

# The Police Officers Journal



VOLUME 19, NUMBER 1 • WINTER 2009



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# The Police Officers Journal

VOLUME 19, NUMBER 1 • FALL 2009

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# Insurance

## C.O.P.S. Trust adds a bett

One of the newest names in "health insurance" for public service workers is one that actually has more law enforcement and public safety work experience behind it than you imagine—and more benefits for its participants than you think.

C.O.P.S. Trust, a non-profit health care provider, has been making waves among public safety workers of late. The word-of-mouth message from most participating departments is a major reason the firm has grown to include nearly 30 police and fire groups with 8,900 active and retired members and their families in Michigan.

Medical and dental insurance programs specifically tailored to large and small groups are available to police officers, firefighters, public safety officers, dispatchers and clerical personnel through C.O.P.S. Trust. But as a non-profit trust, it requires a membership in the Michigan Association of Police Organizations

(MAPO), or one of its affiliated organizations to participate in the C.O.P.S. Trust insurance programs.

Tom Schneider, a retired 26-year Detroit Police Department veteran and an 11-year president of his local police bargaining unit, helped lead the original Cooperative of Public Safety (C.O.P.S.) employees health trust, and he continues to serve as its Executive Secretary. He is assisted by consultant Dave Fisher, who has 30 years experience as a city administrator in Detroit.

The Trust board includes POLC Director Richard R. Weiler, Marty Bandemer of the DPOA, Fred Timpner of Michigan Association of Police (MAP), Scott Reinacher of MSPTA and Don Taylor, president of the Detroit Police and Fire Retirees Association.

Schneider's background in negotiating the intricate complexities of health insurance has taught him it can have huge impacts on benefits—yet he says few workers pay close attention to all of the details that go into the bottom line or how actual costs are determined.

He cites one recent case with a large carrier where the employer and the unit members were pleasantly surprised to receive a reduction in health care costs in a new contract without any apparent reductions in benefit coverages—only to discover that the small print in some of the benefits "covered" were actually major deductions in what would be covered.

### BACK TO BASICS

As health care costs continued to soar and make its impact on bargaining table



# e assurance

## er choice for law enforcement health care

By A.J. Malta, POJ staff writer



*C.O.P.S. Trust's Dave Fisher, left, and Tom Schneider.*

results, Schneider said he noticed that the actuarial details of police and fire workers as a group, didn't seem to agree with cost projections of most large health care providers nor with the rates being charged for their coverages.

"Insurers know that cops and firefighters, as a group, are actually in far better physical shape and better health than other 'groups.' They receive better training and generally maintain themselves as better physical specimens throughout their careers than the rest of the population. That should be reflected in health care claims expenses, but the rates of all large insurers are based on total cost charges of all workgroups," he said.

The result is that many contracts have

CONTINUED ON PAGE 4 ➔

## Who belongs:

*Communities with bargaining units choosing C.O.P.S. Trust for their health care needs include:*

Beverly Hills public safety  
Brighton police  
Brownstown Township clerical  
Capac police  
Chesterfield Township police  
Clawson police  
Detroit police and fire  
Fraser public safety command officers  
Genessee County employees  
Ingham County Sheriff  
Jackson police and city employees  
Lathrup Village employees  
Lincoln Park police

Macomb County Community College  
Macomb Township firefighters  
Milan police  
Monroe County dispatchers  
Monroe city employees  
Northville city employees  
Village of Oxford police and civic employees  
Plainwell police and city employees  
Riverview police  
Rockwood police and city employees  
City of St. Clair police  
Sterling Heights police  
Waterford Township police, fire, and clerical  
White Lake Township police  
Woodhaven Courts clerical  
46th District Courts (Crawford County) clerical



# Insurance

CONTINUED FROM PAGE 3

cops and firefighters underwriting portions of health care costs for other non-public safety groups, especially for larger insurers, he added.

Insurance companies don't like the idea of trying to recoup funds when prime low-claim groups like public safety workers aren't carrying more than their share of the actual cost load. The trust had more than its share of problems trying to establish itself and faced legal challenges.

"One of the biggest problems we face is educating members about health insurance. It's boring. It can be complex. Yet, it's important for city officials and administrators as well as labor representatives to work together to solve most of the real cost problems. Some civic employers still underwrite their own health care programs out of general operating funds."

The insurance details in health care provisions can change so much in such a short time that it is difficult for most people to keep abreast of just what benefits they do have," he said. "Tracking the changes in health care and costs is where we spend most of our time."

C.O.P.S. Trust insurance programs including health dental and vision care are fully insured and carried through U.S. Health & Life and Delta Dental. ♥



## Put emergency numbers on I.C.E.



**P**aramedics and first-responders across the country are becoming aware of a new and worthwhile trend by cell phone users to store emergency notification numbers on their cell phone's memory call lists under the acronym "I.C.E."—which stands for In Case of Emergency.

The concept of 'I.C.E.' is catching on quickly. The idea was thought up by a paramedic who found there were always mobile phones with the victims at scenes of accidents, but first-responders often didn't know which number to call. His idea was to have a recognized name just for this purpose. In emergency situations, emergency personnel and hospital staffs could be able to quickly contact the right person by simply dialing a number stored as 'I.C.E.' For more than one contact name simply enter I.C.E., I.C.E.2 and I.C.E.3 etc.

I.C.E. should be a standard procedure all first responders follow at the scene of an accident when they come across a victim's cell phone. POLC officers are urged to spread the concept by promoting the storing of an I.C.E. number in all mobile phones. ♥

# CPR- with a song in your heart...

*'Stayin' Alive' rhythm helps jump-start hearts*

**S**tayin' Alive" might be more true to its name than the Bee Gees ever could have guessed: At 103 beats per minute, the old disco song is almost the perfect rhythm to help jump-start a stopped heart, medical researchers say.

In a small but intriguing study from the University of Illinois medical school, doctors and students maintained close to the ideal number of chest compressions doing CPR while listening to the catchy, sung-in-falsetto tune from the 1977 movie "Saturday Night Fever."

And the American Heart Association says it has been using the song as a training tip for CPR instructors for about two years. They learned of it from a physician "who sort of hit upon this as a training tool," said association spokesman Dr. Vinay Nadkarni of the University of Pennsylvania.

Nadkarni said he has seen "Stayin' Alive" work wonders in classes where students were having trouble keeping the right beat while practicing on mannequins. When he turned on the song, "all of a sudden, within just a few seconds, they get it right on the dot."

"I don't know how the Bee Gees knew this," Nadkarni said. "They probably didn't. But they just hit upon this natural rhythm that was

very catchy, very popular, that helps us do the right thing."

The American Heart Association recommends 100 chest compressions per minute, far more than most people realize, according to Dr. David Matlock of the University of Illinois medical school's Peoria, Illinois, campus. And while CPR can triple cardiac arrest survival rates when properly performed, many people hesitate to do it because they're not sure about keeping the proper rhythm, he added.

Dr. Matthew Gilbert, a 28-year-old medical resident, was among participants in Matlock's University of Illinois study. Since then, he said, he has revived real patients by keeping the song in his head while doing CPR. Gilbert said he was surprised the song worked as well as it did.

"I was a little worried because I've been told that I have a complete lack of rhythm," he said. Also, Gilbert said he's not really a disco fan.

He does happen to like a certain Queen song with a similar beat.

"I heard a rumor that 'Another One Bites the Dust' works also, but it didn't seem quite as appropriate," Gilbert said. ♥

— from media reports

## Still on the Books

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

### In Alabama ...

- *Dominoes may not be played on Sunday. (On-the-spot enforcement?)*
- *It is illegal for a driver to be blindfolded while operating a vehicle. (You need visual confirmation.)*
- *It is illegal to wear a fake moustache that causes laughter in church. (If you simply MUST, there's always a clown nose.)*

- *Putting salt on a railroad track can be punishable by death in Alabama. (... or anywhere else, if a train is moving through as violation occurs.)*

### In Alaska ...

- *It is illegal to wake a bear for the purpose of photography. (Let sleeping bears lie.)*

### In Arizona ...

- *In Nogales, it is illegal to wear suspenders. (No 'hold-ups' in Nogales?)*

### In California ...

- *It is against the law for a woman to drive in a housecoat. (How about a car coat?)*

# 'Use of Force' a vital issue

**A** long awaited "Use of Force" Police Management Training Seminar is slated for April 7 through 9, at Northern Michigan University's Public Safety Institute in Marquette, Mich. On the program are two nationally

recognized Use of Force police trainers, Robert C. Willis and Gary T. Klugiewicz.

"Every law enforcement agency, officer or deputy, is under a microscope when it comes to the amount of force used to handle a situation. Without a doubt, use

of force incidents and investigations will remain one of the highest areas of liability for any agency," said Gladstone Public Safety Officer Todd Crow, who led the effort to make the program available.

The Seminar is sponsored by the Michigan Municipal Risk Management Authority (MMRMA), with support from Northern Michigan University, Northeast Wisconsin Technical College, and several police agencies and groups including the POLC unit at Gladstone.

Crow approached the MMRMA about the need for the class and wrote the Risk Avoidance Program grant request to get the program scheduled for Marquette. The seminar is MCOLES 302-approved and funding is available. To be held at NMU's Jacobetti Center in Marquette, cost of the seminar is \$495, with a 50/50 matching Risk Avoidance Program grant for the first 25 MMRMA members to en-

## No force needed ...

POLC members traveling to Marquette April 7-9, to attend the "Use of Force" Police Management Training Seminar at Northern Michigan University's Public Safety Institute, will have their choice of nearby lodgings, with easy access to NMU's Jacobetti Center. Four motels offer special discount rates to POLC members for the Seminar.

Among them are Cendant Group hotel facilities:

**Days Inn**, at 2403 US-41 West in Marquette, toll-free at 800/329-7466

**Ramada Inn**, at 412 West Washington, Marquette, toll-free at 800/2-RAMADA

**Super 8 Motel**, 1275 US-41 West, Marquette, (906) 228-8100

**Travelodge of Marquette**, 1010 M-28 East, toll-free at 800/578-7878

POLC affiliates should use Cendant's POLC group ID number: "68386" when making reservations for discounted lodging rates. A similar program applies to use of an AVIS rental car—just provide the Avis POLC identification number "T029200".

# Drunken drivers still speeding th

**T**he FBI hopes a new national system, still in the pilot stage, will alert authorities when a defendant has multiple DUI offenses pending in other states. The National Data Exchange or N-DEx for short, is designed to link local, state and federal records, according to Tom Bush, assistant director of the FBI's criminal justice information services.

Participation by all states will be gradual, with the goal of having the nationwide system in place by 2010. Submitting and receiving information from N-DEx is voluntary, Bush said in recent media accounts, but the FBI is convinced that such voluntary programs will work, citing NCIC and a fingerprint database.

Offenders with multiple DUI arrests are more common than most people think, said Laura Dean-Mooney, national president of MADD. More than 2.8 million people on the road today have three or more DUI convictions, she said.

Hard-core drunken drivers as defined by National Transportation Safety Board are those with a prior drunken-driving arrest or conviction within the past 10 years or offenders with a blood-alcohol content of 0.150 percent or greater.

"Hard-core drunk drivers are clearly more dangerous," Kevin Quinlan, chief of safety advocacy division at the National Transportation Safety Board in Washington D.C., told reporters.

N-DEx was designed to search, link,

analyze, and share criminal justice information including arrest and incident reports, incarceration data, and probation data nationwide.

"Anything (agencies) put in it will be available nationally," Quinlan said, but the data gold mine will depend on how





# Police at Marquette Seminar



Robert C. Willis and Gary T. Klugiewicz  
Seminar Trainers

roll receiving \$250 reimbursement upon successful completion of the course.

POLC field representative Ken Nash points out the exceptional value of this kind of training for all police unit stewards and police leaders. "These are two of the best and most experienced trainers available on the "use of force" issue. This course will give attendees the tools to review and update department policies to meet the U.S. Supreme Court's latest 'use of force' standards," Nash said.

Willis is a former patrol officer, SWAT team member, departmental training officer and in-service Academy Instructor. His instructional career spans 25 years in which he has trained federal, state, and local officers. An officer survival instructor and litigation consultant, he authored the State of Wisconsin's Defensive and Arrest Tactics Manual.

Klugiewicz, a former Street Survival Seminar instructor, researcher, program developer and training specialist, has defended scores of officers nationwide as a use of force defense expert. He is the director of ACMI® systems, a part of the PoliceOne Training network.

This seminar is designed especially for members of the criminal justice system involved in the management of force, including line law enforcement officers, first line supervisors, middle level managers, command staff members, agency

heads, plus departmental trainers, field training officers, departmental investigators, internal affairs personnel, public information officers, or those involved with training standards, risk management and legal counsel. Even area prosecutors and judges are encouraged to attend.

## For registration information

Contact Angela Blasier, Public Safety, Northeast Wisconsin Technical College, 2740 West Mason St., PO Box 19042, Green Bay, WI 54307-9042.

Phone: 920/498-6240

Email: [angela.blasier@nwtc.edu](mailto:angela.blasier@nwtc.edu)

Web site: [www.nwtc.edu/publicsafety](http://www.nwtc.edu/publicsafety)

## For program details

Contact Gary T. Klugiewicz, PoliceOne Training Network.

Phone: 414/688-5572

Email: [gtklugiewicz@cs.com](mailto:gtklugiewicz@cs.com)

Web site: [www.PoliceOne.com](http://www.PoliceOne.com) ♥

## rough states' information gaps

each jurisdiction or state collects the data and what they want to report.

N-DEx takes 360 data elements seen in incident reports today and puts them into a master form. Agencies can then search individual or multiple elements, said Kevin Reid, N-DEx program manager.

Bush said he can't imagine agencies not using N-DEx once they see the benefits.

The new system could have prevented the recent headlines about a Texas man arrested in Omaha, Nebraska on suspicion of first-offense drunken driving. The Texan posted a \$200 bond and walked out of a Nebraska jail without ever facing a judge.

Only it wasn't his first DUI arrest, or

second, or even his third. It was 44-year-old Robert Hood's *fourth* DUI arrest in *three states in less than two weeks*.

Hood, of Caldwell, Texas, also known as Earl Hood, was charged as a first-time offender under Nebraska law and allowed to pay 10 percent of the \$2,000 bond because officials had no inkling of his other pending DUIs.

Dean-Mooney calls the current system a "catch and release" program, and she says changes are needed. That's because the FBI-run national computer system now used by states shows only those people who have been fingerprinted when arrested. And the arrests of some suspects, such as Hood, can go undetected if they are not fingerprinted or if the information

is delayed getting into the system.

In Hood's case, the system did not show his recent DUI arrests—one in Wyoming, two in South Dakota. That lack of information allows repeat DUI offenders across the country to easily post low bonds and go on their way.

Simara Reynolds, executive director of the Nebraska chapter of Mothers Against Drunk Driving, said Hood's case was chilling.

"It is frightening to see someone charged so frequently in such a short period of time," she said.

Authorities are now looking for Hood after he failed to appear to multiple court dates. Warrants have been issued for his arrest. ♥

— Excerpted from media reports

# Valentine's D



*Berrien County Sheriff's Department Historian and 911 Supervisor Chriss Lyon holds one of two Thompson submachine guns seized at a Stevensville, Michigan, residence in 1929 and still held by the Berrien County Sheriff as "evidence" in Chicago's unsolved St. Valentine's Day Massacre. At left are Berrien Sheriff Leonard Paul Bailey and Quartermaster Lt. Michael Kline.*

*Benton Harbor Herald-Palladium photo: John Madill*



**B**errien County's 911 Supervisor Chriss Lyon and St. Joseph, Michigan, City Police Officer Charles Skelly are getting to be an "item" every year at this time as Valentine's Day rolls around. But, it's not what you think.

Officer Skelly was 25 on December 14, 1929, when he was gunned down trying to make a traffic stop while on duty. Lyon, a 13 year veteran with the Berrien County Sheriff, and now a Supervisor with the 911 Dispatch Center, recently spent time with a PBS television crew on a scheduled broadcast about the famed prohibition era "St. Valentine's Day Massacre" in Chicago. She points out that Officer Skelly's death in Michigan, was law enforcement's "first break" in finding out what had really happened on that cold, wintry February 14, 1929 in the Clark Street garage on Chicago's north side.

Lyon has received national attention from her research on the "Crime of the

Century," (though it has never officially been solved, nor has anyone ever been prosecuted for it), through her work as an unofficial historian for the Berrien County Sheriff. But the real story is part of the history section at the Berrien Sheriff's official web site: [www.bcsheriff.org](http://www.bcsheriff.org) through her efforts. It's worth reading. The web site is a prime source of information on the intricate details of the Valentine's Day shootings of seven rival gang members. The shootings made mobster Al Capone a national icon of Prohibition-era gangsterism, yet many people are unaware of Berrien County and Western Michigan's connection to the Chicago slayings.

Officer Skelly was gunned down by a soft-spoken resident of Stevensville known as Fred Dane, later identified as Fred "Killer" Burke. Burke had been involved in a minor fender-bender in St. Joseph. Officer Skelly was gunned down when he tried to intercede. Bystand-

ers provided enough information for police officers to search the home in Stevensville where Burke had been living, and they discovered a huge cache of weapons and ammunition—including two Thompson submachine guns.

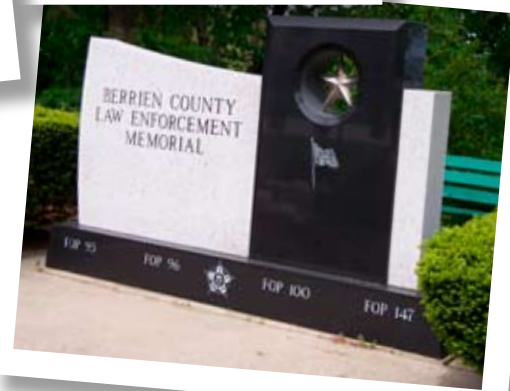
Forensic testing, then in its infancy, proved beyond doubt the guns had been used in the Clark Street garage shootings. While Burke never implicated anyone in the Valentine Day massacre—he was later arrested in St. Joseph, Missouri, extradited and convicted of Officer Skelly's murder. Burke died in Michigan's Marquette prison in 1940, still silent about his role in the famed Chicago gangland massacre.



# Day memories



Fred "Killer" Burke above, and St. Joseph Police Officer Charles Skelly above/right.



By A.J. Malta, POJ staff

The arsenal found at the Burke residence, specifically the Thompson submachine guns, have become an ever-popular topic of magazine articles and television documentaries, including a 2004 episode of *"Unsolved History"* on The History Channel and a 2007 program for BBC.

Lyon points out that the extensive forensics work required for the huge weapons cache found in Stevensville, helped establish the Chicago Police Department's Crime Lab (which at first was privately funded just for this case) as one of the biggest and best-equipped in the country.

A native of St. Joseph, MI, Lyon has helped provide information for other authors, including William J. Helmer, *"The Gun That Made the Twenties Roar,"* his books on the Massacre itself and *"The Complete Public Enemy Almanac."* She is currently helping provide research data for his upcoming book based on the memoirs of a Chicago gangster's widow and the 1935 confession of one of the Massacre's lookouts.

To Lyon, author Helmer has been both an inspiration and a mentor. "Just to have him read my writing and tell me I'm good ... someone of his caliber of writing and expertise giving me great feedback is incredible."

Lyon, a graduate of Grand Valley State University writes and researches topics in her spare time, mostly on gangsters/law enforcement, police forensics, shipwrecks and aviation disasters. She has had two articles published recently in *On The Spot Journal* and *The Informer:*

*Journal of American Mafia History.*

She was also part of two research teams that made the national news last year; Northwest Flight 4422 Identification of Human Remains After 60 Years and Northwest Flight 2501 Gravesite Found 58 Years Later. All this, and she has served her fellow officers as POLC unit steward as well, during her tenure with the department.

Unlike most historians, Lyon notes the little details with her perspective on police history. Consider this final note from her account of the St. Joseph officer: "Not far from where Officer Charles Skelly lost his life stands the Berrien County Law Enforcement Officer's Memorial Monument, pictured above. The monument lists the names of 15 fallen officers, including that of Officer Charles Skelly. His body was laid to rest in Crystal Springs Cemetery in Benton Harbor, while his name is etched into the history of Berrien County and the entire nation." ♥

# A transform



*Gaylord's distinctive new city hall and police offices.*

**A** relocated Gaylord City Hall and Police Department headquarters in a modern 28,900 sq. ft. building has put the northern Michigan city literally on the move into the 21st century.

Police officers came in on their off days to help in the transformation last year, and city officials are enthusiastic over the new addition to the community's Alpine Village skyline. City council meetings at the center will begin shortly to complete the move. Officials note the facility is turning out to be a real source of community pride.

The \$3.8 million building on the eastern edge of the city at the corner of Main and North Oak streets continues Gaylord's long-standing Swiss Alpine motif with a 73-foot spire and clock tower. The building houses city officers and council chambers as well as the Gaylord Police Department and garage. It was built on land purchased from the U.S. Postal Service in 2001, and construction began in 2007 after voters approved a millage to finance the project. ♡



▶ *Gaylord patrol officers Doug Hemenstall, left, and Kyle Kries handle some reports at their assigned work stations.*



▶ *A spacious new evidence processing area, and 1,600-sq. ft. training area adds to police capabilities.*



# Information in Gaylord



PHOTOS: Danny Bartley



A heated police garage is a necessity for Michigan winter policework. Gaylord's police fleet is equipped with thermal imaging cameras, at right, to aid in tracking or locating suspects by detecting residual heat, and are even sensitive enough to determine which tire tracks, among many are the most recent.



The interior of the new facility brings the Alpine chalet design motif indoors.



Detective Sergeant Doug Kussrow has nothing but praise for Gaylord's new police facility.



A fully equipped fitness room sees plenty of use.





# Ballooning 'Bail-on-Credit bubble' adding to police, court, troubles

**U**ltra-cheap discount financing of bail bonds has been around for a few years, but in recent media reports bond agents say the tight U.S. economy has made the tactic so commonplace it now makes up as much as half the bonds they write.

While such financing is legal in all but a handful of states, law enforcement officials and politicians fear it cuts a defendants' incentive to show up to face charges. Insurance companies who back the bail bonds are also concerned it may increase bail forfeiture rates, currently estimated at less than 5 percent.

To bolster business during the recession, a number of bondsmen nationwide require only upfront payments only a fraction of the customary 10 percent amount—often with no collateral. In exchange, the accused agree to make up the difference on credit cards or monthly installment plans.

The practice is particularly pronounced in California, according to recent newspaper accounts, where bail amounts are the highest in the nation and the housing crisis has made it difficult for people to use their homes as collateral. Regulation is also more lax in California than other states, a few of which ban bail-on-credit or ban commercial bonding entirely.

## 'PRETTY SCARY'

"When you have a bail bond that's half a million dollars and you can get out with one percent down, that's pretty scary," one deputy district attorney who prosecutes bail bond cases told reporters.

The Associated Press reported that it is nearly impossible to determine if the recent rise in bail-on-credit is causing any increase in bail jumping from public



records. Courts use widely varying ways to record defaults, and even then the data is delayed by the fact that bounty hunters in many states have several months to catch absconders before a default is recorded.

California, for example, allows up to a year to catch bail jumpers, while in states such as North Carolina, Maryland and Connecticut, it's up to six months. Moreover, any payment deals between defendants and bail bondsmen are protected by privacy laws.

"We don't know how many bonds are being forfeited," said Timothy Murray, director of the Washington, D.C.-based Pretrial Justice Institute, which has tried unsuccessfully to track the issue.

One Santa Ana California bondsman reported he's financing twice as many bonds on credit than a year ago—and he feels pressure to cut deals to stay afloat. "Before, it was only a fraction of them that wanted credit, but now it's the first thing they ask for," he said.

Generally bail agents in most states require about 10 percent of the bail amount before posting bond for a client. The premium is nonrefundable and bondsmen must pay a cut of it to insurers who back the bonds in case defendants flee or bondsmen default.

A Miami bondsman who does business nationwide, said clients using discount financing has shot from 1-in-20 before the downturn to 1-in-4 now.

Defenders of discount financing say it prevents discrimination against the poorest defendants and helps alleviate jail overcrowding. "Bail is a constitutional right," Tony Suggs, spokesman for the California Bail Agents Association pointed out. "A lot of people cannot come up with that \$4,000 or \$5,000."

But there are some longtime agents who condemn the rush to bail-on-credit, comparing it to the fast-and-loose practices in the housing market just before its spectacular slump.

CONTINUED ON PAGE 15 →

## Flint ignores contracts

Despite ongoing talks between city leaders and police union officials, the demotions of 20 Flint police lieutenants and sergeants went into effect in November.

Officers said union grievances will be filed because of the demotions. They pointed out that several recently demoted officers are doing the jobs of sergeants and lieutenants against union contracts.

Union officials and city leaders met several times in the weeks preceding the decision to come up with alternative ways to cut about \$1.5 million from the police budget. ♥

— From media reports

## WELCOME ABOARD

The POLC welcomes several new units, who recently signed on for labor representation, including:

- Barry County Command Officers**
- Madison Heights Patrol/Dispatch**
- Madison Hts Command**
- Grand Haven Patrol**
- Grand Haven Command**
- Wixom Command**
- Ottawa County 911**
- Ottawa County Corrections Command**
- Ottawa County Deputies Command**

The POLC staff is planning its latest series of regional Steward Training Seminars for early May, 2009 watch for flyers and plan now to attend the one in your area. All units will be invited.

Steward Training Seminars offer all members a chance to catch up with current public safety issues in Michigan, and help make unit leaders more effective and knowledgeable about their responsibilities during contract negotiations.

## SPREAD THE WORD

We know that there are other brothers and sisters among the ranks who need help with their employment future. If you come across fellow law enforcement professionals in need of labor representation that works, spread the word—have them call the POLC office, (248) 524-3200.

The POLC staff will meet with any prospective new units to offer presentations explaining the benefits of POLC affiliation. Our meetings offer the opportunity for extensive question and answer sessions. We are often told by “prospects” that they get more information in a two or three hour meeting with POLC than they had received during their entire tenure with other “police” unions. ♥



## Arbitration

### Seniority still counts in DeWitt Township

When one bargaining unit becomes two, as it did in DeWitt Township, watch the details. Both contracts for the patrol officers unit and the command officers unit carried identical carry-over language on seniority, reading: “Township seniority is based on continuous length of service from the date of hire and shall be used for the purpose of determining contract benefits such as vacation, sick leave, personal days and retirement.”

The duplication resulted in a class-action grievance after a police memo was issued saying that rank would prevail over department seniority for vacation selection. An arbitrator agreed with the POLC, and a settlement agreement was reached in this case that so long as operating requirements are met, seniority, not rank, will govern vacation requests.

### Appeals Court overturns Kent Circuit Court ruling

Michigan Court of Appeals Judges Deborah A. Servitto, Pat M. Donofrio and Karen Fort Hood overturned Kent Circuit Court Judge Paul Sullivan’s surprise ruling against Arbitrator Kathryn Van Dagens. The unpublished appeals court decision issued late last year vindicates the arbitrator’s original award of a take-home vehicle and paid mileage for unreimbursed travel to and from work by a Kentwood Police Detective in an arbitrated grievance brought by the POLC.

The Appeals Court ruling indicated the arbitrator’s finding was not erroneous. “Because there is no evidence that the arbitrator’s award was obtained through fraud, duress, or other undue means and there are no errors that are apparent on the face of the award, we cannot second guess the decision of the arbitrator,” the Appeals Court said. “We reverse the trial court’s order and reinstate the award of the arbitrator.”

The original grievance was filed after Kentwood refused a take home vehicle to a newly appointed detective, a long-standing practice for the job and for all other detectives in the department. ♥

— As reported by POLC’s Legal Staff

# 500,000 illegal immigrants defy deportation orders

— Excerpted from media reports

**A**n estimated half-million illegal immigrants are living in the United States in defiance of deportation orders, even though U.S. Immigration and Customs Enforcement (ICE) has stepped up efforts to catch them.

In the past year, about 100 “fugitive operations teams” around the country have made 34,000 arrests, more than double the number two years ago. But there are still at least 560,000 such individuals in the U.S. according to an Associated Press report.

“Fugitive” aliens include those who sought asylum in the United States but were rejected and ordered to leave the country. Others were caught entering or living in this country illegally, and then failed to show at their deportation hearings, the AP said.

Illegal immigrants being issued deportation notices are often given a certain amount of time to get out of the country on their own. They are not forcibly put aboard a plane; these deportations essentially operate on the honor system.

## ALL IN THE (FIRST) FAMILY

*The Washington Post* featured Zeituni Onyango, who came to the United States seeking asylum from her native Kenya but was turned down and ordered to leave the country in 2004, saying her story has turned a spotlight on the issue. Four years later, she is still here. And her nephew is now President of the United States.

The Obama camp said he did not know about his aunt’s status. “If she is violat-

ing laws, those laws have to be obeyed,” Obama said prior to the election.

It is not clear when Onyango, the 56-year-old half-sister of Obama’s late father, first came to the U.S. But she moved into a state-subsidized public housing project in Boston in 2003. Onyango has since moved to Cleveland and hired an immigration attorney to fight her deportation order.

Generally, if these immigrants stay out of trouble—if they don’t get pulled over by police or swept up in a workplace raid, for example—they are in little danger of being thrown out of the country, said the reports.

Many reform advocates say the practice breeds disrespect for the law and emboldens immigrants to sneak in and stay.

“We are strong believers of enforcement of our immigration laws, and this is a priority area for getting the message across to this country, that if they’ve been convicted of committing crimes or if they have been ordered deported, that they will be apprehended if they try to hide and continue to stay in the country,” Jack Martin of the Federation for American Immigration Reform told reporters.

## ‘PRIORITIZED’ EFFORTS

Government officials say that they are doing the best they can with the money and manpower available, and that they focus on the most serious cases, including those involving illegal immigrants who have committed crimes in this country.

“ICE has taken tremendous steps at

closing these cases and apprehending fugitives,” spokesman Richard Rocha told *The Washington Post*. “However, we prioritize our efforts on egregious violators and criminal aliens.”

Overall, an estimated 11 million illegal immigrants live in the U.S. Last year, the government arrested and deported a record number—nearly 350,000 illegal immigrants—according to ICE.

Critics complain of the government’s former “catch and release” policy along the southwest border, in which non-Mexicans caught sneaking across were released into this country with just a date to appear for an immigration hearing. Officials ended the practice in 2006. Now, these immigrants are held until their hearings.

Advocates say many immigrants defy deportation orders because they have lived in the United States for years, married, had children and put down roots in their communities.

“Is it worth going around with that feeling that you might be discovered? Or packing up your entire family now and settling all your obligations in the United States, buying airplane tickets for your family, moving back to a country where you haven’t lived for many years, where you are worried about are you going to find a job? There’s another whole set of uncertainties,” said Maureen O’Sullivan, a Boston immigration lawyer.

Advocates say the only way to reduce the number of illegal immigrants is to overhaul the nation’s immigration laws. ♥





## Memorial fund established for slain Oak Park officer



Mason Samborski

Photo: Credit?

Oak Park Police Officer Mason Samborski was fatally shot in the line of duty in December, following a traffic stop. He was 28.

On Dec. 31, hundreds of officers from dozens of police departments from around Michigan, the POLC unit Oak Park Command Officers and local Oakland County officials, joined with Samborski's family and friends crowded into St. Patrick Catholic Church in Brighton to bid him farewell.

Officer Samborski had served with the Oak Park Department for 4 years. He is survived by his wife, Sarah, and their one-year-old daughter.

A memorial fund was established for

Samborski's family. Contributions to the **Mason Samborski Memorial Fund** can be mailed to the Oak Park Department of Public Safety, 13600 Oak Park Blvd., Oak Park, 48237.

Officer Samborski had stopped a juvenile suspect and taken him to a nearby apartment complex. After arriving at the location, a struggle ensued in which Officer Samborski was fatally shot. The suspect fled the scene with the officer's service weapon but was apprehended the following day. Officials said Samborski was shot by Detroit teen Jonathan Belton, 16, of Detroit, who was to be charged as an adult in the shooting. ♥

## Bail-on-credit

CONTINUED FROM PAGE 12

### AN ECONOMIC BUST?

Some insurance companies that back the bail bonds are concerned that premium financing could leave them responsible for more forfeited bonds, according to Steve Krimel, a consultant for Accredited Surety and Casualty Inc., based in Orlando, Fla., and a retired attorney.

Krimel said premium financing is a trend that's now frequently mentioned in company projection reports.

It's too early to tell how the increased financing will affect the criminal justice system because most state courts don't keep statistics on bail jumpers and have no way of knowing how a defendant comes up with bail money. A number of judges and prosecutors interviewed by the Associated Press said they weren't aware of the riskier financing.

### *That lack of oversight allows some suspects back out on the street, who may belong behind bars.*

"If the bond is \$10,000, it's set and we're out of the picture," said a spokesman for the Miami-Dade County state attorney's office in Florida. "The whole liability is on the bondsmen, it's their business."

That lack of oversight allows some suspects back out on the street, who may belong behind bars. In a recent case, one suspect with a long rap sheet who was free on credit, crashed into a San Francisco police cruiser, killing the officer.

Several California lawmakers have proposed legislation to regulate bail financ-

ing, but the bills—vigorously opposed by the industry—died in committee. No states have passed new bail bonds legislation since 2005, said Sarah Hammond, an attorney at the National Conference of State Legislatures.

There is yet one other unsettling trend growing out of the move to bail-on-credit: the threat of re-arrest for defendants who fall behind on their payments. That's the kind of practice that could further damage the industry's already shaky reputation in a toxic economic climate, said a Florida insurance consultant.

"That's become an ethical question," he said. "And you're going to see a lot more of that type of dispute as the recession goes on." ♥

— From media reports



# Your Old Car Can Help DRIVE **LEEP** Programs

**E**ven if it can't move too far or too fast, any older unwanted automobile, motorcycle, RV, boat or just about any motorized vehicle may still go a long way to help fund Law Enforcement Education Program (LEEP) activities each year—and it would trade all the problems and expense of trying to sell it yourself, for a full tax deduction this year.

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it would save you the cost of making needed repairs and it relieves you of potential liability for selling what could be an unsafe vehicle, too.

Making a vehicle donation is easy. All it takes is a toll-free phone call: 800/451-1220, to arrange for a free pick-up of your vehicles. IRS forms are available, too.

Please think of LEEP when you or your friends need to get rid of an older, unwanted or problem vehicle. It's a great way to get unsafe vehicles off the road—and Michigan's law enforcement officers will have extra reason to thank you for it. ♥

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