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Law Enforcement JOURNAL



Fall 2010

POAM Endorses Rick Snyder

By Ed Jacques, *LEJ* Editor

On Wednesday, September 22, 2010, the POAM endorsed Rick Snyder for Governor, saying Rick will protect Michigan residents and support front line officers. Rick had previously met with POAM leaders at our headquarters in Redford, Michigan, to discuss and define the issues that affected police officers and public safety in our communities.

While Mr. Snyder is best prepared to tackle the economic dilemmas as they relate to revenue sharing and declining property values, Rick asked a lot of questions about the history of compulsory arbitration (312) and some of the ideas that POAM would utilize to streamline the process. Snyder also engaged in frank talks about securing secondary road patrol monies for local sheriff's departments and ensuring that some of the State Police's most important core functions continue to be funded.

"Rick is deeply invested in the safety of Michigan citizens and committed to supporting law enforcement officers," said Kenneth E. Grabowski, POAM Legislative Director. "He uses frank, straight-forward talk and is willing to investigate issues before jumping to conclusions, and that's what we look for in a leader. Mr. Snyder has promised to utilize our vast experience as a resource when being confronted with any legislation that impacts police and sheriff's departments, and their hard working employees."

Snyder welcomed POAM's endorsement, stating that poor budgeting practices in Lansing and constant reliance on quick fixes by the current administration is endangering the long-term financial health of local governments and police and sheriff departments across the state. "I am well aware



Rick Snyder made a personal visit to the POAM office to discuss important law enforcement issues.

that POAM represents the vast majority of law enforcement in Michigan," stated Snyder. "Their members are committed to improving our state and protecting our local communities. They deserve our support."

"The POAM Executive Board believes that real change in Michigan can come from someone like Mr. Snyder who has lots of practical business experience to help turn the state around," commented POAM President Jim Tignanelli. "Rick has some innovative ideas and is not afraid to make the tough decisions necessary to improve Michigan's economic standing."

A strong law enforcement presence at the local level is high on Rick Snyder's agenda. "We need to re-think the way we run government and examine programs up and down the line to make sure we are getting value for our money so we can afford our priorities," says Snyder.

"Our organization has always taken the endorsement process seriously and will assist the Snyder Campaign in every reasonable way," commented POAM Business Manager William Birdseye. "Our members do not overwhelmingly affiliate with any political party, and our refusal to rubber stamp our endorsements reflect their philosophy."

Rick Snyder understands that. "Police officers have to make tough judgment calls based on changing circumstances just about every day," says Snyder. "I'm thrilled that the union that represents most of those independent, courageous public employees has confidence in my ability. I will use their endorsement to give even more credibility to our campaign."★



Police officers from Westland, Livonia and Monroe County joined Ken Grabowski to make POAM's endorsement official.

*More endorsements
on pages 7 and 8*

Signed and Sealed

Agreements gain vital benefits for POAM members

Summaries and highlights of recently completed local contract negotiations and 312 arbitrations

Act 312 Award

Flint Township POA

Duration: 1/1/2009–12/31/2011

Both parties agreed on a 2.5% increase in the first year and 0% the last two years of the contract. Impasse was on retroactivity of first year wages. Union prevailed.

Employer argued for holiday pay at 1.5x rate of pay. Union requested status quo at 2x. Employer prevailed.

Employer requested status quo on floating employee pension contribution (12-1/2% in 2009). Union wanted a cap at 10%. Union prevailed.

Bargaining team consisted of Jeff Hovey, James Santa and Vern Chontos, who were assisted by POAM Business Agent Jim DeVries and Research Analyst Kevin Loftis. Arbitrator was Barry Ott.



Negotiated

Novi Command

Duration: 7/1/2011-6/30/2013

Wages:

Gave back 2010 increase of 2.5%.

2011 – 0%

2012 – 2-1/2% (at the end of contract year)

Health care is BC/BS Community Blue 2 with \$20 office visit co-pay.

Bargaining team consisted of John Nelson and Jason Meier, who were assisted by POAM Business Agent Jerry Radovic.

Negotiated

Marine City POA

Duration: 7/1/2010-6/30/2013

Wages:

2010 – 0%

2011 – 1%

2012 – wage re-opener

Health care is Priority Health of Michigan PPO. The City will deposit 75% of deductibles into the employee's Health Savings Account. Health care re-opener in 2012.

Increased vision coverage.

Shift differential increased to \$.75 per hour.

Comp time capped at 80 hours.

Bargaining team consisted of Tim Rock and Brad Kolcz, who were assisted by POAM Business Agent Kevin Loftis.

More Signed and Sealeds on page 31.



Act 312 Award

Kent County LEA

Duration: 1/1/2010–12/31/2011

Wages: 2010 – 2.25%
2011 – 2.00%

Life insurance increased to \$50,000 and dental reimbursement to \$2,300 per year.

Any hours over 1,440 in sick bank can now be rolled over to retirement bonus bank.

Health insurance co-pay at 15% of premium. Co-pay decreased by 2-1/2% for non-smokers and an additional 2-1/2% for receiving annual physical.

Employees can now sell back 40 hours of vacation time for straight pay after using 50% of accrued vacation.

Final Average Compensation (FAC) is still calculated at best three years of five; however, overtime portion will be averaged over last ten years prior to retirement.

Bargaining team consisted of Tim Lewis, Russ Larson, Bryan Muir and Glenn Nevelle, who were assisted by POAM Business Agent Jim DeVries. Arbitrator was Barry Ott.



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PAUL POSTAL
Grand Traverse County DSA

JIM McMAHON
Gross Pointe Farms PSOA

MATT VAN LIERE
Ottawa County DSA

Negotiated

Crawford County 911

Duration: 10/1/2009-09/30/2013

Wages:

2009 – 1%
2010 – 1.25%
2011 – 1.50%
2012 – 1.75%

Medical coverage is Priority Health PPO III with a \$10/\$40 drug card. 100% of premium paid by employer.

Bargaining team consisted of Jason Alexander and Ryan Finstrom, who were assisted by POAM Business Agent Pat Spidell.

POAM REPRESENTS YOU

- MCOLES- Michigan Commission on Law Enforcement Standards
- Mid-States Coalition of Police Officers

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From the President's Desk

by Jim Tignanelli

Pivotal Year

2010 has been a pivotal year, to say the least. Many of our members are fighting for the freedom of others on the opposite side of the world. Some have returned with injuries. All have returned with memories most of us could only imagine.

POAM has continued to grow in spite of the fact that the number of police officers has been victimized by the worst economy in our lifetime. Only recently, the feds reported that there are more people living in poverty now than since the 60s. This is a fact that cannot go unnoticed as we find ourselves at the bargaining table. Obviously the sources of revenue that public employees depend on for bargaining are directly impacted by property values and revenue sharing. More than ever, the talent, resources and preparation that the POAM has developed over the last two decades becomes a tool worth using during negotiations. Most employers, even those represented by veteran legal staff, find themselves at the table only a few times a year while your business agent is doing that many times on a regular basis.

Preparation is the key. Knowledge is essential. Clever solutions must be, and are, out there. The "old way," the "status quo," is not the way it's done anymore. Please consult your business agent for those answers. We are constantly digging, constantly researching, constantly

seeking those solutions. Increasing health insurance co-pays and deductibles or forcing the member to pay a share of premium is the old, simple way to reduce costs. There are better ways to save money on health care. We are working with some very clever people to create those solutions.

Consult your business agent regarding the impact of the recent "national health care" initiative (Obama-Care). This has led to some significant changes that must be considered during negotiations. Changes in PPO plans, changes in the rules governing Flexible Spending Accounts (FSA) and dependent coverage are only a few. We have the information available for you.

The Taylor Police Department recently lost their second member of 2010. While all of us feel the heartache of a lost brother or sister officer, you cannot imagine the pain of losing someone you have worked with or socialized with personally. Our most sincere sympathy goes out to the families of those that have been lost, not only recently, but in the past. The memories never fade. The men and women in uniform are often forgotten in that equation, however. Please pray for those who worked with those we have lost. While they may shrug it off publicly, they carry a heavy heart. Serve and Protect each other! ★

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Vice-President's Viewpoint

by Dan Kuhn

Retirement Isn't as Far Off as it Seems

As in many articles, my goal is to get my fellow POAM members to think about important topics that relate to all of us in the law enforcement community, in hopes that the issues discussed, and my experiences will help in your decision making when faced with similar dilemmas. The dilemma I'm facing: Retirement. Although it seems like yesterday hearing my elders tell me how fast my career would fly by, in a few short months it will be here. As I near my exit from law enforcement, I thought I'd share some of my realizations and suggestions on how to best prepare for that day in your life. Hopefully, if even just a few of the less senior, and more veteran officers heed even some of my recommendations, you too can be even better prepared than I am when your retirement day gets here.

First thing, and probably the single most important thing is to start planning for your retirement early! I know, suggesting to young cops with decades on the job remaining that they begin planning for their retirement now, and that their careers will fly by in the blink of an eye probably won't work. But even if a couple of you take a little advice from your elder (ha) like I did, then I've succeeded in my goal. I can say that although I didn't follow all of the advice I was given along the way, I'm happy I listened to a few words of wisdom over the years. The best advice I was ever given was by my training officer twenty years ago, and although it seems simple enough, it isn't that simple in the police community I've worked in for over twenty years. The number one goal: Stay married if you want to accumulate wealth. The alternative is years of child support payments and possible alimony for the ex-spouse, not to mention the possibility of sharing your pension. Not a good way to successfully pave your road to retirement.

Secondly, develop a retirement plan early and make it your goal to successfully follow it. That means begin funding your deferred comp accounts by having monies deducted automatically as soon as you can, preferably from day one. You'll find it a lot easier to adjust your standard of living if you never see the monies invested. If your employer contributes to your account, invest the maximum amount you're allowed to in order to get the most out of a very valuable benefit. By recognizing the power of compounding early, you'll insure a well-funded retirement account when you separate from employment. Remember, cops are usually afforded the opportunity to retire at somewhat of an early age when compared to employees in the civilian sector. Although a nice benefit, it does create an obvious need to properly prepare for what could be a retirement that spans several decades.

Here are some other considerations/recommendations I came up with for successfully retiring:

Max out your allowed banks (PTO, sick time, comp time, or vacation). Some of the time is usually used in computation of your final average compensation. I wish I would have that piece of advice myself.

Fund a retirement healthcare account. The concept of "user pays" seems to be gaining popularity, and God knows where the healthcare crisis is going. Rest assured we'll all need money for our healthcare expenses.

Take advantage of college reimbursement benefits if you're lucky enough to still appreciate them. A degree can come in very handy when you retire.

Remember some of us, myself included will not receive any Social Security benefits.

With a little luck, you may have the fortune of a dual income which means in order to appreciate the greatest tax benefit, you'll have to defer as much annual income as you can afford.

Get a second gig. Second jobs are easier for us to find than most. We have contact with prospective employers everyday, which can lead to securing unique and very good part time employment.

Live within your means. I know its easier said than done, but fight the urge to use that opt out check or signing bonus to by that cycle or sled you could live without.

Thankfully, I have taken some of the good advice I was given over the years. Hopefully some of you will evaluate and implement a plan of your own after reading this, too. There are so many things to consider, and probably a lot of things I didn't cover. If you need help call one of our POAM preferred vendors who specialize in financial planning and money management.

Lastly: Rookies! Don't waste the most valuable commodity you'll ever have....youth. Stay healthy, and stay safe! ★

Key Retirement Milestones

➡ **3 months before you retire**

You can apply for Social Security.

➡ **50 years old**

You can make catch-up contributions to many retirement plans.

➡ **55 years old**

You can start taking penalty-free withdrawals from qualified retirement plans such as 401(k)s, 403(b)s and profit sharing plans if you left your employer in the year you turned 55 or later.

➡ **59 1/2 years old**

You can begin taking withdrawals without penalty from most retirement plans.

➡ **62 years old**

You can start taking reduced Social Security benefits.

➡ **64 years and 9 months old**

you can apply for Medicare.

➡ **65–67 years old**

You can start taking full Social Security benefits according to your birthday or wait up to age 70 to qualify for delayed retirement benefits.

➡ **70 1/2 years old**

You must begin taking Required Minimum Distributions (RMDs) from most retirement accounts.



The Treasurer's Ledger

by William Birdseye

State Elections Create Opportunity

The vast majority of seats in Michigan state government are up for election in November, 2010, and because of term limits, many of the candidates that prevail in the election will be newcomers to Lansing and its political process. Educating legislators on law enforcement issues has been an arduous task for POAM's Legislative Director, Kenneth E. Grabowski and the staff at Michigan Legislative Consultants. It is our hope that the fresh blood that emerges from the process will pump new life into improving our state's economic condition.

Director Grabowski has sent a questionnaire to every statewide candidate requesting their position on many subjects while offering relevant history and data on the topics. His response rate was encouraging and many of those answers are reflected in our endorsements highlighted in this issue.

As a public employee, notify your legislators (new or incumbent) about the local collective bargaining process and how insulted you were when state politicians proposed a 5% reduction in pay and a 20% premium on health care after already making many of those same concessions over the last couple of contracts. It is also time for Corrections Officers to mail a letter outlining the need for

resolution of the economic impasses that occur while negotiating a contract for CO's. Police officers must contact their legislators and insist that compulsory arbitration stays in place and any modifications to Act 312 be in line with the streamlined process that POAM recommended. Road deputies should keep their representatives in Lansing informed about secondary road patrol money not being pilfered to support non-essential functions of the State Police. And we must all be aware that funding the State Police Crime Lab and its other specialized investigatory services stay intact.

If you don't act, the only information our legislators will be receiving is the propaganda from the Michigan Municipal League, the Michigan Townships Association, Michigan Association of Counties and other groups that want to erode the financial well-being of your family. POAM's message resonates with legislators when followed up by actions taken by individual members. Many citizens entering the political arena had good intentions when they began their terms. Let's make sure those good intentions don't bow to political affiliations or along party lines, but rather to improving public safety in the state of Michigan.★

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Memo from Member Services

by Ed Jacques

Sheriff Oltersdorf Mired in Manure

Leelanau County Sheriff Michael Oltersdorf's abuse of his position and the employees that work for him are legendary. His narcissistic personality earned him the dubious distinction as POAM's only back-to-back winner of its "Horse's Ass Award" for Michigan's worst police administrator.

As many POAM members know, Oltersdorf and Leelanau County are being sued in federal court by five deputies who claim the Sheriff violated their civil rights by recording and listening to private telephone conversations they made in the County's Law Enforcement Center during working hours. The suit also points out that their rights to free speech and to engage in protected union activity were violated, and that the Sheriff retaliated against them by terminating three of the deputies. Since that time, one of the deputies has prevailed in grievance arbitration, while another prevailed in a Veteran's Preference Act hearing conducted by the County Prosecutor. In both cases, the County was ordered to make the employees whole, including back pay and immediate return to work. Oltersdorf has refused and the County is appealing.

In late August, 2010, an independent "Blue Ribbon Panel" of attorneys who were not otherwise involved in the case, recommended to the County that they settle the federal lawsuit with a 1.2 million dollar award. In most "case evaluations," the party that rejects the panel's recommendations usually ends up paying attorney fees for the entire case if they lose. The Leelanau County Board of Commissioners, by a vote of 6-0,

rejected the settlement plan, risking hundreds of thousands of dollars in legal fees and over a million if the case goes to trial. It appears that the County is listening to the people who stand to gain the most from the extending of litigation, their own attorneys!

The grievance arbitration and Veteran's Preference Act hearing once again spotlighted the incompetence and paranoia of Sheriff Michael Oltersdorf and his Undersheriff Wooters. Those findings are now a matter of public record and hopefully the citizens of Leelanau County will now demand that Oltersdorf be put out to pasture or sent to the glue factory.

If any further proof is necessary to convince anyone that the Sheriff is delusional, think about the following. Oltersdorf recently posted an announcement on the Michigan Sheriff's Association website pitching an upcoming training seminar he is hosting called "Behind the Walls". In his description, Oltersdorf says that due to the decay of ethics, values, morals and criminal conduct from correctional officers, he felt a need to remind his employees why they accepted the job and swore an oath of office. Oltersdorf goes on to say, "...when some of their conduct becomes highly publicized, it is an embarrassment to our agencies, and not in the best interest of the public we serve. The training is designed to make CO's take notice of management's expectations and remind them of their obligations."

This is not a bad joke. Sheriff Oltersdorf is actually hosting a seminar on ethics! Now that is a crime!★

WELCOME NEW MEMBERS

Since July 1, 2010

Previous Affiliation – AFSCME

1st District Court Employees Association
38th Judicial Circuit Court Employees Association
Farmington Public Employees Association
Lincoln Park Public Employees Association

Previous Affiliation – POLC

Grosse Pointe Shores PSOA
Eastpointe Command Officers Association

Previous Affiliation – MAPE

Imlay City Public Employees Association
Frankfort Public Employees Association

Previous Affiliation – None

Grand Blanc Professionals Association
Grand Blanc Administrative Employees

WELCOME TO POAM!



The Legislative Director's Chair

by Kenneth E. Grabowski

Endorsements in This Issue

This edition of the *Law Enforcement Journal* features endorsements for the upcoming election. Unless you have been living in a cave, it appears that the change everybody has been asking for is going to finally come. I believe the results of this election will once again change the status quo.

POAM has endorsed only candidates that we feel are working in the best interest of you and our membership for the safety, well-being and economic future of you and your family. As of the publication of this edition, the endorsement list is not yet complete. Visit www.poam.net for the most recent updates right up until the day of the election.

Some candidates whom POAM have previously endorsed have not gotten a current POAM endorsement as a result of actions taken during the last election cycle. POAM is also waiting for a response to some questionnaires. The candidates POAM has endorsed have committed themselves to listening intelligently to the views and positions of our members. Even though you may hear information put out that does not accurately reflect the position you wish a candidate to hold, these candidates as endorsed have committed to working with the POAM prior to making any decisions in the future. ★

Governor — Rick Snyder

Secretary of State — Ruth Johnson

Attorney General — Bill Schuette

Supreme Court — Robert Young & Alton Davis

U.S. CONGRESS

👍 District 1 Gary McDowell 👍 District 4 Dave Camp 👍 District 6 Fred Upton

👍 District 8 Mike Rogers 👍 District 9 Andrew "Rocky" Raczkowski 👍 District 10 Candice Miller

👍 District 11 Thaddeus McCotter 👍 District 15 John Dingell

Michigan House of Representatives

District 1	Janice DuMouchelle
District 2	Lisa Howze
District 6	Fred Durhal
District 7	Jimmy Womack
District 10	Harvey Santana
District 12	Rashida Tlaib
District 13	Andrew Kandrevas
District 16	Bob Constan
District 17	Phil Cavanaugh
District 18	Richard LeBlanc
District 19	John Walsh
District 20	Kurt Heise
District 23	Deb Kennedy
District 24	Sarah Roberts
District 25	Jon Switalski
District 26	Jim Townsend
District 27	Ellen Cogen-Lipton
District 28	Lesia Liss
District 29	Tim Melton
District 30	Kenneth Lampar
District 32	Jennifer Haase
District 34	Woodrow Stanley
District 35	Rudy Hobbs
District 37	Vicki Barnett
District 42	Harold Haugh
District 46	Brad Jacobsen
District 48	Rick Hammel
District 49	Jim Ananich

District 50	Charles Smiley
District 51	Paul Scott
District 52	Mark Ouimet
District 54	David Rutledge
District 55	Mike Smith
District 56	Kate Ebli
District 62	Kate Segal
District 65	Mike Shirkey
District 67	Barb Byrum
District 69	Mark Meadows
District 73	Peter MacGregor
District 76	Roy Schmidt
District 77	Thomas Hooker
District 80	Aric Nesbitt
District 84	Terry Brown
District 86	Lisa Posthumus-Lyons
District 89	Amanda Price
District 91	Holly Hughes
District 92	Marcia Hovey-Wright
District 94	Kenneth Horn
District 96	Charles Brunner
District 98	Jim Stamas
District 101	Dan Scripps
District 103	Van Sheltrown
District 108	Judy Nerat
District 109	Steve Lindberg
District 110	Scott Dianda

Senate Endorsements continued on page 8

Michigan Senate

District 5 Tupac Hunter
 District 6 Glenn Anderson
 District 8 Hoon-Yung Hopgood
 District 12 Jim Marleau
 District 13 John Pappageorge
 District 18 Rebekah Warren
 District 23 Gretchen Whitmer

District 26 Dave Robertson
 District 27 John Gleason
 District 32 Roger Kahn
 District 34 Geoff Hansen
 District 36 John Moolenaar
 District 38 Michael Lahti

ALTON T. DAVIS DESERVES A FULL TERM ON MICHIGAN'S SUPREME COURT

By Ed Jacques, *LEJ* Editor

He's known as a regular guy who's super bright and a consensus builder living his entire life in northern Michigan. Alton Davis served as the Chief Judge of the 46th Judicial Court for 17 of his 21 years in the district. Davis was recently appointed to the Michigan Supreme Court following Justice Betty Weaver's recent resignation.

POAM Assistant General Counsel George Mertz was privileged enough to work for Davis for nearly two years as a law clerk conducting research in the 46th Circuit Court. "Justice Davis is a rare bread that has a thorough grasp of the technical and theoretical aspects of the law," remarked Mertz. "He understands and practices a street smart application of law that includes no political bias, just the facts and his in depth interpretation of law."

Perhaps Alton Davis' no nonsense approach comes from his "northern Michigan mindset" that recognize there is a huge diversity in Michigan. His experiences and ideas will provide the kind of remedies that Michigan needs if it's going to move forward as a state.

POAM Legislative Director Kenneth E. Grabowski has met Justice Davis and was happy to bestow Michigan's largest police union's endorsement to Davis' campaign. "Alton Davis is the complete package and will continue to serve as an excellent jurist on Michigan's Supreme Court."★

Jim Tignanelli, Alton Davis, POAM General Counsel Frank Guido and Ken Grabowski convened at POAM headquarters.



POAM'S Legislators of the Year

By Ed Jacques, *LEJ* Editor

As a Westland councilman over a nine-year period, Glenn Anderson always maintained an open and honest line of communication with his local officers that enforced our State's laws. That dialogue continued when he served the 18th District in the Michigan House of Representatives over a six year period and as one of our State Senators since 2006. Anderson knows the challenges that revenue sharing cuts have bestowed upon Michigan's communities and the importance of maintaining public safety.

Senator Anderson also believes that developing a ticket quota system to force local police officers to make up that deficit is wrong. "I believe a ticket quota system places unnecessary constraints on the officer's ability to use the experience and training they have gained on the job and is not only a detriment to the officer but is also a disservice to the citizens they serve."

Although Senator Anderson has taken on many worthwhile causes during his public service, introducing Senate Bill 741 would fix a problem that law enforcement professionals have been complaining about for years. Senator Anderson's bill would stop ticket quotas and allow an officer greater discretion when determining whether a warning may be more appropriate than writing a ticket. It also outlaws a citation standard when evaluating a police officer's performance.

"Senator Anderson is a true friend to police officers," said POAM Legislative Director Kenneth E. Grabowski. "Besides forcing police officers to become tax collectors, eliminating the quota system will improve police officer's im-

age in the communities that they serve."

Senator Glenn Anderson's district includes the cities of Livonia, Garden City, Redford Township, and Westland.

State Representative Richard LeBlanc also had a long term as a Westland City Council member and was first elected to the Michigan House of Representatives in 2006, taking over Glenn Anderson's seat after he was elected to the Michigan Senate. Representative LeBlanc introduced House Bill 5287, which mirrors Senator Anderson's bill. LeBlanc also believes that an officer's performance should not be based on an arbitrary standard of citations issued. LeBlanc wholeheartedly agrees with Anderson that "law enforcement is about fairness, not numbers."

"Although traffic stops can certainly enhance public safety, it's also very important that police officers protect local business, neighborhoods and ensure our kids safety around schools," said LeBlanc. "I trust the police officers, not the bean counters, to determine the best time and place to handle those responsibilities. Senate Bill 741 and House Bill 5287 and my legislation will mandate that."

"Ask any Westland police officer or resident about the availability and integrity of Glenn Anderson and Richard LeBlanc and they will wholeheartedly support the Police Officers Association of Michigan's choice of those gentlemen as our two Legislators of the Year," boasted Kenneth E. Grabowski.★



Ken Grabowski and Richard LeBlanc



Glenn Anderson and Ken Grabowski

Criminal Investigation Conducted by Employer Automatically Triggers Weingarten Rights

By Ed Jacques, *LEJ* Editor

POAM represents communication dispatchers within the Dearborn Police Department. In 2007, one of the members began a publicly accessible, on-line weblog, popularly referred to as a "blog." The blog did not identify the city or department that the dispatcher worked for but did comment on dispatch experiences along with many other personal entries on the site.

In 2008, supervisors at the Dearborn Police Department became aware of the blog and reviewed its contents and times of entries. Those command officers were also canvassing the site, investigating possible LEIN law violations. Over the next two days, the entire blog was downloaded and reviewed. The Michigan State Police were contacted for advice on whether the entries had violated any portion of LEIN law. The State Police directed the Dearborn Police Department to conduct an investigation and then consult with the Wayne County Prosecuting Attorney.

Shortly thereafter, two detectives came to the employee's work station and stated that they needed her help with a case and wanted to speak with her. As the employee walked through the dispatch center on the way to the investigations section, she tapped her union president on the back and motioned for him to come with her. When the president of the local association stood up and began to follow, one of the supervisors stopped him and stated "this was not a union matter." When the union president asked if the employee was facing any discipline, the command officer responded in the negative claiming it was a criminal investigation. The union rep returned to his work. The employee testified that she had originally thought that she may be receiving additional discipline on a recent incident where she had been giving a written reprimand, and that was her reason for wanting a union representative present.

One of the detectives testified that he had communicated to the employee that he was conducting a criminal investigation and that she was not in custody and free to leave. The employee's version on this part of the meeting was different. The employee denied that the detectives informed her at any time that she was free to leave the interview and that she was not told this was a criminal interview until half way through the meeting. She testified that she did not believe she was free to leave because she was being interviewed by two command officers and had been delivered to the interview by her immediate supervisor. She was not even aware that the criminal investigation was focused on possible violation of the LEIN law until well into the interview.

When the employee finished the meeting, she was handed a notice suspending her with pay pending completion of the criminal investigation. A report was submitted to the Wayne County Prosecutor's Office. The Prosecutor declined to prosecute, stating that "administrative action was sufficient." Shortly after that decision, the employee returned to work as a dispatch communication operator. Her supervisor was then directed to conduct an internal investigation into whether she had violated police department and/or City policies. Once again the employee was interviewed as part of the investigation, this time in the presence of her union representative. The investigator then prepared a report for the police chief.

One month later after the chief received and had time to review the report, the employee was terminated. POAM subsequently filed an unfair labor practice (ULP) against the City of Dearborn.

In *University of Michigan, 1977 MERC Lab Op 496*, the Commission adopted the rules set forth in *NLRB v Weingarten, 429 US 251 (1976)* that an employee has the right to have a union representative present

when interviewed by the employer when the employee reasonably believes that the interview may lead to discipline. "Reasonable belief" is measured by objective standards, taking account of all the circumstances of the case. As the Court stated in *Weingarten*, the employee must invoke the right by requesting union representation. No particular language is required for the request. The employee must merely put the employer on notice that representation is desired. The City of Dearborn asserted that the employee did not request union representation at her original interview even though the record indicated that the employee had asked her union rep to accompany her to the interview by non-verbal gestures. When the union rep began to follow her into the interview room, and was told by a supervisor that it "was not a union matter," she was effectively being told that she could not have union representation. Administrative Law Judge Julia C. Stern agreed that the employer was put on notice and that the employee's right under the Public Employees Relation Act (PERA) to the presence of a union representative during the criminal investigation was violated.

"The employee denied that the detectives informed her at any time that she was free to leave the interview and that she was not told this was a criminal interview until half way through the meeting."

In her decision, Judge Stern cites *United States Postal Service, 241 NLRB 141 (1979)* in which the National Labor Relations Board rejected arguments made by the US Postal Service that its employees had no Weingarten right to union representation at interviews conducted by Postal Service Inspectors as part of criminal investigations. POAM Assistant General Counsel Douglas Gutscher who argued the case stated the obvious, "If an employer is conducting its own criminal investigation on its employees, it is reasonable to believe that possible discipline will arise. The City of Dearborn should have had an independent agency conduct the investigation or allowed the employee her Weingarten rights."

"It's important that all public employees be reminded that if a separate agency is conducting a criminal investigation, the affected employee does not have to cooperate in any way and can end the interview and leave at any time," added Gutscher. "Garrity privileges should be invoked during any investigation where there is even a hint of possible criminal charges."

In Judge Stern's recommended order, she ordered the City of Dearborn to cease and desist from interfering with, restraining, or coercing employees, including the exercise of rights guaranteed by section 9 of PERA, including the right, on request, to the presence and active assistance of a union representative at an interview, including an interview conducted as part of a criminal investigation, which the employee reasonably believes may lead to discipline. The order must be posted in conspicuous places at the police department for a period of 30 consecutive days.★

Editor's note: A complete library on Weingarten, Garrity and other public employee rights are available at www.poam.net. Never hesitate to call your POAM Business Agent if you need clarification on any issue.

Police Officers Association
Announces New Member
Vision Program with
SVS Vision!

OPTION 1 – Members currently covered by an optical plan

SVS Vision office locations will:

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- Repair breakages occurring in the line of duty at no charge
- Provide a one-year breakage warranty

OPTION 2 – Members without current vision coverage

SVS Vision office locations will:

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- Provide free cleanings and adjustments
- Repair breakages occurring in the line of duty at no charge
- Provide a one-year breakage warranty

OPTION 3 – SVS VISION CARE PROGRAM

Our SVS Vision Care program is available to POAM members and their dependents for a minimal annual fee of \$29 per each POAM member and \$20 per dependent.

SVS Vision office locations will:

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- Flint (S. Linden Rd.) 810-230-9300
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- G. Rapids (28th St.) 616-245-6300
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NATIONAL HEALTH CARE REFORM:

What does it mean for Michigan Blues members?

In March, President Obama signed the Patient Protection and Affordable Care Act, promising sweeping change in the health care industry.

Over the past few months, you've probably read a lot about health care reform, but you may still be wondering what the changes will mean to you.

As Michigan's leading health plan, Blue Cross Blue Shield of Michigan is committed to serving as a trusted source for reform information. To act in the best interests of our customers and members, BCBSM's small team of health reform experts is working across the organization and with stakeholders to implement reform.

We've also launched a new website, bcbsm.com/healthreform, to help people in Michigan understand how national health care reform affects them.

Fortunately, we're well prepared for reform, as we already act much as the new law requires us to act:

- We take anyone, regardless of the person's health condition.
- We community rate our coverage for individuals. That means we ask for the same premium, regardless of the individual's health condition.
- Our average yearly margin on health insurance has been one-tenth of one percent over the last 20 years.

Some reforms take effect in September

The Blues are preparing to enact changes that will go into effect on Sept. 23, 2010. These changes will affect members when their new plan years begin on or after Sept. 23, 2010.

So, for example, if your new plan year begins on Jan. 1, 2011, these changes will affect you then.

Changes include:

- Annual dollar limits on essential benefits will be restricted.
- Lifetime dollar limits will be removed.
- Pre-existing condition exclusions for children under age 19 are prohibited.
- Coverage extends to dependents up to age 26. Dependents can be married and don't require student or tax-dependent status

Additional reforms will occur in January 2014

- No pre-existing condition exclusions will apply to anyone.
- Rating will be based only on age, family size, geography and tobacco use.
- Charging for age is restricted so that the oldest policy holder is charged no more than three times the youngest policy holder.
- There will be no annual limits on essential benefits.
- A minimum level of benefits will be required.

Reform already taking place in Michigan

The Blues have been providing access to quality, affordable health care for Michigan residents even before national health reform was passed — offering coverage to anyone, regardless of health status. Blues' partnerships with doctors and hospitals are improving the quality and lowering the cost of that health care.

For example, our Patient-Centered Medical Home program was launched on July 1, 2009. This program, the largest of its kind in the U.S., is already showing signs of success as more than 1,200 PCMH-designated doctors are managing

their patients' care to keep them healthy and prevent complications that require expensive medical services to treat.

A patient-centered medical home is a care team, led by a primary care physician, that focuses on each patient's health goals and needs, and coordinates that patient's care across all health settings. Patients receive the right care in the right setting.

Physicians are compensated for the additional time and effort required to manage their patients' care.

PCMH is just one program the Blues are conducting through Value Partnerships, a collection of initiatives among physicians, hospitals and the Michigan Blues — all aimed at improving quality and safety in medical care. Find out more about our Value Partnerships at valuepartnerships.com.

Vital enrollment information for dependents and those who've reached lifetime limit

We have some good news for you if you have a dependent up to age 26 who had to be taken off your health care coverage because he or she was no longer eligible for dependent coverage or if you've lost coverage because you reached your lifetime limit.

As part of the Patient Protection and Affordable Care Act, we are extending coverage to all dependent children (by birth, marriage, legal adoption or guardianship) up to age 26.

Eligibility will no longer be limited by financial dependency, marital status or enrollment in school.

Eligible individuals whose coverage ended, who were denied coverage or who were not eligible for coverage because dependent coverage ended before they turned 26 can request enrollment in the health plan

during the enrollment period.

PPACA also requires the removal of lifetime limits on the dollar value of all essential benefits. The lifetime limit on the dollar value of such benefits under the health plan no longer applies. Individuals whose coverage ended because of reaching a lifetime limit under their plan and who are otherwise eligible for coverage are now eligible to re-enroll.

Coverage effective date

In most instances, coverage will be effective Jan. 1, 2011. However, the effective date may vary for some individuals whose group's plan year is not a calendar year.

Please check with your employer's benefit representative or human resources department.

Your employer may be required to hold a one-time 30-day special enrollment period from Nov. 1 through Nov. 30, 2010, to enroll qualified dependents as well as those who've lost coverage because they've exceeded lifetime limits. Individuals who wish to re-enroll must make a written request for re-enrollment during this special enrollment period.

Please note: Effective dates may vary based on your employer group's plan year.

Benefit changes possible

Some provisions of the Patient Protection and Affordable Care Act must be implemented with plan years that start on or after Sept. 23, 2010. As a result, Blues members may see some benefit changes for things such as emergency services, preventive care and eligibility of dependents up to age 26. For more information about these changes, contact your benefits administrator or log in to Member Secured Services at bcbsm.com, where updates will be available as changes are made.★

HARPER WOODS POLICE CHIEF RANDOLPH SKOTARCZYK IS POAM'S POLICE ADMINISTRATOR OF THE YEAR

By Ed Jacques, *LEJ* Editor

He has served all of his 31 years in law enforcement in the City of Harper Woods. He has received a Master's Degree from Central Michigan University and been a police



POAM President Jim Tignanelli (left) was happy to present the award to his long-time friend.

academy instructor for 27 years. Randolph Skotarczyk, affectionately referred to as "Scotty," is one of Michigan's most respected and effective police administrators. But when nominations were received for this award at the POAM office by both the local patrol and command units in Harper Woods, the POAM Executive Board knew there was more to this man than just his record in police work.

After interviewing members of patrol and command about their chief, it was learned that he also served as a teacher, counselor, confidant, expert and above all, head of the family. "Our chief has pioneered some programs that have significantly increased the effectiveness of police officers and improved public safety for Harper Woods citizens," stated Deputy Chief James Burke. "Chief Skotarczyk has consistently asked for input and advice on just about all department initiatives from his command and patrol staff."

"Randolph Skotarczyk was the overwhelming choice of POAM," said President James Tignanelli. "His list of achievements is too long to mention, but his leadership during the Harper

Woods Police Department's major organizational changes over the last couple of years has been impressive. Skotarczyk was an effective patrol officer, respected command officer and now a courageous chief who stands should to shoulder with his officers."

Harper Woods local POA President Mike Lynch acknowledged Chief Skotarczyk's qualifications for the award but noted his nomination also came because "my members genuinely feel that Skotarczyk cares about their families and careers. Department morale around here is very high, and that feeling is generated from our top cop."

Chief Skotarczyk was proud but humbled by his being named the POAM Police Administrator of the Year. "I accept this award on behalf of the men and women that I serve on the Harper Woods Police Department," said the chief. "I am especially honored to receive this award at the same time two of Harper Woods finest are also being recognized as POAM's Police Officers of the Year."

Well said Scotty!★

INMATE'S MOTHER'S VERSION OF EVENTS DEEMED CREDIBLE BY THIS YEAR'S HORSE'S ASS

By Ed Jacques, *LEJ* Editor

An inmate in the Isabella County Jail was anxious to receive his free telephone card because he wished to talk to his mother. When the inmate did not receive his card as quickly as he had hoped, he followed the Corrections Officer (CO) out of his cell and positioned himself in the doorway so the cell door could not be closed. The inmate was ordered to return to his cell, refused several more times, all the while demanding his phone card. The CO then asked the senior CO on the shift for assistance, who arrived on the scene with an additional officer. The senior CO informed the inmate that he would be put into the cell forcibly if he did not cooperate. The inmate still refused and was then pushed into the cell where a short struggle ensued and the inmate was eventually handcuffed and removed. The inmate was shoved against the wall so that both CO's could get on either side of him to walk him to the maximum security cell where he was placed while still handcuffed.

The senior CO then reported this incident to his shift commander and they both watched the videos that were made by the jail's security cameras. The sergeant informed the officer that he should have removed the handcuffs from the inmate when placing him in the maximum security cell but she declined any form of discipline.

Several days later the inmate was in court and his mother noticed abrasions on his neck. Hearing her son's version, "mommy" made a formal complaint to the State Police. The State Police then informed Sheriff Mioduszewski, who then ordered an internal investigation to be conducted by his undersheriff. The undersheriff's report indicated the use of excessive force. The sheriff accepted the undersheriff's report and terminated the officer's employment. POAM filed a grievance citing a violation of the "just cause" provision of the collective bargaining agreement.

POAM President and Isabella County Business Agent Jim Tignanelli

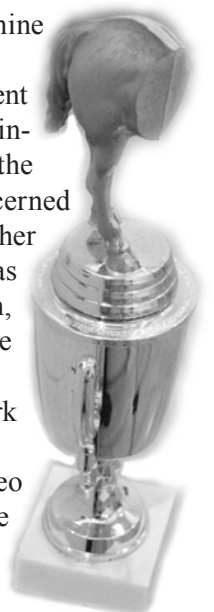
presented the case in front of Arbitrator Peter D. Jason. Evidence was introduced that the inmate had previously told other inmates that he would cause a disturbance if he did not receive his phone card. Department policy on the use of non-lethal force states that non-lethal force may be used against a person passively resisting a lawful full custody arrest when alternatives to the use of force have failed or are not available to the officer. Videos of the altercation were also made available to the Arbitrator for viewing.

In his Order, Mr. Jason states that this is a "situation in that an inmate refusing direct orders from Correctional Officers is the same kind of offense as a citizen attempting to resist a custody arrest from a police officer." Jason further states, "after several viewings of the video, I conclude that no excessive force was used. Also, I found it difficult to determine what else the Correction Officers could have done."

The Arbitrator also noted that on the night the incident took place, the inmate did not file any complaint, and the incident was not treated as an injury by either the inmate or the officers at the scene. The supervisor on duty was not concerned about any use of excessive force and not disciplined for her failure to report it to her superiors. In fact, the grievant was allowed to work for many weeks during the investigation, proving that even the supervisors did not believe that the grievant presented a danger to inmates.

Arbitrator Peter D. Jason returned the grievant to work with full back and benefits.

For this and other reasons, Isabella County Sheriff Leo Mioduszewski earned the distinction of being named the 2010 POAM Horse's Ass.★



Michigan's Super Drunk Drivers Will Soon Face Greater Punishment

By Patrick T. Barone, Esq. Barone Defense Firm, Birmingham, Michigan

Beginning on October 31 2010, Michigan drivers with a bodily alcohol content (BAC) of .17 or greater will face significantly enhanced penalties. These new and enhanced penalties are based on Public Acts 461 and 462, which Governor Granholm signed into law on January 9, 2009. Collectively known as Michigan's "super drunk" law, these Public Acts amend several sections of Michigan's vehicle code, and most notably add a new definition of drunk driving carrying enhanced punitive and license sanctions.

To Whom Does the Law Apply?

These newly enhanced sanctions are applicable only to first-time high BAC offenders. Second and subsequent offense license and punitive sanctions remain unchanged regardless of the driver's BAC. Presumably this is because the overall punishment for repeat offenders is still greater than will be applicable to super drunks.

One-Year Treatment Requirement

One change that is applicable to repeat offenders as well as first-time high BAC drivers is a new one-year treatment requirement. This one-year period is the longest treatment requirement yet mandated for those convicted of any drunk-driving offense. Previously, even those convicted of felony drunk driving were not required by law to undergo such extensive treatment. Now, the only time such treatment will not be mandatory is if the driver is convicted of a traditional "low BAC" first offense.

Enhanced Punitive Sanctions

In addition to treatment, a high BAC driver will also be exposed to an array of enhanced punitive sanctions. These sanctions include an increase in fines from \$200 - \$700, and an increase in the potential jail time from 93 days to 180 days.

Enhanced License Sanctions

Upon notice of a conviction under the new law for a high BAC offense the Secretary of State will suspend driving privileges for one year. The first 45 days of this suspension is a "hard" suspension, meaning no driving is allowed. During the remaining 320 days the offender is entitled to restricted privileges, but only if they pay to have a breath alcohol ignition interlock device (BAIID) placed on their car during this period.

The statute also provides that multiple offenders who have had their driver license revoked may only have a restricted license with a BAIID for one year, and the BAIID may only be removed by "departmental order."

New Offense – Operating without BAIID

The new amendments also create a second new offense related to the monitoring of the BAIID. Accordingly, any violation of the driving restrictions imposed, or operating or attempting to operate a BAIID equipped vehicle with a BAC of 0.025 or greater results in a doubling of the license penalty. Thus, offenders who violate their license restrictions in this way will have a second set of identical driver license sanctions imposed, meaning a new 45-day period of no driving followed by 320 days of restricted driving with the BAIID.

Details Regarding BAIID Law

While the pre-amendment law provided for the use of a BAIID under other circumstances, including as a condition of bond or probation, several amendments have also been made relative to this device. For example, approved devices are now specifically defined as those that meet or exceed the specifications appearing on the 1992 Federal Register conforming products list. These devices use "alcohol-specific electrochemical fuel sensor technology," and the statute requires that certain "anticircumvention" technology be employed.

Once installed, a typical BAIID requires a driver to blow into the device when they first start their car, and then retest within the first 5 to 15 minutes. The BAIID will not allow the car to be started if it detects a BAC of .025 or greater. When driving for longer periods of time the driver must also test about twice every hour. The device records the date and time of each test and any violation is reported to the monitoring agency. If a BAC of greater than .025 is detected during operation a "warning signal" will be emitted, and after coming to a complete stop the car cannot be re-started until the driver has a BAC of less than .025. A person required to have an ignition interlock cannot operate a vehicle not equipped with an ignition interlock. As a rough approximation it may be considered that a BAC of .025 is equal to about one drink of alcohol for a person weighing approximately 160 pounds.

Non-BAIID Equipped Vehicle Impoundment

The amended law also provides for impoundment where a person required to have a BAIID is stopped in a car without one. If this "non-BAIID" vehicle is individually or jointly owned, the vehicle registration plate will be confiscated and destroyed. A new temporary plate will be issued and the Secretary of State will be notified. This is considered to be an "offending vehicle" sanction, meaning the owner and not necessarily the driver of the car remains liable for all expenses incurred in the removal and storage of the vehicle.

Drunk Driving

Now More Expensive Than Ever

The new law also makes drunk driving far more expensive because it is the driver's responsibility to pay the cost of installing the BAIID as well as the monthly fees required to maintain it. While the state does not regulate the cost of ignition interlock devices, the Legislature had previously limited the amount that can be charged to people on low-incomes to a maximum of \$1 per day. The new law increases this maximum to \$2 per day, and for certain low income drivers the installation fee is waived. Drivers who do not meet the low income deferment requirements must pay the BAIID vendor's usual rates. In Michigan installation fees are around \$50, and depending on the vendor, monthly fees can be as high as \$100.

Knowingly Allowing OWI Penalties also Enhanced

In a rather peculiar change, a person convicted of knowingly allows an intoxicated person to drive must have their car immobilized for 90 to 180 days. Under these circumstances there is an option however to have a BAIID installed in which case the immobilization must be suspended. However, the court may reinstate vehicle immobilization if the ignition device is tampered with, circumvented, disabled, or the person's restricted license is suspended or revoked.

Fewer "Local" Prosecutors

Michigan law provides that a village, charter village, township and charter township may create and enforce ordinances with penalties up to 93 days, while cities with populations under 10,000 may create and enforce ordinances with penalties of up to 180 days. However, these cities will be in the minority, because most cities have adopted a charter which would put them into the Home Rule City Act which again limits prosecutions to crimes punishable by up to 93 days.

Because a Michigan super drunk can now be incarcerated for up to 180



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Surviving the Streets

With Lt. Jim Glennon

--- 'I'm not arrestable' ---

The words “I’m not arrestable” were uttered by a motorist to Las Cruces, New Mexico rookie Police Officer Carlos Wooten moments after the officer initiated a traffic stop on the man. Though the stop happened over eight years ago, Wooten, now a much more veteran officer, will never forget what happened next.

As Wooten was attempting to talk to the motorist the man decided to walk away from the officer rather than answer his queries. As Wooten began to issue orders the noncompliant motorist said to him, “I’m not arrestable.”

Wooten was put in a position that required him to physically control the noncompliant motorist. As the encounter escalated, the motorist pulled a gun, “out of nowhere,” and pointed it at the officer’s face. A shot rang out and a bullet ripped through the left side of Wooten’s neck.

Not one to taking being shot lightly, the officer decided that the shooter needed to be arrested no matter how much he was willing to resist. Ignoring the gunshot wound for the time being, Wooten, with help from his partner, did manage to subdue and arrest the gun wielding motorist.

Officer Wooten recovered from his wounds and was back at work within three weeks.

There are a number of issues that we could address concerning this incident: How easily people conceal weapons. How fast they can produce them. The courage and tenacity of the hero who is Officer Carlos Wooten. But what I want to focus on are the words that preceded the motorist’s murderous actions: “I’m not arrestable.”

In the Calibre Press Street Survival Seminar, the instructors often ask this question to the attendees: “Before people attack us, what do they do?” Veteran officers are quick to recognize the point of the question and are just as quick to shout out the correct answer: “They tell us!”

And the officers are absolutely right. Though I know of no specific studies that have tracked how often bad guys reveal their nefarious intentions to the police officers they plan on attacking, veterans around the country know that these warnings happen all the time. And it is this communication of an impending attack that I want to address. Officer Wooten was warned by his attacker prior to the actual assault and he took that warning to heart. Perhaps that is the reason he is alive and still fighting crime today.

Most people who interact with police officers comply with orders and answer questions willingly. However on occasion, some have criminal assault on their minds. They don’t want to comply or answer questions; they want to control and defeat authority.

But what can be counted on by police officers is that as these people internally process their options and determine their course of action they will unconsciously leak their true intentions. Those leaks will be revealed through one, or all, of the following communication channels: direct words, body language, or paralinguistic signals.

In Officer Wooten’s case the assailant leaked his intentions through the words he used: “I’m not arrestable.” Perhaps he believed that he was not subject to the officer’s authority. Maybe his general anti-social and belligerent outlook surfaced verbally as he contemplated his next move. Whatever the reason, he unquestionably indicated to Wooten that he was not open to an arrest scenario. “I’m not arrestable,” spoke volumes to a police officer who was paying attention.

There are any number of examples in which specific words or phrases used by people indicate their true intent and may actually telegraph an impending attack. They are usually uttered as the situation evolves but, as in Officer Wooten’s case, they may occur at the outset of the interaction. Some of the most common and recognizable of these examples are:

- “I’m not going to jail!”
- “I can’t afford to go to jail.”
- “You’re not big enough to arrest me.”
- “I’m not going to be arrested, Barney!”

And the very vague and ambiguous

- “I’m gonna kick your ass!”



An infamous incident that involved a young female patrol officer in Texas illustrates this phenomenon. While engaged in conversation with the man she stopped, dispatch advised that the motorist was wanted.

The motorist told the Officer, “I can’t afford to go to jail.” Seconds later he attacked and pummeled her into unconsciousness. There may be a variety of reasons this officer didn’t pick up on the cues: the assailant had his daughter with him which may have lulled the officer into believing he was a father and not a dangerous predator; his statement was not said in an angry tone of voice, and he was generally friendly even laughing at one point. But the statement, “I can’t afford to go to jail” was still made and it did have meaning.

Body language examples are infinite when it comes to leaking evil intent. Police officers need to pay particular attention to any of the following while dealing with people that begin to exhibit noncompliant tendencies:

- “The 1000 Mile Stare”
(lack of blinking or eye movement, wide eyed)
- Bladed, or Pugilistic, Stance (one leg dropped behind the other)
- Clenched Fists
- Tight Jaw Muscles
- Scanning (looking around – presumably for witnesses, back-up, escape route)
- Adjustment of Clothing (rolling up of sleeves, zippering of coat, etc.)
- Scratching
- Hands on Hips
- Arms Folded Across the Chest
- Wide Stance
- Scowling
- Narrowing of Eyes
- A Round-House to the Side of the Head
- Finally, the paralinguistic (rate of speech, tone, vocal pitch, hesitations, the lack of spoken discourse and timing) indicators:
 - Angry Tone
 - High Pitch Voice (sign of stress)
 - Change of Pitch/Modulation
(accompanied by a shift in body posture)
 - Lack of Response to a Question
 - Hesitant or Partial Responses
 - Dry Mouth
 - Change in Cadence of Verbal Dialogue
 - Growling, Spitting, Drooling

Watching the dozens of videos shown throughout the two-day Calibre Press Street Survival Seminar that depict officers engaged in physical confrontations with citizens affords attendees the opportunity to identify many of these pre-attack indicators. However, recognizing these behaviors is easy when you are sitting in a nonstressed environment surrounded by hundreds of other law enforcement officers. Observing predatory mannerisms and picking up warning signs communicated by a criminal is effortless when

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POAM's Newest Executive Board Member Has Old School Ties

By Ed Jacques, *LEJ* Editor

Hopefully some of you will remember former POAM President Gordon Evans. He worked tirelessly during the 1980s as our organization began laying its foundation for full service. Afterward, as Jim Tignanelli was managing POAM's growth spurt, a young patrol officer was filling Gordon's shoes at the Grosse Pointe Farms Police Department. Jim McMahon started in "The Farms" in 1986 after a one-year apprenticeship in the City of Detroit as a police officer.

McMahon instantly became involved in the local union serving as its treasurer for the first two years and its vice president for a subsequent two year term. McMahon has served as the local union's president the last 16 years and been on its negotiating committee since 1992.

"I realized in 1988, when our department converted to public safety, how important a local union's role could be," said McMahon. "POAM and our local association were involved in every facet of the conversion and it was an interesting learning experience for me."

Jim has immense respect for William Birdseye, POAM's Business Manager, who has served as Grosse Pointe Farms' business agent through their entire history at POAM. McMahon credits Bill's knowledge and expertise in sparking his interest in the organization and eventually wanting to be on its Executive Board. McMahon admits to engaging Birdseye in some spirited debates but cannot remember prevailing on any significant issue. "Those interactions taught me well about the business" claims McMahon.

"But witnessing firsthand Bill Birdseye negotiating a contract and/or presenting a case in front of an arbitrator was my best schooling."

Jim's immediate goal as a POAM Executive Board member is to keep an open mind and learn the protocol for his new position. "There's more responsibility than I thought," states McMahon. "Especially if I'm the board member on call when a critical incident takes place."

Jim was nominated for his new position by Birdseye to fill a recent opening. "McMahon has been an excellent advocate for his public safety officers and a big asset to the POAM support staff," touted Birdseye. "He will fit in just fine."

McMahon is appreciative of his appointment and looks at his job on the POAM Executive Board as being the epitome of a Michigan police union member. "My wife and three children have been very supportive through my entire law enforcement career and they are very proud of my new role representing Michigan's police officers."★



LAST YEAR'S LOYALTY AWARD WINNER APPOINTED TO POAM EXECUTIVE BOARD

By Ed Jacques, *LEJ* Editor

Fresh off of his recognition as POAM's 2009 Loyalty Award winner, Ottawa County Deputy Sheriff Matthew Van Liere was appointed to the POAM's Executive Board at its September meeting. Matt's devout sense of duty to his local association over an extended period of time and his accomplishments over that 15 year period as a local leader weighed heavily in Van Liere's appointment to the POAM board.

Almost immediately after joining the Ottawa County Sheriff's Office in 1993, Van Liere became involved with local union activities, serving as a trustee for the first five years, vice president the next two, and the last eight years as president of the Ottawa County Deputy Sheriff's Association. When Matt first began working for the department, he was lucky enough to be partnered with its then-current president, who encouraged him to get involved and when a troubling personal experience with the new department occurred shortly thereafter, Van Liere dove into the local union business and has never looked back.

Matt has assisted POAM Business Agent Jim DeVries and POAM's General Counsel, Frank Guido, in some epic battles with the County, including some landmark decisions that have had a long-lasting positive impact on every law enforcement officer in the state. Over the last few years, Van Liere has coerced other like-minded sheriff's department employees to join his executive board and, combined with a changing of the guard within his department's administration, management and employees have established a better working relationship

and spirit of cooperation with the sheriff, eventually leading to fewer confrontations.

Van Liere was nominated for his position by his business agent, Jim DeVries. "The reason why I nominated Matt is because of his work ethic and the respect he has amongst so many law enforcement officers on the west side of the state," said DeVries. "He is a work horse who volunteers his time on many department and community projects."

VanLiere has been a member of the Deputy Sheriff's Association of Michigan (DSAM) for 17 years, and became a DSAM rep for his area six years ago. He was named President of the organization one year ago and is working hard to enhance DSAM's effectiveness in Lansing. "DSAM works hand in hand with POAM on many law enforcement issues in Lansing, especially those that directly impact sheriff's department employees," said VanLiere. "My goal is to recruit more members like POAM has in the last decade and work even more closely with POAM on issues of mutual interest to our members. My new position on the POAM Executive Board will help me accomplish that."

Matt has roots that start in Michigan's Upper Peninsula and his family still owns property there, where he spends a lot of his free time. "There is a special feeling when you cross the Mackinac Bridge that I just can't shake," states Van Liere. "When I retire, you can bet that I'll be recruiting more POAM and DSAM members from my home in the UP."★

OVERTIME RIGHT REMAINS PROTECTED

By Ed Jacques, *LEJ* Editor

On January 6, 2010, POAM and its affiliate the Highland Park Police Officers Association filed a grievance to uphold contract language requiring shifts to be led by a shift supervisor. An arbitration hearing was held on May 18, 2010.

POAM Business Agent Kevin Loftis argued that the City unilaterally violated the contract by failing to have lieutenants and sergeants lead a shift. The contract clearly stated that “a lieutenant or sergeant shall be in charge of each shift.” Loftis agreed that the Management Rights clause of the contract gives the Employer certain rights, except as otherwise modified by the contract. The contract modified the employer rights by expressly requiring lieutenants and sergeants to lead a shift. The settlement requested by the Union was that the sergeant or lieutenant who should have been offered the overtime assignment receive overtime pay at the rate of time and one-half for all hours a non-member of the bargaining unit worked as the shift supervisor. The City answered the grievance asserting that lieutenants and sergeants would not agree to accept comp time in lieu of overtime.

Highland Park POA President, James Lant, testified the contract provides that only a lieutenant or sergeant shall lead a shift. He maintained that if a sergeant or lieutenant is unavailable, a lieutenant or sergeant not on duty should have been offered to lead the shift. If there is no one available, Lant stated that the lieutenant or sergeant on the next shift can be forced to lead the shift, or the lieutenant or sergeant on the preceding shift can be forced to stay over. Sergeant Lant also contended that on the dates listed in the grievance, none of the full-time officers were offered overtime. He further testified that two sergeants did not refuse to stay over to lead a shift and that he personally never refused to work overtime.

Highland Park Police Chief, Theodore G. Cadwell, II testified that overtime within the City had been severely limited by Mayor Hubert Yopp’s Executive Order No. 2 which stated; “I hereby order that all overtime for the police and fire departments must first be approved by the Mayor’s office. It is further ordered that any overtime that has not been approved by the Mayor’s office shall not be paid.” Chief Cadwell also testified to the financial emergency that exists in the City. He indicated that some lieutenants and sergeants agreed to work for comp time in lieu of paid overtime. Cadwell also testified that the dates detailed in the Union’s grievance represented situations where comp time was offered to command officers, and that they refused it.

In his argument before Arbitrator Mark Glazer, POAM Business Agent Kevin Loftis maintained that the Financial Emergency Manager cannot override the requirements of the collective bargaining agreement under the Public Employees Relation Act (PERA). There were no discussions with the Union to amend the requirements of the contract.

The City emphasized that it was \$600,000 over budget when the Mayor issued his overtime moratorium, and his stipulation constituted the exercise of a management right. Chief Cadwell also reiterated that comp time was offered to command officers and they refused it.

Arbitrator Mark Glazer, in his opinion, held that when the collective bargaining agreement stated that a lieutenant or sergeant shall be in charge of each shift, the word “shall” meant that the requirement is mandatory. Arbitrator Glazer also stated that there is no exception in the contract based on the financial problems of the City. He also held that the Management Rights clause did not supersede the contract language because the Management Rights clause was limited where the rights of the employer are

modified by the contract.

Arbitrator Glazer noted that the CBA makes it clear that an arbitrator cannot ignore the clear meaning of Article 5 stating that “the Arbitrator shall have no power or authority to alter, amend, add to or subtract from the terms of this agreement, nor to make any recommendation with respect thereto. The Arbitrator shall be restricted to a strict interpretation of the specific terms of the section of the agreement, which is alleged to have been violated.”

In his decision, Glazer offered sound advice as to why he couldn’t award 100% of the settlement requested by the Union. “I am persuaded that the lieutenants and sergeants at issue should have accepted the assignment when they were asked, and then grieved for overtime in lieu of the comp time, if they felt they were being forced to take comp time in lieu of overtime. Because these officers did not work first and then grieve for overtime, it would be inappropriate to compensate them for the straight time that they would have received, had they accepted the assignment and then grieved. However, the lieutenants and sergeants are entitled to the overtime portion of their pay that they lost by having auxiliaries work in their place. Therefore, the affected officers who could have worked on a comp time basis under protest should receive the overtime portion of their lost compensation, or .5 hours of compensation for each hour at issue.”

POAM’s Kevin Loftis and POA President James Lant were pleased with the decision and are hopeful that Highland Park can solve some of its economic woes. “We have worked, and will continue to work with the City on some of its revenue problems,” said Loftis. “But a violation of our contract to achieve those goals cannot be allowed.”★



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ANTRIM COUNTY SGT. TRAVIS CHELLIS AND DEPUTY KAHL SMITH

No one ever knows what a new year will bring, but two Antrim County Sheriff's Department law enforcement officers didn't have to wait long to find out.

Not even two full days into 2010, at about 5 p.m. Jan. 2, Sgt. Travis Chellis and Deputy Kahl Smith set out for Star Township. Two hundred miles away, in Livingston County, a man had kidnapped his former girlfriend, who was the mother of his child, from the parking lot of an Olive Garden restaurant where she worked.

Police thought the abductor's family might own property in heavily rural Star Township and suspected he might be heading that way. Unfortunately, they could not pinpoint exactly where in the township's 34-square miles the property might be.

Relentlessly and methodically, Sgt. Chellis and Deputy Smith combed every back and side road seeking the suspect's four-door, gray-and-red Buick. But it wasn't until several dark and frustrating hours later that their efforts paid off.

The empty car sat on a wooded two-track road on a gas well site. Large amounts of blood on the passenger seat and floorboard told them they had no time to lose.

Two sets of footprints led from the vehicle through the snowy woods. The temperature was below zero, and neither Chellis nor Smith was properly dressed for long exposure. Undeterred, they tracked through the woods for five hours throughout the frigid night, hoping to save the woman from an almost certain death.

Suddenly, the footsteps stopped at a small travel trailer. A large blue tarp covered the trailer's door, blocking the only entry.

Deputy Smith loudly identified the police presence. As Sgt. Chellis began cutting the tarp from the door, a man inside the trailer shouted that he was coming out.

Not knowing what to expect, Smith forced the door open —and the suspect surrendered without incident.

Turning the abductor over to an officer who just arrived on a snowmobile, Smith and Chellis then entered the trailer to find the woman.

She told them that her former boyfriend had abducted her at knifepoint, forced her into his car and handcuffed her for the drive. When she tried to fight back, he slashed her.

Every time they had passed a police car on the way up North, he made her duck out of sight. Several times during the ride, he vowed to rape and kill her when he was done with her. She remembered falling in and out of consciousness throughout the ordeal.

EMS personnel, now on the scene, found that she was in shock and suffering hypothermia from the cold. She had several cuts, including an ugly 7-inch gash on her right leg.

Miraculously, the woman recovered from her physical injuries, but the trauma would always be with her.

Antrim County Sgt. Travis Chellis and Deputy Kahl Smith demonstrated matchless dedication during several hours in sub-zero temperatures that would have discouraged even the most dedicated officers. They bravely approached the trailer knowing they might face a volatile fugitive. They subjected themselves to life-threatening conditions to successfully save an innocent woman's life and bring a dangerous man to justice.

The Police Officer's Association of Michigan congratulates and thanks Sgt. Chellis and Deputy Smith. They truly earned the proud designation of 2010 POAM Police Officers of the Year.

CALHOUN COUNTY DEPUTY LUIS RIVERA

Iron Man depends on a high-tech metal suit to protect him in perilous situations. But Calhoun County Deputy Luis Rivera had only his own nerves of steel to fall back upon when a disturbed gunman threatened his life.

As often happens, Deputy Rivera's life-and-death confrontation began with a seemingly simple nighttime traffic stop last Jan. 25. It was well into the third shift when he pulled over a car he just spotted abruptly change lanes and then turn without signaling.

The driver told Rivera that his license had been suspended because of prior convictions.

As they talked, Rivera detected marijuana's distinctive scent. He questioned the driver, who admitted he had smoked some pot just before he'd



Antrim County Sgt. Travis Chellis and Deputy Kahl Smith's story was told by Michigan Court of Appeals Judge Pete O'Connell (center, right).



Calhoun County Deputy Luis Rivera stands shoulder to shoulder with President Jim Tignanelli (left) and Judge O'Connell (right).

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been pulled over and then had tossed it from the car when he realized he was about to be stopped.

At Rivera's request, the driver stepped out of his car for a field sobriety test. But it was Rivera —and not the driver —about to be tested as the driver promptly pulled a handgun on Rivera.

Rivera shoved the driver, hoping to gain distance and distract him. But he lost his footing on the uneven gravel and fell to the ground. Immediately, sharp pains radiated through Rivera's right knee and wrist.

Despite the pain, Deputy Rivera stood up —and found himself facing the barrel of the driver's gun pointed directly at him, less than four feet away.

His life at stake and adrenalin racing, Rivera knew his only hope was to somehow connect on a human level with the gunman. His mind raced to figure just the right thing to persuade his captor to drop his gun despite his obvious advantage over the deputy.

Futilely ordering the gunman to drop his weapon, Rivera opened what he hoped would be a fruitful conversation. He told him he had a wife and kids who needed him.

"I'm not going back to prison," replied the driver, unmoved by Rivera's plea but cluing the deputy into what his captor most feared.

"If you drop your gun, we can talk about that," Rivera responded, appealing to the gunman's fear of returning to prison.

He could tell the man was listening, so Rivera then offered him a deal he hoped he couldn't refuse: The gunman could just get into his car and drive away —and there would be no arrest.

But the driver had his doubts, countering that he knew Rivera had his ID. That meant the SWAT team could come after him and remove him from his house.

Rivera, encouraged that he at least had the gunman's ear, ventured on. This time he told him that he thought he'd dropped the driver's ID during the traffic stop —and again unsuccessfully urged the man to drop his gun.

The man was listening, but, at this point, Rivera remembered that he'd clipped the man's ID under his pen onto his shirt when he'd first received it —and that the gunman might notice it there.

Hoping to maintain the little trust he'd build between them, he grabbed the ID and held it out toward the driver, repeatedly telling him that he didn't know who he was and that he should just go ahead and leave.

Although dispatch had been trying to check Rivera's status through his earpiece, Rivera had no way to respond as long as his captor's gun pointed at him. He surreptitiously tried to locate the emergency button on his radio but was unable to do so. He remained out of contact.

Meanwhile, the man was still considering Rivera's offer to grant him freedom, but he was not quite convinced. His concern, he said, was about the videotape on the patrol car, and Rivera truthfully told him he couldn't help with that.

The driver grew visibly more desperate. Struggling to maintain his composure, Rivera sought yet another way to convince the man to drop his gun.

But, before he could do so, the gunman presented a new and surprising option: "I'm just going to go home and kill myself," he unexpectedly told Rivera. "Let's just do that."

Now Rivera shifted all the fear for his own life to concerns for the desperate driver, who stood before him.

"Just drop the gun, we can talk about it," Rivera repeated.

Instead, the man raised the gun to his own head.

While repeatedly urging the man to drop his gun, Rivera pulled his weapon, ran back several feet and called for reinforcements to help with an armed man trying to kill himself.

Twice the gunman pulled the trigger with the pistol at his own head. Twice the gun failed to fire.

The now totally distraught man fired a third time. A shot rang out and the gunman crumpled to the ground, a fatal self-inflicted bullet in his head. Rivera quickly grabbed the gun, secured the suspect and called for an ambulance.

Calhoun County Deputy Luis Rivera, who fully recovered from his knee and wrist injuries, lived up to law enforcement's highest expectations. Making split-second decisions under extraordinary stressful conditions, he calmly talked down a man who could easily have murdered him. His exemplary actions provide a practical model for fellow officers throughout the state.

Deputy Luis Rivera, we salute you with our highest honor, the 2010 POAM Police Officer of the Year Award.

DEARBORN HEIGHTS POLICE OFFICER NICHOLAS SZOPKO

The Inkster police 911 phone lines started ringing non-stop just before 7:45 a.m. on February 6 last year.

Frantic parents were calling to report a reckless driver, swerving from curb to curb, and whizzing up to 70 miles per hour through stop signs, school bus stops and school crossing zones filled with students.

Inkster police began —but then quickly ended —their pursuit, rightly fearing a high-speed chase would endanger the lives of youngsters heading to school.

But when the driver, minutes after leaving Inkster, nearly struck several students near a Dearborn Heights high school, police realized further inaction could easily result in multiple deaths and serious injuries.

Three miles from where the Inkster police had abandoned the pursuit, Dearborn Heights Sgt. Alfred Nason and Officer Nicholas Szopko, in sepa-



Michigan Supreme Court Justice Stephen Markman (right) was humbled to present Dearborn Heights Police Officer Nicholas Szopko his award.

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rate cars, began following the errant vehicle east along Van Born Road, one of the city's major highways.

About two miles into the pursuit, the officers realized the car was headed for the Southfield Freeway.

Despite considerable stress and only seconds for decision-making, the two used their radios to formulate their plan: They would attempt to box the offender in between their cars on the freeway entry ramp. The "on" ramp, they felt, would provide the safest confrontation location. It would move the danger away from area residents and prevent the driver from crashing into innocent rush-hour commuters now filling the freeway.



Eastpointe Police Officer Todd Murdock is flanked by Jim Tignanelli (left) and Justice Markman (right).

As they all entered the single-lane service ramp, Officer Szopko quickly overtook the offender, as Sgt. Nason positioned his car directly behind the suspect. The driver was now boxed in with nowhere to go —or so they hoped.

Leaving his vehicle, Officer Szopko approached the driver to take him into custody. But the minute the driver saw Szopko walking toward him, he threw his car into reverse, ramming Nason's vehicle hard enough to push it backward —and giving his car enough room to escape the formerly tight box.

Szopko, still approaching, was the only obstacle between the driver and escape.

The determined driver threw his car into forward, accelerated and drove straight at Szopko, making no attempt to slow down or avoid hitting him. With the car coming at him from one side and the steep embankment on the other, Szopko had nowhere to go.

With only a split second to decide and no reasonable alternative, Szopko fired four rapid shots through the oncoming car's windshield. Two shots hit, one of them fatally striking the driver's head. But there was more to come.

The driver's foot jammed down on the gas pedal, sending the car down the embankment, across three traffic lanes and into the center wall. Even after the car smashed to a halt, the dead weight continued to depress the accelerator, spinning the wheels until they blew up. Amazingly, no one on the freeway was injured.

Toxicology tests showed both cocaine and alcohol in the driver's blood.

Police later learned that the deceased man had just been in court the week before for trying to run over a police officer in a neighboring city. Driving his car over police officers had apparently been his weapon of choice.

Officer Szopko demonstrated outstanding professional skill and instincts in orchestrating a pursuit through heavy traffic. With nothing between him and a drug- and alcohol- fueled maniac, he stopped a wild rampage that could easily have resulted in multiple deaths and injuries.

The Police Officers Association of Michigan proudly awards its coveted 2010 Police Officer of the Year Award to Dearborn Heights Police Officer Nicholas Szopko.

EASTPOINTE POLICE OFFICER TODD MURDOCK

It was that much-awaited time in the afternoon when students file out of school, leaving teachers and tests behind them for the day. Little did Eastpointe Police Officer Todd Murdock know he was soon to face a test far more crucial than any the school had to offer.

It was April 28 last year. Officer Murdock was en route to a fight in progress at an Eastpointe middle school when dispatch rerouted him to a more urgent situation.

A huge rumble had broken out at a Papa Romano's restaurant just west of the middle school. An older teen involved in the fight reportedly was carrying a handgun and had run northward across Nine Mile Rd. near Gratiot, away from the restaurant.

Murdock was stopped for a red light at that very spot. He observed the subject, who was standing in the middle of the westbound lanes, peering back at the confrontation scene.

Pulling ahead of the westbound traffic, Murdock drove toward the teen. He then positioned his car between the teen and the oncoming westbound traffic to protect motorists from potential gunfire.

Leaving his patrol car, Murdock approached the young man, who responded by yanking a handgun from his waistband. When Murdock ordered him to drop his weapon, the gunman yelled back —and then pointed his gun directly at Murdock.

By now, students were streaming from the nearby high school and middle school. Murdock knew a stray bullet could have found its way into any of them.

Fearing for the lives of these innocent students, motorists driving on the heavily traveled mile road and nearby pedestrians, Murdock drew his weapon and fired, striking the gunman twice in the abdomen. He then secured the weapon and the young man, an 18-year-old whose injuries proved non-fatal.

Officer Murdock's quick reactions subdued a dangerous gunman and averted possible death or injury to countless innocent bystanders ³/₄ many of them students —and to himself.

The Police Officers Association of Michigan recognizes his cool and decisive professional skill. He has truly distinguished himself and earned a cherished honor as a 2010 POAM Police Officer of the Year.

HARPER WOODS DEPUTY CHIEF JAMES BURKE AND OFFICER JASON SAKOWSKI

Harper Woods Deputy Chief James Burke and Officer Jason Sakowski added a whole new dimension to Thanksgiving last year for a motorist who survived of their selfless heroism.

Just after noon on November 16, only ten days before Thanksgiving, the

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two rushed in separate vehicles to a single-car rollover accident on I-94 in neighboring St. Clair Shores.

There they found a man trapped in his car with a screwdriver lodged far into his chest. The high-impact crash or the rollover itself had apparently transformed the screwdriver into a potentially lethal flying weapon that found its mark near the driver's lungs.

With the car's engine already aflame, Burke and a St. Clair Shores officer already on the scene tried to reach the driver. But extensive damage made the doors impossible to open.

The engine fire was spreading, rapidly moving into the passenger compartment where the injured driver lay trapped.

Soon Sakowski arrived, working with Burke to reach the terrified driver who was now screaming that his legs were on fire.

Sakowski smashed the windows with a glass punch from his scout car, allowing Burke to use a fire extinguisher to quell the flames enveloping the driver's body. One by one in quick succession, the tires exploded from the fire's heat and force.

As the officers coaxed him, the driver used what little strength remained to dislodge himself from his front seat. Burke and Sakowski then reached into the burning vehicle through the shattered windows and pulled the driver to safety.

It was none too soon. Within seconds, flames engulfed the entire vehicle.

Using the extinguisher, Deputy Chief Burke put out the flames still on the driver before turning him over for emergency treatment to an off-duty EMT on the scene.

The driver was then whisked off to the hospital where he spent several months being treated for critical injuries to his body and lungs. Both officers were treated for minor cuts and burns, and then released.

Deputy Chief Burke has long been a trusted administrator who ignores outside political pressure to make decisions based only on what is best for officers under his command. He leads by command and has established an admirable benchmark for others.

Officer Sakowski, a senior patrol officers and field training officer responsible for the future direction of his department, consistently delivers superlative performances.

Both of these officers have been previously recognized for saving lives. They selflessly and professionally set the highest standards in law enforcement. They have done so once again.

The Police Officers Association of Michigan is proud to honor these fine officers for saving a man from certain death through their courage and unflinching response.

We therefore name Harper Woods Police Deputy Chief James Burke and Officer Jason Sakowski 2010 POAM Police Officers of the Year.



Howell Police Officer Donald Banfield accepted his award from long-time POAM friend and Attorney General candidate Bill Schuette (right).

HOWELL POLICE OFFICER DONALD BANFIELD

An assault rifle, expertise in unconventional warfare tactics and an emotionally disturbed veteran proved a deadly mix last August 12. The siege began about noon when EMS responded to a call for help from family members at a Howell Township home where a man had overdosed. The man, a Gulf War veteran with Special Forces training, had been struggling since he'd taken himself off his medicine for an emotional problem.

As the technicians tended to him, he grew increasingly combative, prompting them to call the Livingston County Sheriff's Department. Two deputies arrived at the home to ensure the medical responders' safety.

But as soon as the patient spotted the deputies, he became even more agitated—and then drew a handgun. Not wanting to further distress the man, the deputies and the EMS technicians left the house to await help.

Howell Police Officer Donald Banfield arrived immediately and soon saw three adults, including the suspect's wife, escape from the house and run toward a shed in the backyard.

Behind them was the troubled man, pistol in hand. As the three reached the shed, their pursuer veered off to a nearby fifth-wheel trailer—and exited with a military-style assault rifle in hand. He then ducked into an adjacent pole barn, which officers later learned hid an abundant stash of weapons and ammunition.

Nearly a dozen officers now formed a perimeter around the house and its structures as a new complication surfaced: The adults in the shed reported



Left to right: Jim Tignanelli, Harper Woods Officer Jason Sakowski, Deputy Chief James Burke and Michigan Supreme Court Justice Robert Young.

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that two children, a baby girl and a very young boy, remained in the house.

Officer Banfield, knowing this disturbed-but-skilled marksman could, at any point, fire his deadly assault rifle, risked his own life to enter the home. He discovered the baby girl in an upstairs bedroom, shielded her the best he could and carried her several blocks down the road to safety. A State trooper rescued the little boy.

Banfield returned, searching and securing the house with the trooper, before positioning himself in the kitchen. From there, he could cover his fellow officers outside and the gunman's family who remained in the shed.

Before long, the gunman, carrying his assault rifle, walked from his pole barn shelter. Ignoring repeated orders to drop his weapon, he crossed the lawn, his rifle trained on the officers who attentively followed his movements.

A wooden ramp that provided passage over an ongoing home construction project now separated the gunman and the house where Banfield stood guard. The gunman sidled up the ramp toward the house's rear door.

He looked directly at Banfield, who was only about 15 feet away — and ignored Banfield's order to drop his weapon. Instead, he raised his assault rifle and aimed it directly at Banfield.

But Banfield was quicker. He fired a single fatal round, downing the disturbed gunman, who was poised to murder him.

Howell Police Officer Donald Banfield showed unflinching bravery in facing a dangerous assailant trained in sophisticated Special Forces combat. His exemplary swift actions and professionalism under the most extreme of circumstances may well have saved several other lives — not only his own but the man's family —including the baby girl he carried to safety —and law enforcement officers who responded to the tense standoff.

For the second time in four years, we're proud to name Howell Police Officer Donald Banfield a POAM Police Officer of the Year.

KENT COUNTY DEPUTY JOE GLYNN

Kent County Deputy Joe Glynn has spent 30 years serving the Kent County Sheriff's Department. But March 26, 2009, brought him a new experience: a car racing up to 90 miles per hour —powered by a paraplegic driver using a snowbrush to depress the gas and brake pedals.



Left to right: President Jim Tignanelli, Kent County Deputy Joe Glynn and Justice Robert Young.

The chilling venture began just before 11 a.m. when Glynn spotted a speeding white pick-up truck traveling westbound on a windy, two-lane Cannon Township road. Rader clocked the vehicle at 79 miles per hour in a 50 zone.

Activating his overheads and air horn, Glynn pursued the truck, which held two men. But instead of slowing down, the pick-up accelerated to 90 miles per hour.

In response, Glynn switched on the siren and several times changed the alert tone. Still the pick-up continued at its high speed, prompting Glynn to report the pursuit to dispatch.

Maintaining its speed, the truck began passing vehicles, eventually racing west in the eastbound lane.

Shortly after Deputy Gale Hawley joined the pursuit, the truck slowed and moved toward the right shoulder. Glynn assumed the driver was finally going to stop. Instead car attempted a U-turn.

For reasons Glynn would not understand until later, the driver didn't turn quickly enough. He traveled up onto the right shoulder, crossed over to the eastbound lane and then lost control, landing in a roadside ditch among trees south of the road.

As the driver attempted to extricate his truck from the ditch, Hawley pulled in front of him —nose to nose —to trap the pick-up between the cruiser and the trees. Exiting his vehicle and drawing his weapon, Hawley stood directly in front of the pick-up.

Repeatedly he called to the driver to shut off the motor. But the driver kept maneuvering to free his truck, making short turns as he alternated the accelerator and brake pedals.

Meanwhile, Glynn had jumped from his car, leaving it in the westbound lane with its lights and siren activated. Gun drawn, he raced across the eastbound lane to aid his colleague and help capture the driver whose truck remained trapped in the ditch.

Meanwhile, the truck lurched from the ditch and forward toward Hawley, who jumped aside to get out of the pick-up's path.

Glynn remained the driver's only obstacle between capture and freedom. The determined looked directly at Glynn, who was ordering him to stop —and accelerated directly toward him.

Leaping out of the vehicle's path, Glynn manage to fire several times, but the pick-up sped away, temporarily eluding both officers who had to first return to their patrol cars.

It wasn't long, however, before Deputy Glynn located the pick-up truck, now empty, in a residential driveway. Approaching the house, he saw three people outside —a woman and two men, one of them the passenger from the truck.

The passenger's hand was bleeding from one of the bullets Glynn had leveled at the fleeing car. He kept yelling, "I told him to stop!"

Hawley arrived shortly after, but Glynn had already positioned the two men face down on the ground, as the woman sat on the front porch yelling, "You shot my boyfriend!"

Glynn left a Rockford police officer, who had just arrived, guarding the wounded and now-handcuffed passenger, while he and Hawley entered the house where they found the driver on the couch. He was bleeding from Glynn's gunshot, which had struck his abdomen. He surrendered without incident. But on the floor, only six feet away from him, lay a loaded assault rifle and a loaded 9mm rifle.

Only then did the officers learn that the driver was a paraplegic, but

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his truck was not equipped for his disability. Instead, he had been using a snowbrush to depress the gas and brake pedals every time he needed them.

He had experienced so much difficulty negotiating the U-turn and maneuvering out of the ditch because transferring the snowbrush slowed him down every time he had to switch from accelerator to brake.

When he'd arrived home after his initial roadside encounter with the two deputies, he had used his arms to drag himself on the ground partway toward his house. The others in the house had then come out and carried him to the couch where the deputies found him.

Kent County Detective Joe Glynn demonstrated unwavering courage in a situation where reckless driving and lethal weaponry in the wrong hands might have proved deadly to innocent bystanders, his fellow officer and himself.

Detective Glynn, the Police Officers Association of Michigan rewards your accomplishment by naming you 2010 POAM Police Officer of the Year.

MONROE COUNTY DEPUTY JASON MILLER

As a high school running back, Monroe County Deputy Jason Miller had mastered the art of carrying the ball down the field. But the stakes were higher than any school sport last August 8 when Deputy Miller's breakaway run transported a wounded fellow officer —and not a football — away from the scrimmage.

At 9:30 a.m., Miller responded to a call about gunshots fired within a South Rockwood home. The initial shot prompted an alarmed neighbor to alert police, but 911 heard another gunshot in the background during the call.

Deputy Miller arrived at the house to find a South Rockwood police car parked three houses away. Monroe County Deputy Donald Duncan had taken cover by the passenger side of his car, which was parked in front of the house.

A shoeless man in a t-shirt and shorts sat in a lawn chair in front of the open door of the house's attached garage. The man was waving his arms at Duncan, beckoning him to approach. Meanwhile, Duncan was ordering the man to drop his weapon.

It was then Miller noticed that the man was flashing a silver-colored

handgun in his right hand.

As Miller edged closer to the man, he spotted a South Rockwood police officer sneaking up from behind the garage to within 10 feet of the man's right shoulder.

A distinctive "pop" sounded from the South Rockwood officer's Taser, and the man fell back in his chair as it tipped backward.

But the Taser had not completed its intended mission. Still somewhat in control despite the stun, the man turned toward the South Rockwood officer, pointed his gun and fired one shot. The South Rockwood officer and the gunman then both fell to the ground.

But that was far from the end of the story. The gunman, only momentarily down, retreated to the garage and then back into his house.

One and then two more gunshots sounded from the house. Silence followed.

In those first few minutes, no one knew where the gunfire was aimed, but Miller refused to let an injured colleague remain alone and unprotected. Dashing from his cover, he ran to the South Rockwood officer's aid, knowing he himself could well be the target of the next gunshot.

He found the officer crawling behind the house, extremely pale with a large blob of blood on his lower left back above his duty belt. "I've been shot," he told Miller.

Grabbing him from behind, Miller managed to carry him to a spot two houses away, where an off-duty officer helped him move the wounded officer to safety.

Leaving the off-duty officer to watch over his injured colleague, Miller ran to his patrol car, drove it to where the downed officer lay, put him in the back and, with sirens blaring and lights blinking, raced for medical help as he simultaneously updated dispatch.

He stopped an ambulance en route to the scene and helped put the wounded officer in the back. While paramedics attended the patient, Miller himself drove the ambulance to a large open field, where he helped establish a landing zone for a life flight helicopter.

Only after he made sure the wounded officer was loaded into the helicopter and in able hands did he return to the crime scene to see how else he could help.

It was then he learned that the gunman had earlier that day told the neighbor, who had made the original police report and who was the gunman's landlord, that he was going to kill himself.

He had been ashamed and depressed because he'd had his driver's license taken away. The neighbor observed that he'd sounded as though he'd been drinking.

Sitting on her patio after she called 911, the neighbor saw the man leave his house, gun in hand and blood running down his right temple.

He looked directly at her, sending her fleeing to her house where she immediately locked her door. That was when he sat down by the garage, clutched his gun and awaited the police.

Although the disturbed man sustained serious injuries from self-inflicted shots to his head, his injuries were not fatal. He is now serving an 11-year prison term on attempted murder and felony firearms charges.

The South Rockwood officer, shot in the lower right torso, fully recovered from his injuries.

Demonstrating the highest gallantry in law enforcement, Monroe Coun-



Monroe County Deputy Jason Miller's heroics were orated by former Michigan Court of Appeals Judge Bill Schuette (right).

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POLICE OFFICERS ASSOCIATION OF MICHIGAN

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ty Deputy Jason Miller's put his own life on the line to save a fellow officer.

Deputy Miller, The Police Officers Association of Michigan thanks you for your heroism and selfless concern for a wounded comrade. We proudly honor you as a 2010 POAM Police Officer of the Year.

OAK PARK PUBLIC SAFETY OFFICER MASON SAMBORSKI

Oak Park Public Service Officer Mason Samborski believed that teens sometimes make mistakes and do stupid things, but that alone doesn't make them criminals.

On December 28, 2008, Oak Park Public Safety Officer Samborski acted on that ideal, trying to give a break to the 16-year-old kid he'd pulled over for a minor driving offense. Tragically, it cost the dedicated officer his life.

It was 1 a.m., just three days after Christmas. Officer Samborski stopped the teen, who was driving away from a residential area. It was the same area where Samborski's fellow officers were seeking suspects in a crime that had just occurred.

The youth had no driver's license or photo ID. The Michigan Secretary of State showed no record of a license for the name the teen gave Samborski.



Michigan Court of Appeals Judge Kurtis Wilder was honored to present the award to family members of slain Oak Park Public Safety Officer Mason Samborski.

Officer Samborski had seen many similar cases in his more than three years with the department, but he knew each case is different and that he must make a decision on this specific young man. He had to weigh the benefits of taking a 16-year-old youngster to jail for a minor driving offense instead of helping his fellow officers search for suspects in a more serious crime.

The teen told Samborski that he lived in an apartment just around the corner. There would be an adult there, he said, for Samborski to talk to.

Knowing this was the same apartment where his fellow officers were conducting their search, Samborski decided to take the boy to his home, turn him over to the adult and then quickly rejoin his colleagues.

Samborski patted down the young man and put him in the back of the patrol car, but he felt no need for handcuffs. He even allowed the teen to park the car he'd been driving rather than having it impounded.

Samborski then drove him to the nearby apartment, released the teen from the back seat and waited at the front door of the complex until someone buzzed them in. But it was a teenage girl —and not an adult —who

greeted them. The teen driver had intentionally misled him.

At this instant, the formerly cooperative young man dashed for the door with Samborski in pursuit. Knowing his fellow officers were in the very same building, Samborski radioed for help.

He then overtook the teen, and the two struggled. But before his back-up officers reached the scene, an apartment resident called 911 to report that an officer was down in the vestibule.

Although it took only minutes for his fellow officers to arrive, they were too late. They found Samborski lying in the lobby on his back. The suspect had disappeared.

Tragically, Samborski had been shot in the head with his own weapon, which the teen had grabbed during the struggle. The officers' frantic attempts to save Officer Samborski's life proved futile.

Police captured the fugitive teen later that day. He was charged with first-degree murder. Although Samborski didn't know it, the teen who murdered him had strong gang affiliations and had previously been arrested for assaulting a police officer.

Samborski, the first Oak Park officer killed in the line of duty in 30 years, left a wife and year-old daughter.

Oak Park Public Safety Officer Mason Samborski was a man who believed that even those who violate the law should be respectfully treated. He died living true to his values.

We posthumously honor Officer Mason Samborski for his dedicated service and deep-felt principles. And we honor his family — his wife, daughter, parents, brother and sister — who have suffered an unimaginable loss. We therefore name Oak Park Public Safety Officer Mason Samborski POAM Police Officer of the Year.

PLYMOUTH TOWNSHIP POLICE OFFICER MICHAEL LEGO

For nearly a week, Plymouth Township Police Officer Michael Lego, with fellow Western Wayne Community Response Team members, had been conducting intensive surveillance on suspect in two armed robberies.

In the second, more violent incident, the robber had pistol-whipped the victim with a semi-automatic pistol and threatened to kill him.



Jim Tignanelli (left), Plymouth Township Police Officer Michael Lego (center), Bill Schuette (right).

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Last year, on Oct. 29, their surveillance paid off. At about 1:45 that afternoon, Officer Lego followed the suspect as he drove his black 2007 BMW from his Canton Township home into and out of several shopping center parking lots. Each time, he'd cruise the lot, park before one or two select stores and then drive to yet another parking lot where he'd repeat the pattern.

Suspecting that he was casing businesses to find his next target, Lego followed, continually updated fellow WWCRT members.

The suspect parked for several minutes in a Plymouth Township Kmart parking lot, where Officer Lego, using his binoculars, noticed that he'd replaced his white, long-sleeved shirt with something black.

The suspect then drove out of the parking lot, west on one road, south on another —with Lego maintaining a discreet distance behind.

The driver re-entered the bowling alley parking lot he'd slowly driven through less than an hour before, approaching the parking lot from the south driveway. Lego entered from the north driveway.

A WWCRT radio report located the suspect in his car, just south of the Verizon store he'd previously cased. Lego pulled in just west of the store, barely out of the suspect's sight and continued to monitor WWCRT surveillance reports.

Hoping for the best but anticipating the worst, Lego donned his personal body armor and black mesh shirt with "POLICE" spelled out in large white lettering on the front and back.

Clearly displayed on a chain around his neck hung his gold police badge. On his belt pistol, handcuffs and magazines. His primary weapon was his department-issued Colt AR-15 rifle with an EOTech sight and sure-fire light. He doubled-checked his 30-round magazine loaded with Hornady TAP .223-caliber ammunition.

Suddenly, the suspect was on the move again. This time backing up, driving south and then west through the parking lot —before turning around and pulling right back into his original space just south of the Verizon store.

Two WWCRT officers parked near Lego in their own patrol cars as the tense radio call came in: The suspect was now into the Verizon store. He was wearing a white fisherman-style hat and gloves — just as the suspect in the second Canton armed robbery — and he was pulling his shirt up over

his nose, presumably to conceal his identity. He held a small silver pistol in his right hand. In the other were a white plastic bag and a screwdriver — exactly what the suspect in the earlier robbery had used to pry open the cash box.

As soon as the suspect entered Verizon, Lego and the two other officers drove around to the store's south side and stepped out of their vehicles, all the time listening for new reports on Lego's radio.

With Lego designated as takedown crew leader, the three approached the store, standing east of the building near the store's side door and within a few spaces of the parked BMW.

Meanwhile back-up officers were arriving from neighboring law-enforcement agencies.

Although Lego and his team couldn't see inside the store, the radio report told them all they needed to know: a robbery was in progress, and the suspect had an employee at gunpoint, bound with his face to the ground.

Not wanting to create a hostage situation with a robber who had already escalated from robbery to pistol-whipping, and knowing that both the exit door and the suspect's BMW were secured, they waited and watched.

Suddenly, the store's door flew open and the suspect walked toward his car. He still had the white plastic bag and screwdriver in his left hand, the silver semi-automatic in his right.

Satisfying himself that the suspect was far enough outside the door, Lego announced police presence and commanded him to freeze and drop his gun.

The suspect looked defiantly at Lego and raised his gun toward all three officers. Afraid for all of their lives, Lego fired several rounds from his AR-15.

The suspect took several steps back, fell to the ground, dropped his pistol and collapsed in the parking lot, fatally wounded.

Officers then entered the store where they found two store employees bound with tape and locked in an interior office.

But Officer Lego's ordeal was far from done. Only after the gunshots stopped, did he become aware of extreme pain in his left hand. With one sickening glance, he saw that his hand was bleeding profusely and had suffered extensive damage. Bones and tissue were protruding through the skin.

Not until WWCRT officers approached and pointed it out to him, did he realize that he had another injury too —a large wound in his right shoulder.

Paramedics raced him to nearby St. Mary's Hospital, where doctors sent him on to the trauma team at University of Michigan Hospital. He spent several days there. He lost two fingers and is still out on disability.

Without flinching, Officer Lego took a true leadership position in a nerve-racking and volatile situation. He paid for his bravery with extensive permanent injury.

We thank Plymouth Township Police Officer Michael Lego for his courage and sacrifice as we honor him with the 2010 POAM Police Officer of the Year Award.

TAYLOR POLICE SGT. FRANK KORNEXL

"Shots fired! Officer down!"

This was the call — undoubtedly one of the most chilling in law enforcement — that went out to the Downriver Mutual Aid SWAT Team at about 1 p.m. on May 22 last year, Taylor Police Sgt. Frank Kornexl, a SWAT team member, quickly rounded up his equipment and sped off to the scene in Allen Park, a suburb about 10 miles northeast of Taylor.

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Judge Kurtis Wilder (right) presents Taylor Police Sgt. Frank Kornexl (center) his award as Jim Tignanelli looks on.

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As Kornexl arrived for a quick briefing at the makeshift on-site command post, he learned that, just an hour before, a lone gunman had taken the area hostage after a court officer tried to serve him with an eviction notice.

The enraged shooter had riddled the body of the Allen Park police officer accompanying the court officer with small-game pellets. When the officer took cover behind his car and fired back, the incident escalated, with the barricaded gunman firing ongoing rounds from his house.

Dozens upon dozens of gunshots had since echoed throughout the neighborhood.

Determined to end the explosive situation before anyone else was hurt, Sgt. Kornexl first began a methodical search for just the right vantage point.

He found what he sought near the front window of a house across from the gunman's home. From there, he had an unobstructed view of the shooter's front door. Although the position gave Kornexl some concealment, it offered only limited cover from bullets that might penetrate the window or wall.

Despite the danger, Kornexl remained in place, monitoring the gunman's activities.

Suddenly the periodic shooting intensified as the gunman fired a number of consecutive rounds from inside his house directly at officers hiding behind nearby homes.

It was then he spotted Kornexl and turned to firing at him. But, in doing so, the gunman had made the fatal error of exposing himself enough to allow Kornexl, a trained sharpshooter, to strike him with a single bullet—and end the terror.

Police found the gunman dead on his bedroom floor.

They later discovered that he'd fired more than 200 rounds from four different weapons. He had seven other weapons—including two rifles—and thousands of reserve rounds strategically scattered near windows in each room of his house.

Fortunately, the Allen Park officer shot during the siege fully recovered.

Although law enforcement officers and SWAT team members frequently expose themselves to deadly force, Kornexl's response to the dynamic events of that day in Allen Park was nothing short of extraordinary.

Ignoring his own personal safety, he intentionally risked death or serious injury to protect not only the neighborhood's residents but also his own brothers and sisters in blue.

Without Sgt. Kornexl's heroic efforts and matchless professional exper-

tise, many lives could have been lost. We recognize his outstanding service to his community and his fellow officers by presenting Taylor Police Sgt. Frank Kornexl with the 2010 POAM Police Officer of the Year Award.

WASHTENAW COUNTY DEPUTY MICHAEL MAROCCO

The first day on any new assignment is sure to bring its share of challenges. But Washtenaw County Deputy Michael Marocco never dreamed the day would thrust him into a fatal gunfight with a man who had just murdered his mother and then set her home ablaze.

Only two hours into patrolling his new area, just after midnight last June 28, dispatch sent Deputy Marocco and fellow Deputy Chad Teets to an Ypsilanti Township home. A woman had run to alert her neighbors that their garage was on fire. But when she reached the house, she spotted a man leaving the home with a gun and a plastic grocery bag.

Knowing the Ypsilanti Township Fire Department was already en route, the two deputies set out in their unmarked blue Impala in the direction the neighbor had seen the gunman flee.

As they searched, dispatch sent them a chilling warning: This was possibly the same mentally unstable man who, a year ago, had barricaded himself in his house with a gun.

Before long, Marocco spotted a man matching the neighbor's description less than a half-mile from the fire. He was walking down a dimly lit roadway, a plastic grocery bag in his left hand.

Exiting the car in a lighted intersection, they indentified themselves as police and shouted for the man to stop. Marocco, knowing the man was armed and mentally unstable, pulled his service weapon and shielded himself behind his patrol car's left side quarter-panel with the car angled toward the suspect. Deputy Teets positioned himself behind the right rear bumper.

But the suspect, continued walking.

Suddenly, without warning, the man reached into the plastic bag and grabbed a handgun with his right hand.

"Drop the gun!" both deputies repeatedly commanded.

The gunman, now only 10 yards from them, responded, but not as the deputies wished. Instead, he replied he would not drop the gun—and then raised his weapon, pivoted and pointed his gun directly at Teets.

Fearing for his own life and for his partner, Marocco fired a single shot. The gunman collapsed backwards, hitting the ground back first. But he was not done.

The suspect extended his arm—gun still in hand—directly toward the deputies.

Marocco fired again, fatally wounding the gunman, who still clung to the weapon for a short time before it fell from his hand.

It was later learned that the gunman had fatally shot his mother and set her house on fire with an accelerant to destroy any evidence of the crime. More than eight years before, his mother had sought a personal protection order, fearing he was going to kill her that very day. The order was terminated several months later at his mother's request.

The man, who was out on bail awaiting trial on a rape charge the next month, had had numerous alcohol-fueled contacts with the police involving violence against his mother and other people. He had also made prior suicide attempts.

Law enforcement personnel train for just such situations, taking the oath to protect the lives of the public, their fellow officers and themselves.



Washtenaw County Deputy Michael Marocco (center) was not afraid to pull the trigger.

POLICE OFFICERS ASSOCIATION OF MICHIGAN POLICE OFFICERS OF THE YEAR 2010, cont.

Washtenaw County Deputy Michael Marocco lived up to this oath with cool professionalism under great duress. For this, The Police Officers Association of Michigan honors him with its 2010 Police Officer of the Year Award.

WESTLAND POLICE OFFICERS JASON BRASSFIELD AND ROBERT WILKIE

Patrolling on the darkest of winter nights, Westland Police Officers Jason Brassfield and Robert Wilkie might well have welcomed the comfort of a warming fire. But the flames they found that night were anything but comforting.

It was just after midnight last January 10 when the officers sped off to investigate smoke billowing into the sky from an unknown source. The smoky trail led them to Wayne, a city just south of Westland, where a rapidly spreading motel fire had already engulfed one unit.

As the first responders on the scene, the two officers immediately began checking for people trapped in their rooms. Because of the late hour, they feared those who were soundly sleeping would be oblivious to the danger surrounding them.

A bystander approached the officers to report that a woman was trapped in Unit 16, immediately next to the one already ablaze. Rushing to the rescue, Brassfield and Wilkie spotted the woman through the window. Smoke billowed around her. The fire and intense heat made it impossible to communicate.

The door, their only entry to the room, was already afire, and flames surrounded the unit.

Undeterred, Wilkie used his baton to remove burning wires and debris from the doorway, while Brassfield located a fire extinguisher in a nearby glass case.

Smashing the glass with his elbow, Brassfield raced back to the room and sprayed the blazing doorway to suppress the flames. Finally able to break through the door and window, they created an exit through which they coaxed the woman to safety.

Knowing the woman was now beyond harm's reach, the two officers continued their search for other motel guests, who might be trapped in their rooms. They ultimately rescued two others, both sound asleep and unaware of the fire.

Although Officer Wilkie suffered minor burns and several cuts, not one of the motel guests was injured.

Westland Police Officers Jason Brassfield and Robert Wilkie endangered their own lives to save three people who might easily have perished in flames. We commend their quick actions and courage by honoring them with POAM's 2010 Police Officers of the Year Award.★



Left to right: Jim Tignanelli, Jason Brassfield, Robert Wilkie and Kurtis Wilder.

WHAT YOU SHOULD KNOW

ABOUT POAM'S EXTENDED LEGAL REPRESENTATION PROGRAM

(NOTE: The answers provided below are for informational purposes only. Reference should be made to the agreement for the detailed terms of coverage.)

1. WHAT IS IT?

The program provides extended legal representation for association members in the event of criminal charges. This coverage begins where basic labor coverage ends.

2. WHAT IS THE SCOPE OF LEGAL SERVICES PROVIDED UNDER THE PLAN?

The legal services provided will include representation by an attorney selected by the POAM for all post-indictment and post-complaint/warrant stages of prosecution, including, but not limited to: investigatory interviews, arraignment, pre-trial, preliminary examination, bond hearings, pre-trial evidentiary proceedings, pre-trial motions, trial (bench or jury), and sentencing, excluding all other post-trial proceedings and appellate matters.

3. DOES THE PROGRAM COVER CRIMINAL CHARGES RESULTING FROM OFF-DUTY AS WELL AS ON-DUTY CONDUCT?

Yes (applicable only to PERA-regulated members paying the \$5 per month membership fee).

4. HOW ARE CLAIMS FOR COVERAGE UNDER THE PROGRAM MADE?

By notifying the POAM within the time limits of the agreement, by use of forms that are available at the POAM office.

5. IS THERE A LIMITATION ON THE NUMBER OF CLAIMS THAT A MEMBER MAY FILE UNDER THE PROGRAM?

No, an unlimited number of claims may be filed by a member of the program during the year of coverage.

6. WHO IS ELIGIBLE TO PARTICIPATE IN THE PROGRAM?

The program is available to all member associations regulated by PERA.

7. WHAT IS THE COST OF MEMBERSHIP IN THE PROGRAM?

The cost of membership in the POAM's Legal Representation Program is \$5 per month per member. This amounts to approximately one-third the cost of any other comparable program, and can be paid in a number of ways, i.e. dues deduction, through a local fundraiser or as an employer-paid benefit through negotiation.

8. MAY A PARTIAL GROUP OF OFFICERS BECOME MEMBERS OF THE PROGRAM IN THE EVENT THAT THE ENTIRE ELIGIBLE GROUP DOES NOT ELECT TO PARTICIPATE?

Yes, partial groups are also eligible for coverage under the program. Those officers in membership should contact the POAM office for enrollment information.

9. WHY SHOULD AN OFFICER BECOME A MEMBER OF THE PROGRAM?

In recent years the number of criminal charges issued against police officers have soared. Whenever this occurs, the officer faces the necessity of providing for his or her own legal defense, at a cost that can easily run into thousands of dollars, and at a time when he or she may already have been suspended without pay or even fired. Even if the officer prevails in court, these economic consequences can be, and often are, devastating.

The POAM's program protects the law enforcement professional from this grave and ever-present possibility, by providing extended legal representation whenever criminal charges are issued.

Secondary Road Patrol Money Saved

By Ed Jacques, *LEJ* Editor



On March 10, 2010, POAM Executive Board member and Monroe County Deputy Sheriffs Association President, Dave LaMontaine, testified in front of a House Subcommittee against Governor Granholm's elimination of \$2.2 million dollars from secondary road patrols in diverting the monies to the state police. POAM was the only police union to testify on the subject and were joined by Deputy Sheriffs Association of Michigan (DSAM) Executive Director, Larry Orlowski.

Revenue was to be re-directed to the Michigan State Police budget to fund at-post trooper strength, thus avoiding layoffs, and the State radio system which is in the red. A survey of top paid deputy and trooper wages, including benefit packages was conducted and the results verified that the confiscation of this money would result in the layoff of 39 deputy sheriffs to save 26 troopers. The Committee reported their proposed budget with the following changes from that of the Governor's:

1. A new \$5 sur charge placed on all civil infraction traffic violations to fund at-post trooper strength and, offset the cost of the State radio system and the Law Enforcement Information Network (LEIN) fees paid by local law enforcement agencies;

2. The Michigan State Police Detroit Freeway Post to close with the affected staff being transferred to other posts;

3. \$1.8 million added to the State Police Forensic Labs.

Secondary road patrol grant monies were left intact and the House Appropriations Committee passed the budget without change. The Michigan Senate voted to leave P.A. 416/SRP monies intact

while establishing a funding mechanism to address the Michigan State Police budget shortfalls that is different than the House version. The Bill will go to Conference Committee to resolve that difference.

"POAM and DSAM have consistently led the fight against the Governor's office from pilfering money from local and county law enforcement agencies to fund many State Police activities that are a duplication of services," remarked LaMontaine. "Although POAM is universally recognized as the voice for law enforcement in Michigan, I was disappointed that no other police labor associations took a stand on this issue."

The reason for the Michigan Association of Police Officers' (MAPO) deafening silence is that their legislative coalition includes and is sometimes spearheaded by State Troopers. POAM is confident that we can count on MAPO's legislative support when addressing the funding of the State Police Crime Lab and its other specialized services.★

POAM HONORS LOYALTY

By Ed Jacques, *LEJ* Editor

POAM bestowed its most coveted membership award on three of its dedicated and hard-working local union executive board members. POAM's loyalty award is given out annually to local union officials that have gone above and beyond the call of duty for an extended period of time representing members of their local association. This year's winners were Kim Ostin from the Sterling Heights Dispatch Association, Jeff Gee from the Police Officers Association of Dearborn, and John Shier from the Northville Police Officers Association.

Kim Ostin has worked all of her 33 years in law enforcement as a communications specialist with the Sterling Heights Police Department. She has served 20 years on her local executive board, half of those as its secretary and an additional ten years as president. "Kim Ostin always demonstrated the utmost professionalism when conducting her duties as a dispatcher and training new employees," said now-retired POAM Business Agent Bob Wines. "That work ethic translated to respect at the bargaining table and in employer meetings as she represented her constituents."

"The most difficult part of being a local president is hearing people's criticism after you've worked so hard to represent their interests," stated Kim. It was beneficial to have business agents like Bob Wines and Wayne Beerbower to give me the perspective I needed. Even in difficult times I enjoyed working with people and I am proud of the small role I played in helping make the communications specialist job classification a valuable, specialized career."



Jeff Gee (left) and Ken Grabowski (right).

Jeff Gee has been a police officer in Dearborn for nearly 20 years; 13 of those in street patrol, and 7 years as a detective. Jeff is now the polygraph examiner at the Dearborn Police Department. Almost immediately after his employment began with the department, Gee signed up as a shift steward in 1993. He has served two separate stints as the local union's vice president, a six-year stretch as president, and is now its secretary. Jeff has always been will-

ing to serve his members in any capacity, and jokingly adds that "I'll probably finish as a trustee for the union when I finally retire." Gee adds, "having a voice on the local union has always been important to me, whether it's a minimum manpower situation, or making economic gains, or, in today's market, keeping what we've already earned."

When asked what the most rewarding part of Jeff's career as a union official has been, he stated "helping good police officers keep their jobs, even after they've experienced the worst day of their career."

"Jeff Gee has always been a stabilizing force for the group, and regularly volunteers to help POAM on a number of other important projects," stated Business Agent Kenneth Grabowski. "I was proud to nominate him for this award."

John Shier began his career as a Ferris State University Campus Police Officer before coming to the City of Northville, where he would serve an additional 23 years in law enforcement. John was president of the Northville POA for so long that no one can remember if he served in any other capacity. "John was a diligent, old-school police officer who earned the respect and gratitude of many younger officers who were the benefactors of his tutelage," said Northville POA Board Member Matt Clemence. As a lifelong resident of Northville, this *LEJ* Editor has received some of the special courtesy that Officer John Shier gave every citizen. "What you see is what you get with John," said Northville POA Business Agent Wayne Beerbower. "John is a great guy on and off the job."★

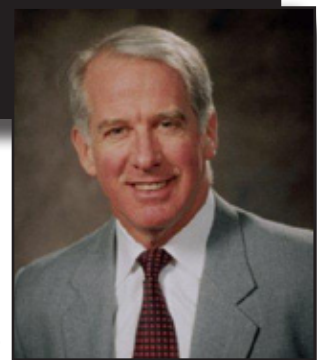


Left to right: Kim Ostin, Wayne Beerbower and John Shier.



By Jim DeVries, MCOLES Board Member

New Leadership at MCOLES



After a long vacancy in the office of Executive Director, the Michigan Commission on Law Enforcement Standards (MCOLES) has selected a new leader.

At its September 15, 2010 meeting in Garden City, the Commission appointed David L. Harvey as the agency's newest Executive Director. Harvey will be responsible for a budget of \$10 million and report to the seventeen-member Governor appointed Commission.

David Harvey grew up in Michigan. He has been associated with law enforcement since joining a police explorer program in Garden City when he was 15 years of age. After serving in the military, he joined the Garden City Police Department where he worked a full law enforcement career in which his five final years were as chief of police. Upon retirement, Harvey became the chief law enforcement officer of the Wayne County Airport Authority Division of Public Safety; however, he was soon recruited back to Garden City to become City Manager. He has remained in that position for the past six years.

Harvey was chosen from an original field of 84 nationally recruited candidates. The vetting process to arrive at the best candidate was grueling. During the Garden City meeting, veteran MCOLES observers commented that they could not remember a job search in which a candidate for this position was so rigorously scrutinized.

One of the key issues that the new leader of MCOLES will face is how

to position the organization in a state government that is trying to adjust itself to a consistently austere fiscal climate. There is little doubt that every state agency will continue to be negatively impacted by the state's shrinking revenue.

The political climate in Lansing is changing too. This fall, we will see many new faces elected to leadership positions in state government. Over half of the House of Representatives will be replaced, and thirty of thirty-eight Senators will be newly elected. We will have a new Governor, a new Attorney General, and a new Secretary of State.

As a result, change will be the order of the day. I suspect that it will be driven as much by economics as by ideology. As state government reshapes and gets smaller, we must be vigilant to prevent the proverbial baby being thrown out with the bathwater. We cannot afford further erosion of programs that support law enforcement. During the past few years, we have seen public safety take a back seat to other causes. The most grievous evidence of this is seen in the continuing decline in the number of law enforcement officers employed across the state; however, we have also seen reduced dollars available for training through the Justice Training Fund.

As new leadership takes hold at MCOLES and in state government, the Commission is determined to retain its original focus and mission to the officer on the street.★

LEIN RESERVE OFFICER POLICY ABANDONED

By Ed Jacques, *LEJ* Editor

As documented in the Michigan State Police LEIN Information System, the following reserve officer policy was rescinded on August 27, 2010. **RESCINDED-A** reserve officer, when acting in a law enforcement capacity, must be under the direct supervision of a certified law enforcement officer when accessing LEIN.

According to officials, requests were made by LEIN agencies throughout Michigan to revisit the policy. The LEIN Field Services Section will now remain neutral on the topic of "direct supervision," allowing agencies to make their own specific decisions regarding the use of reserve officers as it relates to LEIN use.

As it stands now, any authorized agency and its personnel, including LEIN certified reserve officers, can utilize LEIN for the administration of criminal justice without any "direct supervision" limitations placed on them.

This reversal of policy comes as a surprise and a shock to many POAM local leaders. "This new 'non-policy' further erodes the standards necessary to run a high-caliber police or sheriff's department," said Monroe County DSA President Dave LaMontaine. "Citizens need to know that non-certified civilians now have access to personal and sensitive information, all in the name of saving a few bucks. Public Safety will continue to suffer when employers insist on using cheap labor to perform many police duties that require extensive training and experience."

"In our county, some reserve officers got their badge by political appointment," commented Wayne County DSA 1st Vice President Brian Earle. "Any improprieties surrounding LEIN usage could cost certified police officers their job. What does a reserve officer have to lose? Besides the obvious potential for personal abuse, there are many other risks to take into consideration, including homeland security."

Ottawa County DSA president Matt VanLiere was also baffled by this

sudden change in policy. "You can't believe the hoops I have jumped through to get LEIN access for two of our courts' full-time employees that I work very closely with," shrugged VanLiere. "As president of the Deputy Sheriff's Association of Michigan and a board member of POAM, we will be looking at possible legislation to correct this breach."

It should be noted that the LEIN Policy Council was disbanded by Governor Granholm two years ago.★

What do you think?

Go to www.poam.net,



Click on "Blog"

and let the world know
what your thoughts are.





OAKLAND POLICE ACADEMY

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Revised June 2010 – Program Manager: Joe Marchetti – To register contact: 248.232.4220

TRAINING & INFORMATION BULLETIN

Information listed is tentative and is subject to change, verify before attending.
Seminars run September through December 2010

SEPTEMBER

TBA	Patrol Dog Academy
1 - Dec. 4	Reserve Officer Training
8	Superglue Workshop
8-9	Advanced Bicycle School
9	Fingerprint Difficult Surfaces
10	Edged Weapons Defense Seminar
13-15	Standardized Field Sobriety Testing (SFST)
13-17	AI-1 Initial Investigations
15-16	Computer Crimes and Incident Triage
16	MCOLES Mental Health Training for Police Officers
16	NEW! Courtroom Testimony Seminar
17	Cold Case Homicide Investigations
20 – Oct. 1	Evidence Technician School
22-23	Emergency Medical Dispatch – Q
28-30, Oct. 5-6	Emergency Telecommunicator Course (Dispatch)
28 – Nov. 11	Dispatch Academy
29-30	NEW! STOPS Training
30-Oct 2	Speed Measurement Operator

OCTOBER

1	Understanding your Role in Law Enforcement
4	Stolen Auto Identification Techniques
4	Drug Asset Forfeiture
4-6	Internet Investigations & Investigative Tools
5	NEW! Standard Field Sobriety Testing Refresher
6	Legal Update
7	Criminal Law for Dispatchers
8	Michigan Motor Vehicle Code Update
11-15	AI-2 Follow-up Investigations
12-13	Fire Communications (Dispatch)
12-14	Simunition ® FX Instructor
14	Homeland Security for 911 Professionals (Dispatch)
15	Law Enforcement Interview/Interrogation
15	Tactical Vehicle Stops
18-20	Digital Photography for Crime Scenes and Special Photo Methods
18-20	AI-17- Accident Avoidance
18-22	Field Training Officer Seminar
18-22	L.O.C.K.-U.P. w/Lt. Kevin Dillon
19	Building Life Bridges to the Suicidal Caller (Dispatchers)

20	Survive and Thrive in the Emotional Terrain of the 911 Center (Dispatch)
21	NEW! Outlaw Motorcycle Gangs
22	DNA Update
25-29	Basic Detective/Investigator School
27	911 Ethics and Liability (Dispatch)
27-28	Introduction to Latin Culture
28	Customer Service for 911 Professionals (Dispatch)
29	NEW! Fire Scene Preservation and Investigation

NOVEMBER

1-2	AI-11 Night Visibility
3-5	AI-12 Pedestrian Accidents
3-5	Standard Field Sobriety Testing (SFST)
4	Understanding Domestic Violence (Dispatch)
8	AI-4 – Grid Mapping Evidence
9	Empty Hand Defensive Tactics
9-10	AI-3 - Accident Photography
9-11	Emergency Medical Dispatch
11	AI-5 – Tire Dynamics and Examination
11-12	NEW! Child Death Investigation
12	AI-6 – Lamp Examinations
16-18	Emergency Fire Dispatch
17	Crimes Involving Computers
18	Crimes Involving Computers – Part 2
22	Conflict Resolution
23	NEW! Standard Field Sobriety Testing Refresher
29-30	Forgery Investigations
29-30	MCOLES – Mental Health Training for Police Officers

DECEMBER

1	Legal Update
1-2	Pre-employment Interviewing
2-3	Copshock
6-7	Overcoming Size Differences – Responding to Violent Combatants for Female & Small Statured Officers with Lt. Kevin Dillon
7	Dispatch Academy Orientation
7-9	Emergency Medical Dispatch
10	Fugitive Investigations
13-17	Pistol Instructor School

Officers need their MCOLES License Number in order to update their training record.



OAKLAND COMMUNITY COLLEGE®

TRAINING SCHEDULE

The Real Facts About Public Sector Pensions

Article provided by the National Coalition of Public Employee Retirement Systems

State legislatures and pension systems are responding to the economic environment

In the wake of the financial crisis, legislatures and retirement plans across the nation are implementing changes to ensure benefit adequacy, predictable contributions and the long-term sustainability of defined benefit pension plans.

Public Sector Pensions are fiscally responsible

Defined-benefit public employee pensions are not a taxpayer-funded windfall but provide a modest and meaningful retirement income that cannot be outlived.

The average annual public employee pension is less than \$21,000.¹

For many state and local government workers, this modest amount is the only retirement income they will have, since many (25%) public-sector workers are not covered by Social Security benefits.

Public pensions are a shared responsibility

Public employees shoulder a large portion of the costs of public pensions through their mandatory plan contributions.

Between 1982 and 2005, taxpayer dollars made up only 24 percent of the total funds paid into state and local government defined-benefit pension plans. Worker contributions and investment earnings made up the vast majority (76 percent) of the funds paid into the plans over that time.²

Public Pensions stimulates the economy and creates jobs at a time when we need it most

In 2006, pension spending generated 2.5 million American jobs and \$358 billion in economic impact.³

Retirees spend their pension income on the goods and services offered in their communities. As a result, this pension income supports a substantial number of jobs in the economy.

For every dollar paid in state and local employee pensions, \$2.36 is supported in economic output. For every dollar spent by taxpayers on these pensions, \$11.45 in economic output is supported in the national economy.

Switching from a defined-benefit pension system to a defined-contribution pension system will not save taxpayers money

1 Progressive States Network, *No Crisis in Public Retirement Systems: Debunking the Hype and the Attacks on Employee Benefits*, posted Feb. 22, 2010.

2 Government Accountability Office, *State and Local Government Retiree Benefits: Current Status of Benefit Structures, Protections, and Fiscal Outlook for Funding Future Costs*, September 2007.

3 National Institute on Retirement Security, *Pensionomics: Measuring the Economic Impact of State and Local Pension Plans*, February 2009.

Group-based pensions can deliver the same retirement benefit as an individual account at nearly HALF (46%) the cost.⁴

The primary source of a state pension plan's unfunded liability results from a state's failure to make annually required contributions, resulting in plan underfunding.⁵ The deferred cost of underfunding cannot be erased.

If a state decides to offer new employees only a defined-contribution plan, the state will incur the new costs of maintaining two plans. Indeed, for both plan sponsors and participants, the ongoing costs of administering defined-contribution plans are higher than those of defined-benefit pension plans.⁶

States have learned from experience that defined-contribution plans do not provide adequate retirement income for their employees. Nebraska and West Virginia, for example, switched back to a defined-benefit system for their employees after determining that defined-contribution plans were failing both workers and government plan sponsors—workers had balances that didn't provide for a secure retirement and governments were paying for a system that underperformed.

Defined-contribution plans can and should play a role in enhancing retirement security for public employees—as a supplement to a defined benefit pension offered by a government employer

Many public employees voluntarily contribute to supplemental defined-contribution plans, such as “403(b)” and governmental “457” plans.

Defined-contribution savings arrangements fall short as primary retirement plans, because they lack the features important to a stable retirement, such as built in disability and survivor benefits, cost of living adjustments and lifetime income.

The economic crisis and the Wall Street excesses and corporate abuses that drove it are the real threat to retirement security for all Americans

The vast majority of pension funds were well funded until the recent stock market crash.

All pension plans and 401(k) accounts have incurred unprecedented losses due to the abuses and excesses of Wall Street.

Teachers, nurses, firefighters and other public employees should not have their retirements put at risk due to corporate abuses while those responsible for the crisis receive government bailouts, and corporate executives receive lavish salaries, bonuses and stock options.

Opportunists are using the national economic crisis to blame teachers, police, nurses and firefighters for our economic problems rather than

4 National Institute on Retirement Security, *A Better Bang for the Buck: The Economic Efficiencies of DB Plans*, August 2008.

5 Pew Center on the States, *The Trillion Dollar Gap: Underfunded State Retirement Systems and the Road to Reform*, February 2010.

6 Munnell, et al., *Why Have Some States Introduced Defined Contribution Plans?* (Center for State & Local Government Excellence, January 2008).

Continued on page 34



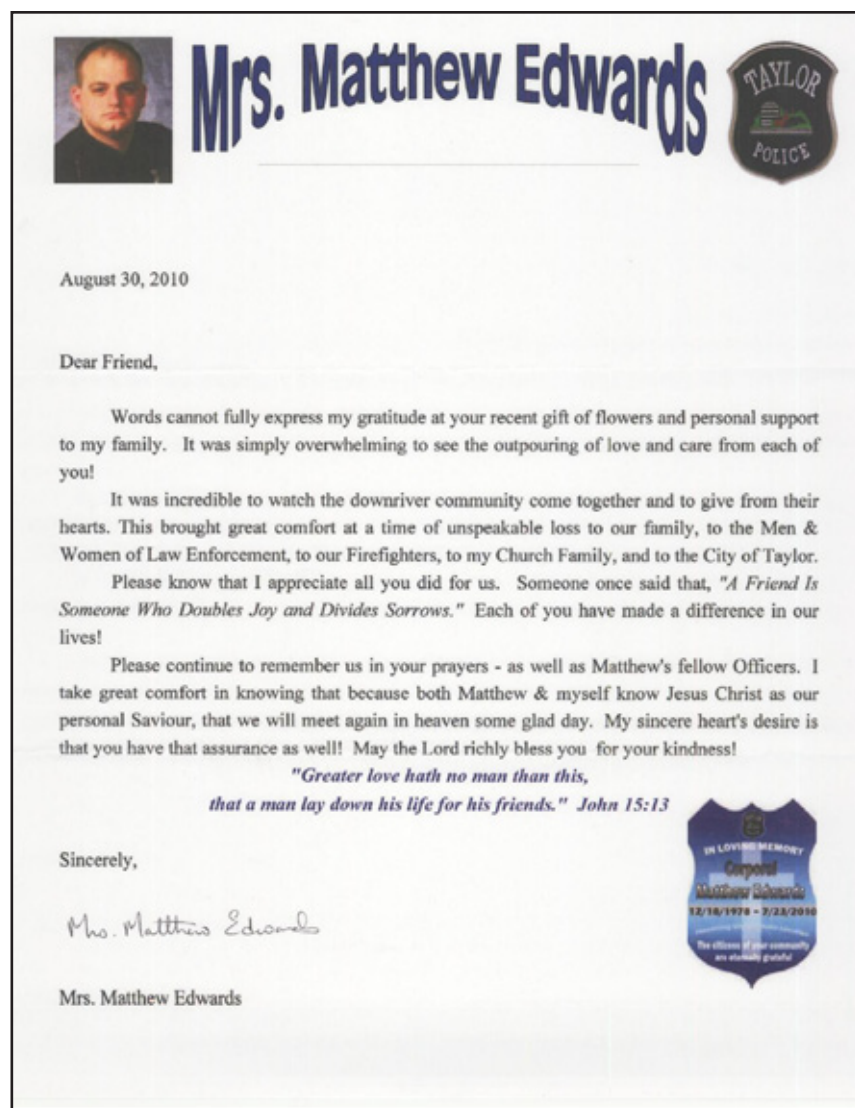
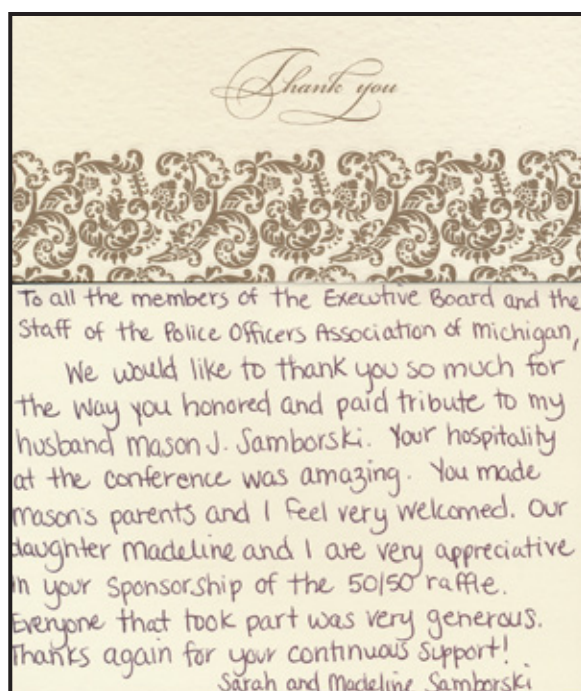
Scholarship Recipient

Mr Tignanelli,

I would like to thank POAM for the generous donation. I am honored POAM has chosen me to be the recipient of this scholarship. I plan on majoring in Biology and have visited both Alma College and Albion College. Both schools have so much to offer, I am struggling with my decision. This scholarship money will allow me to put the down payment on my enrollment. Again, I want to thank POAM very much for their contribution to my future.

Sincerely,

Adam Karson



Sumpter PD

Police Department
(734) 461-4833
Sumpter Township
23501 Sumpter Road
Belleville, MI 48111



Date: June 17, 2010

To: Mr. Ed Jacques/POAM

Re: Sumpter Township's Millage Renewal Endorsement

On behalf of the men and women of the Sumpter Township Police Department, I would like to thank you and the POAM for an outstanding letter regarding our Police Millage Renewal.

It is very important to our department that this Millage Renewal succeeds to maintain the level of services and security for the citizens of Sumpter Township. Your letter of endorsement may help us to achieve our goal for millage success.

Sincerely,

James Pierce Jr. Chief of Police Sumpter PD



WYANDOTTE POLICE HONOR GUARD

President Tignanelli,

As you are well aware, for the fourth year in a row, the Wyandotte Police Department Honor Guard held our annual week long honor guard training class in an effort to better educate our public safety officers in flag law, etiquette as well as the funeral protocol and procedures used when we lose one of our own in the line of duty.

The officers who attended this intensive week long training came from across Michigan, and after completing this course, now have a considerably better understanding as to the need for honoring those who have given the ultimate sacrifice.

The POAM has been an incredible supporter of this school over the past several years of which without your help, we would possibly not have been able to provide many of the extras which are included with this training.

Your understanding and support in the necessity for this training is so deeply appreciated by all who attend, and on behalf of the graduating class of 2010, I would simply like to express our most profound thanks to you and the POAM for your continued sponsorship.

I wish you and all on the executive board at the POAM our very best and hope that you and yours have a safe and pleasant summer!

Ofc. Daniel R. Foley

Wyandotte Police Department Honor Guard

DFL Honor Guard Training

2015 Biddle Avenue ■ Wyandotte, MI 48192 ■ 734-324-4419

"Honor to those who serve and have given the ultimate sacrifice."

The Federal Perspective

By Dennis McGrann, POAM Lobbyist, Washington, D.C.

Senate Passes Wide Range of Bills

In a surge of last-minute, pre-August recess activity, the Senate passed a wide range of bills that in one case sparked a surprising callback for House members. Interrupting their August recess for one day, House Speaker Nancy Pelosi (D-CA) brought the House back in session to address some key legislative measures, including the Senate passed State-Aid bill (HR 1586).

On August 10th the House cleared and the President signed the \$26.1 billion Education Jobs and Medicaid Assistance Act (H.R. 1586) to aid states through an infusion of education and Medicaid funding, saving police officers, firefighters, teachers, and nurses from layoffs as well as extending for an additional six months, the Federal Medical Assistance Percentages (FMAP) increases from the 2009 economic stimulus law (PL 111-5). The bill will keep 161,000 teachers in the classroom nationwide and provide \$16.1 billion in health assistance for struggling states, in turn providing budget relief that will create or save roughly 158,000 jobs in law enforcement and the private sector, as many states have created their annual budgets with the expectations of federal money. Specifically, Michigan will be receiving an estimated \$318 million funding approximately 4,700 jobs.

Coming up:

The House & Senate will return September 14th for a brief four week pre-election session to complete work on the annual spending bills. Senate Leadership has announced their agenda will also likely include the small-business tax and lending legislation, votes on extending the 2001 and 2003 Bush tax cuts, the defense authorization bill (S. 3280), as well as an assortment of energy proposals. The House has not yet set their agenda.

Sources have indicated that with a busy September schedule, appropriations bills, which are supposed to be done by October 1, are unlikely to pass. This would mean that a continuing resolution (CR) on spending will need to happen. Senate appropriators expect action on many of the fiscal 2011 spending bills to be postponed until the lame-duck session, as both parties await the outcome of the November 2nd elections in which Republicans are expected to make significant gains.

To-date the Senate is scheduled to adjourn October 8th and plan to return on November 15th for a lame-duck session. That session would last for a week and will be followed by a weeklong break for Thanksgiving, and then followed by another session starting on Monday, November 29th. Neither the House nor Senate's schedule for December has been determined.

1 When Congress (or either chamber) reconvenes in an even-numbered year following the November general elections to consider various items of business. Some lawmakers who return for this session will not be in the next Congress. Hence, they are informally called "lame duck" Members participating in a "lame duck" session.

The House has not set a date for a lame-duck session. However, in a procedural vote, the House rejected an effort to move a draft resolution that would pledge the House would not hold a "lame duck" session, except in the case of an emergency.

Law Enforcement Initiatives Update:

While these next few months are full with the pre-elections drive, there are still a number of law enforcement initiatives in the works. Below is a

brief update of law enforcement related legislation that have been recently introduced or have experienced movement in the past few months.

The Public Safety Employer-Employee Cooperation Act of 2009 (H.R.413/S. 1611/ S. 3194)

This collective bargaining legislation was sponsored by Congressman Dale Kildee (D-MI05) on January 9th of 2009 with 227 co-sponsors to date including: Congressman Dave Camp, (R-MI04), Congressman John D. Dingell (D-MI15), Congressman Sander M. Levin (D-MI12), Congresswoman Candace S. Miller (R-MI10), Congressman Gary C. Peters (D-MI09), Congressman Bart Stupak (D-MI01), Congressman Fred Upton (R-MI06), Congressman Mark Schauer (D-MI07), Congressman Michael Rogers (R-MI08), Congressman Thaddeus McCotter (R-MI11), Congressman John Conyers (D-MI14) Referred to the House Committee on Education and Labor.

In the Senate, the bill (S. 1611) was introduced Senator Judd Gregg (NH) on August 8, 2009 and was reintroduced as S. 3194 by Majority Leader Harry Reid (D-NV) on April 12th.

The Legislation provides collective bargaining rights for public safety officers employed by States or their political subdivisions by directing the Federal Labor Relations Authority to determine whether state law provides specified rights and responsibilities for public safety officers,

including: granting public safety employees the right to form and join a labor organization which excludes management and supervisory employees, and which is, or seeks to be, recognized as the exclusive bargaining agent for such employees, and requiring public safety employers to recognize and agree to bargain with the employees' labor organization. * Note: States with collective bargaining laws will be exempt from the Federal statute.

Public Safety Officer Family Health Benefits Act (HR 3162)

The Public Safety Officers Family Health Benefits Act was introduced by Congressman Bart Stupak (D-MI01) in the first session of the 111th Congress and has since been referred to the subcommittee on Federal Workforce, Post Office, and the District of Columbia. Aside from Congressman Stupak there are no other Michigan co-sponsors at present. The bill extends federal health benefits to the spouse and/or immediate family members of the officer killed in the line of duty.

The Local Jobs for America Act (LJAA) (HR 4812/ S. 3500)

This bill was authored by Congressman George Miller (D-CA) on March 10th and a companioned has been introduced in the Senate by Senator Sherrod Brown (D-OH). The bill has been crafted in such a way that it will help mitigate the recession's economic fallout, particularly as it pertains to preventing cops from losing their jobs due to state budget shortfalls. The legislation provides funds to States, units of general local government, and community-based organizations to save and create local jobs through the retention, restoration, or expansion of services needed by local communities.

The Local Jobs for America Act includes \$24 billion, to help states support 250,000 education jobs, put 5,500 law enforcement officers on the beat, as well as retain, rehire, and hire firefighters. Specifically, \$1.18 billion is allocated to fund the hiring and retention 5,500 law enforcement officers.

Continued on next page



Dennis McGrann

Super Drunks, cont.

Continued from page 13

days, only a small number of city prosecutors will be able to prosecute this new crime. Otherwise, super drunk drivers can only be prosecuted at the state level, i.e., by county prosecutors. This means that far fewer high BAC first offense drunk driving cases will be handled at the “local” level, but instead will be handled by the elected prosecutor in the county in which the crime was committed. This change may also have an impact on the availability of plea bargaining for first offense super drunks.

In passing this legislation, Michigan’s lawmakers stopped short of matching laws recently enacted in other states requiring a BAIID device be installed for all offenders. Once such law requires a BAIID as a condition of driving even before there has been a conviction.

While certainly less encompassing than some states, as a matter practice it is also unclear if this new law will have any meaningful impact on driver safety. This is because under the pre-amendment law it was quite common for first offense drunk drivers to plead guilty to the lesser-included offense of impaired driving. Depending on how plea bargaining is handled for the new offense the new law will either have no impact, or will clog court dockets with unnecessary trials. This is because it seems entirely plausible that high BAC first offenders will be offered the option of pleading guilty to traditional operating while intoxicated or operating while visibly impaired, thereby avoiding this BAIID requirement and other enhanced sanctions altogether. It is also entirely plausible that more trials will result if such reductions are not offered.★

About the Author:

*Patrick T. Barone is the principal and founding member of the Barone Defense Firm whose practice is devoted primarily to the defense of drinking drivers. He is the author of two books on the topic including the highly respected *Defending Drinking Drivers* (James Publishing). He can be reached at (248) 594-4554 or on the web at www.WinBackYourLife.org*

Training, cont.

Continued from page 15

the image is projected on a 10 x 12 video screen.

In the real world, officers often find themselves confronting hostile offenders in an ever changing and violent environment. Weather, lighting conditions, multiple subjects, nosey and intrusive spectators are just some of the things that distract an officer’s attention from his/her main adversary. So it is imperative that police officers study and be consciously aware of pre-attack indicators. They must be able to recognize them as they are presented. For if they can recognize the signs, that recognition may be what affords them the opportunity to stop an attack before it can be initiated. ★

About the Author:

*Jim is the Director of Curriculum for the Calibre Press Street Survival Seminar, and instructs various courses for both law enforcement and private industry. He specializes in teaching courses in two fields: *Communication (Arresting Communication)*, and *Leadership (Finding the Leader in You: The More Courageous Path)*.*

Federal Perspective, cont.

Continued from previous page

The following Michigan Members have signed onto the bill as co-sponsors to-date: Congressman John Conyers Jr. (D-MI14), Congressman John Dingell (D-MI15), Congressman Dale Kildee (D-MI05), Congressman Sander Levin (D-MI12), Congressman Bart Stupak (D-MI01), and Congresswoman Carolyn Kilpatrick (D-MI13).

As always, the Washington, DC office of POAM will be closely following legislation pertinent to the police and peace officers of Michigan. If you have any questions or need additional information regarding federal initiatives regarding the law enforcement community, please do not hesitate to contact us at (202) 544-9840.★

Real Pension Facts, cont.

Continued from page 31

putting responsibility where it belongs—on regulators, Wall Street and the impact of corporate excesses on stock market performance.

The poor economy (36 percent) and stock market losses (28 percent) were most often cited as the reasons why workers are delaying retirement, according to the 2009 Employee Benefits Research Institute Retirement Confidence Survey.

A defined-benefit pension provides for a more secure retirement

Defined-benefit pensions provide public employees with a guaranteed, predictable stream of retirement income, unlike privatized defined-contribution plans, which subject individual savers to the ups and downs of the stock market without the benefit of pooled asset building, shared risk and professional management.

A retiree cannot outlive their benefits under a defined-benefit pension, and the pension benefit doesn’t fall when the stock market falters. In a defined-contribution plan, only the contributions are defined; the member’s benefit is not. With defined-contribution plans, the retiree’s benefits depend on how well the retiree has invested the account, market conditions at retirement and how long the retiree lives after retirement.

Cutting pensions for public employees will do very little to solve our budget problems

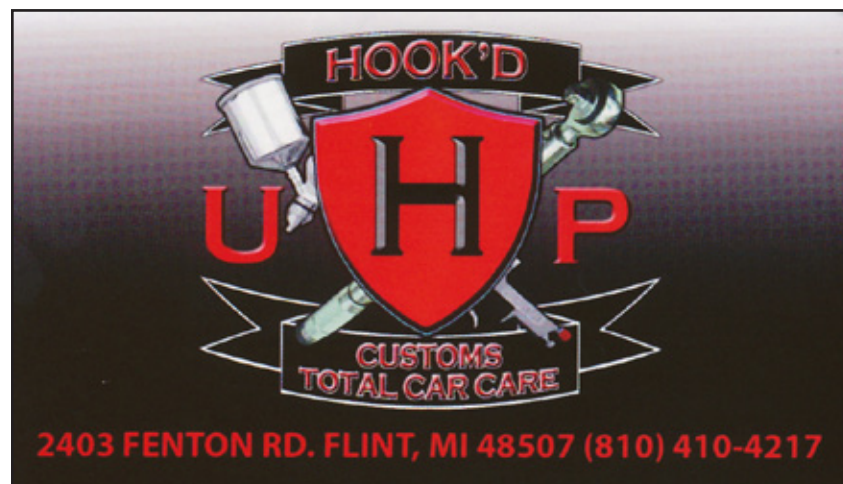
Pension costs represent an extremely small fraction of state budget expenditures.

Employer contributions as a percentage of all state and local government spending in the twelve-year period between 1995 and 2006 were between three and 1.9 percent.

Pensions reduce public assistance costs

Rates of poverty among older households without pension income were about SIX times greater than those with such income—while older Americans receiving pension in 2006—resulted in \$7.3 billion in public assistance savings.

Taking retirement benefits away from teachers, police, nurses, firefighters and other public employees will do almost nothing to help with our budget problems, but will make it harder for retirees to live without governmental supports for the impoverished elderly such as Medicaid, housing, food and income supports. ★



Signed and Sealed

Agreements gain vital benefits for POAM members

Summaries and highlights of recently completed local contract negotiations and 312 arbitrations



Negotiated

Van Buren DSA, Corrections & Dispatch

Duration: 1/1/2010-12/31/2011

Wages:

2010 – \$400 signing bonus
2011 – re-opener

Health insurance to change in 2011 to a Health Savings Plan with annual deductibles of \$1,250/\$2,500 with employer contributing 50% into the plan. Current HRA plan amounts will be rolled into HSA accounts. Employee premium sharing lowered from 8% to 5%.

- Added additional personal leave day and bereavement time beginning in 2011.
- Step up pay paid for temporary supervisory assignments.

Bargaining team consisted of Jim Charon, Mike Hostettler and Chad Hunt, who were assisted by POAM Business Agent Jim DeVries.

Negotiated

City of Ionia Public Safety

Duration: 1/1/2010-06/30/2013

Wages:

2010 – 2%
2011 – 2%
2012 – 1.75%

New longevity pay for employees hired after July 1, 2010 is as follows:

5 – 10 years – 1% of base salary
10 – 15 years – 2% of base salary
15 – 20 years – 3% of base salary
20 years plus – 4% of base salary

New hires shall be provided the MERS B-3 with 50/25 rider (age and years of service) with a maximum employee contribution of 5%.

Health care opt out increased from \$1500 to \$3600 year.

Bargaining team consisted of Mike Ketchum and Doug DeVries who were assisted by POAM Business Agent Jim DeVries.

Negotiated

South Haven POA

Duration: 7/1/2010-6/30/2013

Wages:

2010 – 2%
2011 – 2%
2012 – 2%

Incorporated 12-hour shifts into contract with additional four hours bi-weekly into comp time bank with the ability to cash out semi-annually.

Health care opt-out increased to \$340 and \$500 monthly.

Bargaining team consisted of Shawn Olney and Chris Mersman, who were assisted by POAM Business Agent Jim DeVries.

Negotiated

South Lyon POA

Duration: 07/01/2010 – 06/30/2013

Wages:

2010 – 0%
2011 – 0%
2012 – 0%

Healthcare is Community Blue 15 high deductible plan. City will pay all deductibles. Office visits are \$30.00 with \$10.00 reimbursements. Drug card is \$15/\$30 with 90 days mail order.

- City pays 100% of dental insurance.
- City agrees not to lay off police officers during the term of the contract.

Bargaining team consists of Tim Raap and Chris Faught, who were assisted by POAM Business Agent Thomas Funke.

Negotiated

Flat Rock POA

Duration: 07/01/2007 – 06/30/2012

Wages:

2007 – \$750 signing bonus
2008 – 0%
2009 – 0%
2010 – 1%
2011 – 1%

- 2 additional 12-hour personal days which cannot incur overtime
- Drug card is \$10/\$20/\$50
- Dental coverage capped at \$1,000 year.
- 4 years to top pay grade, 5 years seniority to take promotional exam.
- Healthcare opt out is \$300 per month.

Bargaining team consists of Dave Pishlo and J.P. Page, who were assisted by POAM Business Agent Thomas Funke.

*More
Signed and Sealed
on inside cover.*



Negotiated

Vassar POA

Duration: 07/01/2009-06/30/2012

Wages: (full retro pay included)

2009 – 3%
2010 – 2%
2011 – 1%

Banking of holidays eliminated.

Employer agrees to replace body armor every five years.

Schedule changed from 10 hour shifts to 8 hour shifts.

Employer granted greater flexibility in utilization of part-time employees.

Employees pay a total of \$60/month in premium sharing for health, dental and vision insurance.

Bargaining team consisted of Greg Shindorf and Ben Guile, who were assisted by POAM Business Agent Wayne Beerbower.

Negotiated

Midland County DSA

Duration: 01/1/2008-12/31/2012

Wages: (full retro pay included)

2008 – 1%
2009 – 3%
2010 – 2%
2011 – 3%
2012 – 2%

Effective January 1, 2012, pension multiplier increased from 2.6 to 2.7 with contribution increased from 6% to 7%.

New hires enrolled in Defined Contribution Plan with a 6% contribution matched by the employer.

New hire retiree health care is a Health Savings Plan with 5% employer contribution combined with 3% employee contribution.

Bargaining team consisted of Myron Greene, Tom Anderson, Jesse Milks, Brandon Hodges and Jeff Kozak who were assisted by POAM Business Agent Jim Tignanelli.

Endorsements 1, 7, 8

Criminal Investigation; Weingarten? 9

Michigan's Best, Worst Administrators 11

New Super Drunk Law 13

"I'm Not Arrestable" 15

Overtime Right Protected 17

Police Officers of the Year 18-27

Real Pension Facts 31

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**6.5" 80 Watt
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•80w max power •Built-in
tweeter protection •.5" mylar
dome tweeter. R1653/7572

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\$39.95
PAIR



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**6" x 9"
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•80 watts of power.

KFC6972IE/7265

Mfg. List \$119.95

\$49.95
PAIR



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JVC AM/FM CD/MP3 Player

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watts. KDR200/2131

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\$79.95
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BADGE.**



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**2 Remote
Car Alarm System**

•Shock sensor •Parking light flash relay
•Starter kill/on board 821001/1922

Mfg. List \$199.95

\$99.95
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Keyless Entry Optional. Extensive Labor Extra.



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Remote Car Starter

•1-3 Button remote •1 aux channel
•Turbo timer •Light flash optional
561R/1556

Mfg. List \$199.95

\$99.95
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Requires Auto Transmission-Key Coded Cars Extra.
Keyless Entry Optional. Extensive Labor Extra.



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**2 Remote
Alarm/Start**

2000 ft. of range •Starter kill
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\$179.95
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