated articles.

The goal of these sites is to give members and their families access to the most up-to-date and accurate information available on a variety of issues, which may affect those who have dedicated their lives to civil service.

Michigan's shrinking tax base directly impacts state and municipal governments and their ability to properly employ, compensate, and provide benefits for those who protect communities. MAPO's new



website and social media pages will provide members with unbiased information to make informed decisions.

Members will also have access to benefits such as car rental and hotel discounts. MAPO is committed to providing members

with professional services while defending the rights of those dedicated to a life of civil service. ♥

Please visit www.mapo411.com frequently and follow MAPO on Facebook and Twitter by clicking on the links on the home page.

Cop-killer video game riles police

— Excerpted from Chicago.CBSlocal.com

Two violent video games, one featuring the assassination of officers, have riled the head of the Chicago police officers union.

Michael Shields said video game designers of *Hitman: Absolution* went too far when they used a Windy City-style backdrop that features officers wearing caps and uniforms markedly similar to those of Chicago PD.

The game features an assassin who slaughters several cops. In one scene, an officer pleads, "I don't want to die," before his neck is snapped.

Shields said the game hits too close to home and could send the wrong message

to players. "It's just incomprehensible," Shields said. "It shapes them into thinking that doing harm to a Chicago police officer is just all right, it's just part of the game."

Hitman: Absolution has sold millions, and *Watch Dogs*, slated for release later this year, features a hacker who gets into violent confrontations in a realistic Chicago cityscape.

Noted Indiana University neurologist Yang Wang is conducting brain scans on players that show the emotional control center of the brain deactivates after playing video games.

Yang said he thinks a connection exists between video-game and real-world vio-

lence and it could be exacerbated when a game's setting is local.

Columbia College Assistant Professor Tom Dowd, a game-design veteran who teaches the trade to students, is skeptical. "I don't know that the connection is as established as some like to think," Dowd said.

"The experience can never be real. No matter how many times you push a button, it's not like pulling a trigger on a gun — it's just not," Dowd said.

Hitman and *Watch Dogs* are not made locally. Spokespersons for the manufacturers did not respond to media requests for comment. ♥



Police movie screenings help spread the word

Heroes Behind the Badge is hosting movie screenings around the nation to benefit the National Law Enforcement Officers Memorial Fund. The 90-minute documentary recounts the stories of officers who

were caught in the line of fire and survived, and those who made the ultimate sacrifice. A March 2 screening occurred at Rockford High School Auditorium in Rockford, Michigan. ♥

For further information on Heroes movie screenings, visit www.heroesbehindthebadge.com and click on Events. To purchase the DVD documentary, visit www.nleomf.org and click on Gift Shop.



15th Annual Wormburners Four Person Scramble - Charity Golf Outing

**Oak Ridge / Marsh Oaks Golf Club
Friday July 12, 2013**

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

Participants and sponsors should use the attached coupons (or copies) to register for the 15th Annual Wormburners Charity Golf Outing. All proceeds of this event support the Law Enforcement Educational Program (LEEP) charity of the Police Officers Labor Council.



\$90 per person Golf Outing Includes:

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

Event Coordinator – EJ Belmore 586-216-4741

Please make checks payable to **LEEP**.

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

\$30 per player and 100% for sponsors is tax deductible. Tax receipts will be provided upon request.



Registration for play - \$90/person

TEAMS

Department represented (and/or team nickname) _____

Print the full names of all teammates:

1: Team Captain _____ Captain's phone #: _____

2: _____

3: _____

4: _____

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

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Corporate LEEP Sponsorship Opportunities

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Name: _____

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Member News

POLC brings justice to Flushing Police

— By Jennifer Foley with excerpts from POLC Legal Staff and mlive.com

Justice was served to three Flushing Township Police officers when an Arbitrator ruled they be returned to work with full back pay. The POLC's legal battle on behalf of Officers Louis Cook, Mark Bolin and Andrew Owens resulted in them being put back on the payroll Jan. 24, said POLC Labor Rep. Lloyd Whetstone.

The officers officially returned to work March 19 and are expected to hit the streets May 1. The township board also negotiated with former township Sgt. Brian Fairchild to become police chief and give him the authority to reinstate and collect the necessary equipment for the force. Police equipment, including four patrol cars, miscellaneous equipment and several weapons, were sold off when the department was disbanded. "They'd have to purchase either used or new equipment," said Whetstone.

"There are two other (officers) who were not part of the arbitration," POLC labor attorney Tom Zulch said. "They are talking about bringing them back after the department opens back up. It's just a huge win for us to have a department put back into place."

In the meantime, Genesee County Sheriff's Department continues to patrol the area until their contract expires April 30. "It's just a process where they've got a lot of stuff to get back in order," said returning township Officer Louis Cook. "We've got to go through range, CPR training," he said, noting just a few of the required training sessions. "We've got a good two or three weeks, liability wise, to get us back to Flushing (Township), clear until April."

The patrol officers were awaiting an Act 312 arbitration hearing in February 2012 when the former township board suddenly laid off the department, voted to eliminate the collective bargaining agreement, and

approved a contract with Genesee County Sheriff's Department. The layoffs were grieved based on their contract, which requires layoffs be due to "a limitation of funds." The officers claimed the move was politically motivated since they had participated in recall attempts against former township trustees.

Township attorneys cited falling revenue and unfunded liability as reasons for the layoffs and said the township could potentially save \$150,000 to \$200,000 annually by contracting with the Sheriff's Department. However, Zulch proved funds were available due to a police millage, which pays 100 percent of department costs. He also proved there was no savings and that the Sheriff's Department was more expensive than the township's own department.

The Arbitrator's ruling stated the layoffs were in violation of the collective bargaining agreement because there was no limitation of funds to warrant them. The Arbitrator said the township's law enforcement budget showed an increase of \$47,388 or 56 percent from March 31, 2011 to March 31, 2012, while general government expenses increased by \$27,000 during the same time period.

The POLC was also previously awarded seven of eight Act 312 issues on behalf of the laid-off officers. Their new contract, which expires March 31, 2014, includes the POLC's last best offer on recall rights (up to two years), retiree benefits, health care caps, sick leave, college incentive plan, selection of health care plan and contract duration. The Arbitration Panel also ruled the township had the ability to pay the officers based on the police millage.

Whetstone said officers from around the country called to congratulate the POLC unit. "I was very happy. It's a very satisfying victory. We actually won everything we asked for," Whetstone said.

A new township supervisor and four new members of the board were elected in November 2012. They decided not to appeal the Arbitrator's ruling by a 6-0 vote Feb. 25, with Clerk Julia Morford absent. "It's a positive note," Whetstone said. "I don't think they would win an appeal."

The officers will receive back pay to February 2012 less any money they gained from working other jobs during the layoff period. "I'm working full-time at a part-time salary and no benefits ... It's just a bad thing," said Cook. "We're happy that justice is finally being served. The prior board that was in there had an ax to grind with us."

"It's sad what happened, but there's a point where you have to get past it, and go and work on the future," Cook said. "I'm glad we have a new board in there that recognizes that and is doing what's best for the township. We're happy to work with them."

LAWSUITS PENDING

Two lawsuits are also still in the courts. A class-action suit involving Cook, Bolin, Owens, Brian Farlin and James Hough claims their First Amendment rights were violated. They are seeking more than \$75,000 against Flushing Township, former Police Chief Dale Stevenson, Supervisor Terry Peck, Treasurer Bill Noecker and trustees Mark Purkey, Scott Minaudo and Michael Gardner. The other lawsuit involves Fairchild, who claims he was terminated because of his involvement in the recall campaign. Township officials said they hope to resolve the case and grievances filed by Fairchild in the near future.

"Is it their fault? No," said Dan Wascha, owner of Flushing Lawn & Tractor, of the current board's handling of the police. "It's unfortunate for everyone this happened. Unfortunately, it's going to hit somebody's pocketbook." ♥

POLC Chairman says goodbye, advises members to stay involved

— By Jennifer Foley, POJ Editor

Recently retired POLC Executive Committee Chair Greg Huggett encouraged union members to stay involved in politics — to fight for their jobs.

“It will be a tough time for all unions in Michigan,” Huggett said. “The membership needs to understand that it is vital to their careers to get involved in politics, locally and at the state level.”

Huggett served the POLC for 20 years, spending the last 16 of those years on the Executive Committee. His many accomplishments include: getting a member of the POLC appointed to the Michigan Commission on Law Enforcement Standards (MCOLES) board; expanding the Law Enforcement Education Program (LEEP); balancing the POLC budget; and bringing the attorney staff in house. “Being fairly represented before the MCOLES board is critical to our members,” Huggett said. “All of these resources benefit the membership.”

Huggett began his police career at Penfield Township Police Department and worked for Albion Department of Public Safety from 1986 until he joined the Battle

Creek Police Department in February 1988. Huggett became Secretary of the Battle Creek POLC Non-Supervisory Unit in 1992. “I was involved at the local level and was interested in getting involved at the state level,” Huggett said. “When former Executive Committee member Tom Reed asked if I would replace him, I gladly accepted the position.”

A Sergeant when he retired March 1, Huggett joined the Executive Committee in 1997. He served as Grievance Committee Chairman and was on the Finance, Publication and Public Relations committees. “I’ve enjoyed the relationships that I’ve developed and the interaction with the employees and members of the POLC — particularly talking with the members and getting their guidance on the direction of the organization,” Huggett said. “I’ve had some excellent educational opportunities and met some amazing people.”

The same sentiment applies to Huggett. “Greg was a great addition to the Executive Committee and I for one will miss him,” said Director Richard Weiler. “Have a great retirement my friend.”



Greg Huggett

“Greg is very well liked and highly respected by employees at the City and Police Department of Battle Creek,” said POLC Labor Rep. Will Keizer. “Greg is a very good representative of his peers and subordinates. He is a knowledgeable and conscientious union representative.”

Noting he’s 53-years young, Huggett plans to kick off his retirement by traveling with his wife. His first trip will be to California. “I plan on doing a lot of golfing, motorcycling and boating,” he said.

“He is a good Officer, friend, son, brother, father and husband,” Keizer said. “I wish him many wonderful, relaxing and enjoyable years with his beautiful wife, Krista.”



POLC leadership changes with new appointment

— By Jennifer Foley, POJ Editor

The appointment of Scott Eager led to a changing of the guard in the POLC Executive Committee’s leadership.

Eager filled the Executive Committee position vacated by former Committee Chair Greg Huggett, when he retired March 1. However, Huggett’s retirement also left the position of Chair vacant. So, during the Executive Committee meeting March 12, longtime committee member Paul Combs, who had served as Vice Chair the past three years, was appointed Chair. Committee member Shane LaPorte was then appointed Vice Chair.

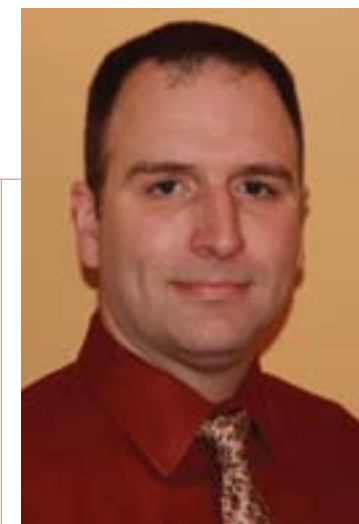
LaPorte, a Jackson Police Officer, was elected to the Executive Committee in August 2011. Combs, a Berkley Police Sergeant, has served 13 years on the Committee. All three appointments were unanimous. Eager will finish the remainder of Huggett’s two-year term, which expires in August, at which time the union membership will vote on the position during the Annual POLC/GELC Conference.

Eager, a Battle Creek Police Detective, has been actively involved in his local unit. The 38-year-old was recently elected Chair-

man of the Non-Supervisory Unit for Battle Creek PD. “I believe he is going to make an excellent addition to the board,” said Huggett, who recommended Eager as his replacement.

While Eager was honored to be selected, he understands the time commitment necessary to be an effective Committee member. “I knew it would be a challenge that requires sacrificing time with family and time away from work,” Eager said. “I have always thought that my local unit has received high quality representation from POLC. As part of the Executive Committee, I look forward to ensuring that high quality representation continues for all our units.”

Previously, Eager served as Chief Steward of the Non-Supervisory Unit for two years. A Battle Creek Police Officer since 1996, he was promoted to Detective in 2002. Ten of the 16 years he’s spent in the department were with the Special Investigation Unit. He is currently assigned to the Detective Bureau. “At my local unit, I have worked to increase transparency with our members and would like to continue that on the Executive Committee,” Eager said.



Scott Eager

He is ready to tackle some of the bigger issues facing POLC members. “In light of the right-to-work law and other state laws that interfere with our ability to bargain, we need to make sure that our units are receiving the best possible representation for their money,” Eager said. “Police departments in Michigan aren’t hiring like they used to. I want to make sure POLC is doing it’s best to recruit new units to bring our numbers back up.”

Eager is married with three sons. He earned a Criminal Justice degree at Kalamazoo Valley Community College and is a veteran of the United States Marine Corps Reserve. In his free time, Eager enjoys fishing, hunting and watching sports. ♥

NAPO opposes airline security reduction, supports mental health laws

— Excerpted from NAPO’s Washington Report and news reports



- The National Association of Police Organizations (NAPO) objected to the recent change to allow airline passengers to bring knives and certain sporting equipment into the aircraft cabin. “We strongly believe that the prohibition of dangerous items is an integral layer in the safety of our aviation system,” stated NAPO’s letter to the Transportation Security Administration (TSA). “Enacting this policy change will impact the frontline workforce and the flying public. We are hopeful that TSA will maintain knives and certain sporting equipment on the list of prohibited items until a

process of formal consultation is conducted with all stakeholders through the ASAC (Aviation Security Advisory Committee).”

- A line-of-duty death originally proposed for exclusion from the National Law Enforcement Officers Memorial’s Wall was recently approved after NAPO’s urging. Wauwatosa, Wisconsin Police Officer Jennifer Sebens was ambushed as she left a Wauwatosa fire station and shot five times in the head while on duty Christmas Eve 2012. The accused perpetrator is her husband, Benjamin Sebens, who told investigators he was stalking his wife and was jealous.

After being inundated with calls and emails, NAPO urged the National Law Enforcement Officers Memorial Fund (NLEOMF) to re-examine the matter. Prior to the April 3rd decision, NLEOMF Chairman and CEO Craig Floyd said, “We are very sensitive to the unique circumstances of this case and believe that further research and review is warranted.”

- In light of the ongoing national debate about gun crimes, NAPO actively supports federal legislation to immediately improve access to mental health treatment and to assist officers in getting

citizens in need of help to treatment. NAPO supports the recently introduced Justice and Mental Health Collaboration Act (JMCHA) and the reauthorization of the successful Mentally Ill Offender Treatment and Crime Reduction Act (MIOTCRA). The JMCHA bill: extends for five years reauthorization of mental health courts and specialized police-based responses; authorizes investments in veteran’s treatment courts; increases focus on corrections-based programs; and supports development of training curricula for police academies. ♥

Contract Settlements

— As reported by POLC Labor Representatives

Arenac County 9-1-1

- **New three-year agreement** expires Dec. 31, 2015.
- **Wages:**
 - 1% effective Jan. 1, 2013.
 - 1% effective Jan. 1, 2014.
- **Bargaining Team:** Carrie Stodolak and Dawn Tola aided by POLC Labor Rep. Ken Nash.

Village of Laurium Police Department

- **New three-year agreement** expires Dec. 31, 2015.
 - **Wages:**
 - 1.5% effective Jan. 1, 2013.
 - 1.5% effective Jan. 1, 2014.
 - 1.5% effective Jan. 1, 2015.
- This is a new POLC unit, formerly POAM.
- **Bargaining Team:** Kurt Erkkila aided by POLC Labor Rep. Ken Nash.

Leelanau County Sheriff's Department Correction Division

- **New one-year agreement** expires Dec. 31, 2013.
- **Wages:**
 - 1% effective Jan. 1, 2013.
- **Bargaining Team:** Shawn Dunn, John Forton and Jeff Hemingway aided by POLC Labor Rep. Ken Nash.

Mancelona Police Department

- **New three-year agreement** expires Dec. 31, 2015.
- **Wages:**
 - \$1.25 increase per hour effective Jan. 1, 2013.
 - \$.25 increase per hour effective Jan. 1, 2014.
 - \$.25 increase per hour effective Jan. 1, 2015.
- **Bargaining Team:** Rod Vesey aided by POLC Labor Rep. Ken Nash.

Spring Lake/Ferrysburg Police Officers & Sergeants

- **New five-year agreement** expires June 30, 2018.
- **Wages:**
 - 2.5% effective July 1, 2013.
 - 2.5% effective July 1, 2014.
 - 2.5% effective July 1, 2015.
 - 2.5% effective July 1, 2016.
 - 3% effective July 1, 2017.
- **Health Care:** Plan change from high deductible \$2,000/\$4,000 with 0% co-insurance to low deductible \$250/\$500, 10% co-insurance. Increase premium share from 11% to 15% on July 1, 2013 and 20% on July 1, 2014. Annual vision reimbursement increases from \$200 to \$300 and includes UV/protective eyewear.
- **Fringe Benefits:** Compensatory time must be used (or paid out) within the same fiscal year it was earned. Paid sick leave may be used for employee and/or illness/injury to immediate family member that requires care be provided by employee. Vacation requests submitted more than 30 days in advance shall be granted if it does not reasonably interfere with efficient department operation. Employees may take vacation time in any hourly increments. Employees may "cash in" up to 40 hours of vacation time on June 30 of each year. Employees who exercise this option shall be permitted to take 40 hours of "unpaid" vacation time each fiscal year.
- **Manning & Safety:** Uniform and equipment allowance increases from \$300 to \$400 per year. Employer shall compensate employees for travel to and from training based on their hourly rate of pay and include paid lunch for training lasting eight hours or more and five miles from department.
- **Retirement:** Employer's pension contribution cap increased from 9% to 10%. An employee who retires in good standing shall be presented with service weapon and badge as a gift of recognition.
- **Bargaining Team:** Officer Mike Williams and Sgt. Joe Steinhauer aided by POLC Labor Rep. Will Keizer. ♥



Arbitration

— As reported by the POLC Legal Staff

TERMINATION REVERSED

A Van Buren Township officer, whose employment was terminated based on allegations of filing false paperwork and perjury following a drunk driving arrest, was returned to work after the POLC filed and won a grievance on his behalf.

After making a valid drunk driving arrest, the officer admittedly failed to read the driver the required chemical test rights. The officer, who had less than four years experience, spoke to his command officers and misunderstood their directions on how to proceed. Because it was a third offense felony for the driver, the officer mistakenly believed he needed to obtain a blood sample with a search warrant since the suspect refused to perform field sobriety tests.

The officer pulled up an old search warrant, modified its contents to fit the current case, but failed to uncheck the box stating chemical test rights were read. A warrant was obtained and blood was drawn. The officer began filling out state-required paperwork, which made him aware of his failure to read the chemical test rights. After realizing his mistake, he advised the lieutenant, who told him to state this in his report.

Upon consultation with the prosecutor about the mistake, the third offense driving while intoxicated charge was dropped to a misdemeanor ticket of driving while license suspended.

The department accused the officer of intentionally falsifying



the search warrant and therefore committing perjury. They also charged him with failure to read the chemical test rights and disobeying a direct order from his superior by not reading the rights. His employment was terminated in February 2012.

The Arbitrator ruled the officer made a good faith error when checking and unchecking boxes from the old warrant and that it was not an intentional act. Perjury requires a willful false statement. An inadvertent act or mistake cannot support the main charges of falsifying paperwork and perjury, according to the ruling. "The penalty is clearly punitive, not rehabilitative and corrective, and is disproportionate to the offenses proved," said the Arbitrator. "Grievant is being punished for his coming forward and confessing his mistake. In that sense, the Employer's decision terminating him for admitting the mistake is essentially perverse, and in the long term encourages officers to hang tough with recognized mistakes."

While the Arbitrator did uphold other charges such as failure to read the chemical rights test, he ruled the officer should be returned to work with full back pay, seniority and benefits minus the 60-hour suspension. ♥



DRIVING HOME THE MESSAGE

Kyle VanTatenhove, of Racing Through Education (at right, both photos), gives instruction on using the driving simulator to a Michigan International Auto Show visitor. Approximately 300 people used the simulator from Jan. 31 to Feb. 3., which allows users to experience driving while distracted by texting or talking on a cell phone. Visitors at the Grand Rapids event (at left) look on while waiting their turn to

use the simulator. Law Enforcement Education Program (LEEP) helped get Racing Through Education started by awarding the program a \$5,000 grant in 2010. Contact Holland Police Officer Doug VanderKooy at (616) 218-7678 or by email at d.vanderkooy@cityofholland.com to arrange use of the driving simulator. ♥



**Law Enforcement
Education Program (LEEP®)**
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Troy, MI 48083

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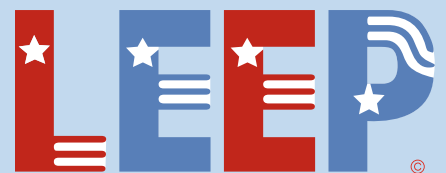
With every passing year, more people have their lives touched by cancer. The POLC and Law Enforcement Education Program (LEEP) understand the importance of emotional support during that time.

That's why the POLC and LEEP have proudly supported cancer patients and their families for over a decade through Gilda's Motorcycle and Poker Run for Charity. During the 13th annual event on Saturday, July 13, they hope to raise \$20,000 for Gilda's Club Grand Rapids, a non-profit networking source that provides social and emotional support to cancer patients and their families and friends. "We recognize Gilda's Club as a vital networking source that teaches us how to live with cancer, regardless of outcome," writes POLC Labor Rep. Will Keizer in his letter to event sponsors.

The fundraiser is off to a great start, with a \$5,000 donation from LEEP. Last year's event raised \$18,000 with 90 riders and a total of 150 people participating between the ride and dinner.

Bikers and cagers are welcome for \$30 per person or \$55 per couple, which includes a barbecue pig roast at 5 p.m. Dinner only is \$10. Registration is 9-10 a.m. with a continental breakfast followed by the Poker Run — a scenic drive through Ottawa and Kent counties. The event begins and ends at Kosciuszko Hall, 935 Park SW in Grand Rapids.

Sponsors can have their business or organization name printed on "13th Anniversary Gilda's Run" shirts for a donation of \$250, either monetary or in donated items. Donations are tax deductible with 100 percent going to Gilda's Club. ❤️



TO PARTICIPATE

Pre-register and receive a free "13th Anniversary Gilda's Run" long- or short-sleeve shirt by sending checks made payable to: "Gilda's Club Grand Rapids" and remit before June 23 to: Will Keizer, 1293 Oakwood Dr., Jenison, MI 49428. Please include shirt type and size(s).

The deadline to become a sponsor is June 10. Forward a file copy of your logo for the shirt printing and direct any questions to: Will Keizer at klink132@comcast.net or (616) 648-3551. Please remit checks to the above address by June 17. Gilda's Club is a non-profit 501 (c) (3) corporation.