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Law Enforcement JOURNAL

Pre-Convention Issue

Spring 2009



POAM to Host Convention Seminars

By Ed Jacques, *LEJ* Editor

Building an effective Political Action Committee (PAC) has improved the working conditions and sometimes the careers of hundreds, if not thousands, of active POAM members in the last decade. The leadership at POAM has been advocating for its members to get involved in the process for over 30 years.

In light of today's changing political and economic climate, becoming politically active is an absolute must for nearly every POAM member. POAM's Executive Board, at the request of many members through our web site, www.poam.net, decided on this subject matter shortly after last year's seminar.



Dave LaMontaine (left) and Kenneth E. Grabowski (right) work closely with Majority Floor Leader Kathy Angerer.

POAM Legislative Director Kenneth E. Grabowski and President Jim Tignanelli combined their knowledge and experience to develop an agenda for the annual convention seminar, naming it Political Action 101. Bullet points will include, but not be limited to: legal requirements re-

garding the registration and maintenance of a PAC, how to maintain active political support and avoid some commonly made mistakes, fundraising, communication, and organizing a political army, etc.

Specialized advice will be given on supporting or opposing millage increases or renewals, political candidates, charter amendments, and department consolidations. Grabowski and Tignanelli have recruited politicians and local associations that have first-hand experience on the successes and pitfalls of being on the front lines of a political battle.

Kenneth E. Grabowski has been practicing his craft as POAM's political point-person for over two decades and has secured POAM's reputation as the most prominent, respected and influential special interest group in Michigan. He has been prominently involved in elections at every level of government, from city council and county commissioner races to the United States Senate and Presidential elections. "Because of term limits in Michigan, POAM and our lobbyist, Tim Ward, are very busy educating the large group of newly-elected officials that come to Lansing every couple of years," said Grabowski. "The Michigan House of Representatives and Senate seats are determined by the amount of local support and impact that the candidates received from organized groups involved in the process, espe-

Continued on page 9

POAM Endorses Dave Bing

By Ed Jacques, *LEJ* Editor

On Friday, March 13, 2009, All-Star Basketball player and businessman Dave Bing addressed the POAM Executive Board and asked for Michigan's largest police union support in his bid to become Detroit's next mayor.

Bing eloquently informed the Board of Detroit's current economic and public relations nightmare and his straight forward approach to fixing those problems. No quick fix solutions were offered other than a business like approach to managing the City and a commitment to maintaining appropriate levels of public safety personnel.

Bing emphasized that his campaign arose out of a need to restore the City of Detroit's credibility, not for any personal or family gain. And although he cannot control the City Council or School Board, by electing him the citizens of Detroit will send a strong message to all public officials that its community demands respectability.

When asked why he was asking for the endorsement of a police union whose members primarily surround the City of Detroit, Bing proved that he had done some homework on POAM. "First of all, POAM recently won an election to represent one thousand Wayne County deputies, many of whom work and live in the City," stated Mr. Bing. "And the Detroit paramedics and EMT's should soon be joining your union." Bing emphasized that he believed that the eventual comeback for Detroit will be contingent on a team effort from all municipalities in the metropolitan area and he wanted to extend his welcome to other members of organized labor that care deeply about Detroit.

In the end, Dave Bing's resume and integrity won him the organization's endorsement. He clearly has no financial or egotistical interest in a new job title. His legacy is that of an athlete who has made a personal and financial commitment to the city that became his home. Legislative Di-

rector Kenneth E. Grabowski respects current Mayor Cockrell but had harsh words for many other bureaucrats who have sucked the life out of Detroit. "A candidate who has managed to make a profit in this mis-managed city is probably best prepared to restore its once proud history." □



Kenneth E. Grabowski (left) and Jim Tignanelli (right) congratulate Mr. Bing.

Signed and Sealed

Agreements gain vital benefits for POAM members

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

Negotiated Edwardsburg POA

Duration: 07/01/2008-06/30/2012

Wage Increases:

- 2008 – 3.0%
- 2009 – 3.0%
- 2010 – 2.0% on January 1 and 2.00% on July 1.
- 2011 – 2.0% on January 1 and 2.00% on July 1.

Brings top pay for police officers to \$46,883.

- Medical coverage is U.S. Health 1200/2200 with employer contributing \$1,200 annually to deductible. Premium co-shares are the following: \$0 single, \$169 dbl. and \$265 family.
- Dental coverage increased to 100/80/80/50 with \$1,000 maximum.
- Life Insurance increased from \$25,000 to \$50,000.
- Increased employer match on the pension to \$2,000.
- ETO increased to 48 hours every six months.

Bargaining team consisted of Mike Hubbard and Gerald Ross who were assisted by POAM Business Agent Scott Atkinson.



Negotiated Muskegon (City) COA

Duration: 01/01/2007-12/31/2009

Wage Increases:

- 2007 – 3.0%
- 2008 – 2.5%
- 2009 – 3.0%

- Pension multiplier raised from 2.75% to 3.0%.
- Stipend paid to FTO Supervisor.
- New hires receive prescription coverage until Medicare only.

Bargaining team consisted of Gerald Ziegler, Mark Baker and Andy Olson who were assisted by POAM Business Agent Jim DeVries.

Negotiated Newaygo County DSA

Duration: 01/01/2009-12/30/2011

Wage Increases:

- 2009 – 3.0%
- 2010 – 2.0%
- 2011 – 2.0%

- Health care now provided for 52 weeks while on workers comp. and employer increases contribution to retiree health care.
- Increase comp. time from 40 to 60 hours and provide PTO of 56 hours a year with the rights to cash out 24 of their hours annually.
- Eliminate traditional sick time with employees receiving 88% of accrued sick leave.
- Employees have choice of two health care plans with the employer paying \$1,000 annually to a Flex 125 plan. Employees selecting the enhanced plan will pay the difference in premium.

Bargaining team consisted of Bryan Kolk, Kurt Delia and who were assisted by POAM Business Agent James DeVries.

*More
Signed and Sealeds*



on page 31.

Negotiated Meridian Township POA

Duration: 01/01/2009-12/31/2012

Wage Increases:

- 2009 – \$700 signing bonus
- 2010, 2011, 2012 – Wage re-openers

- Added additional paid holiday.
- Employees can sell back up to 50 hours of sick leave annually if they have at least 500 hours. Personal leave is deleted and put in vacation accrual.
- Detective pay increased to \$1,000 annually.
- Added duty disability to employees who are eligible to receive retiree health care coverage.
- In 2010, employees will co-share the following health care premiums: \$20 single, \$30 dbl. and \$40 family.

Bargaining team consisted of John Wicks, Gaylord Mankowski and who were assisted by POAM Business Agent Jim DeVries.



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From the President's Desk

by Jim Tignanelli

2009 Convention Holds Promise for New Year

As I write this, three gallant young police officers from Pittsburgh, PA, are being mourned by their friends and family. All three gunned down by some senseless coward who chooses to blame his mother, his dog, his president, and God only knows who else. Four Oakland, CA, officers were executed by another poor, innocent felon just a few weeks prior. So many of us have had to deal with the death of a fellow officer during our careers that it's hard for us to understand why citizens are not outraged when our friends are assaulted while performing their jobs. Those of us who have lived and worked in Macomb County need only think back to the names of DeSmet, Wouters, Vauris to feel that heaviness in our chest. Was that the last time you cried openly? Perhaps.

Many of our board and staff will be attending police week in Washington, DC, May 13 through 16. I can only imagine the feelings that will be shared at the candlelight vigil. I hope to see you there. If you are looking for friends to share a cold beverage with, please join us on the 14th at the Tune Inn. It is located at 331 1/2 Pennsylvania Ave., SE (directly across from the capitol). Drinks will be on POAM from noon until we get tired. We will have a van transporting our friends from the memorial to the Tune Inn all that afternoon.

Plans for the POAM convention are nearing completion and I'm sure you will find it educational as well as entertaining. Our seminar on June 3 is going to be one you won't want to miss. The morning will focus on political action and be of real value to each of you. Remem-

ber, it only takes one council person, one county commissioner, one township trustee....to harpoon a deal. Many of them take their reelections for granted. Make them work! We'll have some information to help you make it happen. The afternoon session will be presented by Eric Prince, formerly of Blackwater. That's all you need to know!

Our police officers of the year candidates are selected and the presentations will be memorable, I'm certain of course the cocktail party and presentation to our worst administrator will be a worthwhile expenditure of your time too!

Meanwhile, take care of each other as much as you are able out there. All my best to you. □



POAM members are always on the look out for ways to help one another. Check out Dan Kuhn's article on the following page for another fine example.

Tyler's night out - a reminder "...that courage, compassion, and kindness still exist."



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Vice-President's Viewpoint

by Dan Kuhn

A Hockey Game to Remember

It all started one day while I was talking on the phone to a resident of Arenac County named Kathy Wilk. I met Kathy during the "Sheriff Bouldin Must Go" campaign that the Police Officers Association of Michigan and I were involved in for several years prior to his defeat in the most recent sheriff's race. Bouldin was our 2007 Horse's Ass Award recipient. I spent a lot of time in Arenac County, and got to know many good people during the campaign. One of those people was Kathy, and the day we spoke on the phone she inquired about whether or not the POAM might be able to assist in some way with a benefit dinner that Sheriff Mosciski and numerous others were hosting for a young boy who had lost his foot in a tragic boating accident last summer. The effort was organized in attempt to raise some of the thousands of dollars needed to purchase a new prosthetic for the young boy. The POAM had endorsed Sheriff Mosciski and assisted him in his bid to become the Arenac County Sheriff, so Kathy thought we might be willing to help.

After hearing the "Tyler Adams story" there was only one thing I could say, and that was "Heck, yes!" I told Kathy I would donate some Detroit Tiger tickets, and see what I could do about putting together some cash and make a donation at the benefit. After a little more conversation, I was told that Tyler was a big fan of Saginaw's OHL hockey team, the Saginaw Spirit. I immediately thought to myself that it would be nice to get Tyler to a Spirit game before the season ended. I checked the schedule and realized that there were only two more home dates left this year, so I called a long-time friend Dick Garber who owns the Saginaw Spirit and asked him if there was any way to make this night out for Tyler happen on short notice. I was only looking for some tickets to the game, and maybe a signed Spirit jersey. Without hesitation, Dick said, "Whatever you need, Danny." The plan started out as tickets, a signed jersey, and a visit to the locker room to meet the team. That was when I decided to check with some other businesses I was familiar with and see if they could help make the night even a little more special. Mr. Garber also told me he would do some checking and see what other surprises he could come up with for Tyler.

After a couple of days, I contacted Mr. Garber and told him I had arranged for a limousine and dinner for the Adams group on game night. I had also involved the Arenac County Sheriff Department and the Saginaw City Police Department who both contributed to the cause. Dick told me that he had spoken with the hockey club, and the co-owner of the team Craig Goslin, and that all were on board with making Tyler's night at the rink a memorable one. The other good news was that co-owner Craig Goslin had friends at Michigan Orthopedic Services and he would contact them to see if they might help the Adams family in their goal of purchasing Tyler a new prosthetic foot.

On game day, I met the limousine from Complete Limousine in Saginaw when it arrived at Jake's, where the group was having dinner. I was informed by the limo driver that a second limo was meeting us at the stadium before the game. This second limo had been sent to Brighton to pick up the staff of Michigan Orthopedic Services. It was then I began to realize that this night may end up being even more special than anyone could have anticipated.

After dinner Tyler headed down to the Dow Event Center where the Saginaw Spirit Hockey Club had arranged for Tyler to meet and talk with the players before the game. After the introductions at the rink, Tyler and the group were led to the locker room where he met and spoke with the team. To try and describe that event is hard to do with words. You could have heard a pin drop in that locker room when Tyler told the players about his

accident. At one point, he even toured the room and showed each of them his prosthetic foot by lifting up his pant leg. To tell you that everyone in the joint was touched would be an understatement. I think we all recognized just how lucky we all were to have our bodies intact and have the abilities we do to complete the day to day tasks we all have.

It was also very clear what a special a young man Tyler Adams is. In just a few short minutes a 13-year-old boy humbled us, and made a memory that will no doubt be a lasting one for all of us, including the future NHL players sitting on those benches. I'd like to say "Thank You," to the all of the Saginaw Spirit Hockey Players in the room that night. I was aware of how big of a game was at hand that Saturday, and to spare Tyler their time was an act of kindness that myself and Tyler's family will never forget. Tyler loves his jersey, and still carries the hockey puck he received that night with him.

Tyler's next stop was center ice to drop the puck. Tyler and his father, Scott Adams, walked onto the ice with their Saginaw Spirit jerseys on. Tyler was even wearing a Saginaw Police Department ball cap which I thought was especially cool. The excitement on their faces was again one of the most memorable events I have ever witnessed. After the drop of the puck, a couple more special guests walked out onto the ice. Dennis Durco, President and CFO, and Scott Baranek from Michigan Orthopedic Services joined Scott and Tyler for what was announced as a special surprise presentation. As I stood and watched from the penalty box, the sold-out arena became very quiet as it was revealed that Michigan Orthopedic Services was donating a top-of-the-line, state-of-the-art special prosthetic to Tyler that will allow him to resume the active life that every teenage boy desires. Tyler especially wants to try it out on the baseball diamond this summer, and I plan on witnessing that feat when it occurs.

After the presentation, everyone was finally taken to the area where we would get to watch the game. The area, not to my surprise, was directly at ice level on the glass. It even had a buffet set up for the guests. Between periods Tyler was kept busy too. He helped finish the ice on the Zamboni during one break, and he and his dad visited with Art Lewis on WSGW 790 to help promote the benefit fund raiser during the other. The hospitality exhibited that night by the Saginaw Spirit staff members was second to none; they are truly a top-shelf operation that the Mid-Michigan region is fortunate to have.

I would like to finish this article by personally thanking again all of the people involved in Tyler's night out. You all reminded this veteran police officer that courage, compassion, and kindness still exist. In this line of work, we can sometimes forget that. As police officers, I think we forget sometimes to realize the positive impact we can have on people's lives with a little effort. Our job allows us to make contacts and network unlike many other professions. I certainly never could have predicted the impact on a 13-year-old boy's life a simple phone call could make. The night's events certainly provide evidence of something I always say: "The POAM is a much better friend than foe." My employment with this organization, and the Saginaw City Police Department put me in a position to be able to really make a difference in someone's life. They say everything happens for a reason, and how true that is sometimes!

Even though the team didn't win that night, the win I witnessed that evening can't be measured by any scoreboard, any gate receipt, an NHL contract, or any amount of money. It was the biggest night of Tyler's Adams's life, and the most kind and decent thing I've ever had the privilege to be part of. I'm sure glad I made that phone call to Dick Garber, and I'm honored to call him my friend. □

Generally Speaking

POAM Victory Leads to Important Change in Bargaining Rights Along with Certification as Representative for Wayne County Deputies

When a change in the law occurs, there is reason to take notice. When that change is coupled with bringing into POAM membership a new unit of employees, there is even greater reason to take notice.

Despite prevailing in the Wayne County Deputy representation election in October of 2008, wherein POAM received over 72% of the total votes cast, certification as the representative of the new unit has taken nearly six more months. The delay was caused by legal maneuvering undertaken by the then incumbent union SEIU, seeking initially to block the election and thereafter objecting to the election results. POAM opposed the action of SEIU and was successful in thwarting SEIU's request to block the election, however, legal requirements in the process involved in consideration of objections to a representation election were not so easily removed.

SEIU argued that the election should be blocked because they had engaged in bargaining with the employer during the pendency of the representation election, consequently the "strict neutrality" requirement necessary for a free and fair representation election was impaired. SEIU used the same claim later as an objection to the election. SEIU also raised two claims asserting the occurrence of captive audience speeches during the pendency of the representation election, which it asserted violated "laboratory conditions." SEIU's last claim was that a local representative had been ordered to attend a meeting with the employer, whereupon he was subjected to coercion, threats and intimidation.

The initial date set for the hearing was November 7, 2008, however, the Administrative Law Judge adjourned the proceeding until December 9, 2008 as a result of his preliminary determination that the ballots should be opened and counted, with SEIU preserving a right to file objections to the election. I objected on behalf of POAM to the adjournment, asserting that we were confident we would prevail in the election and that we did not want the rights of bargaining unit members to be compromised by delay. I argued that under the then current law, Huntington Woods, 1992 MERC Lab Op 389, a newly certified bargaining representative was prohibited from seeking retroactive contractual benefits to a point in time preceding certification. As a result, I argued that an adjournment would delay and thereby compromise member rights, especially since SEIU's claims were frivolous and wholly unsupported. The Administrative Law Judge indicated that the Commission would entertain POAM's objection by considering the continued viability of the Huntington Woods decision.



**By Frank Guido,
General Counsel**

The parties reconvened on December 9th at which time SEIU presented its proofs. In response to SEIU's proofs I argued during the hearing and in our post-hearing brief that SEIU's claims were self-serving. I asserted that SEIU was contorting the rule that during the pendency of a representation election, neutrality must be maintained, pro-

hibiting an Employer from bargaining with an incumbent union, because SEIU had, of its own volition, entered into bargaining with the employer. In essence, the traditional objecting party to a neutrality violation is the petitioning union, such as POAM. In this circumstance, however, POAM was not raising any objection because we were confident that we would prevail in the election and we did not want to take any steps that would further delay the proceeding and deprive employees of their rights under PERA.

The Commission accepted POAM's argument rejecting the claim of SEIU, stating:

Here we have the anomalous circumstance of an incumbent union seeking to set aside a severely lopsided representation election defeat premised on its own conduct.

The Commission also rejected SEIU's claims regarding captive audience speech and the alleged coercion of the local SEIU representative. The Commission, with regard to the captive audience claim, remarked:

The evidence in this matter plainly establishes that the problem with the "captive audience speech" objection to this election, is that there was no captive audience and there was no speech.

As a result, the Commission, having rejected the objections raised by SEIU ordered the POAM be certified as the representative of the Wayne County Deputy bargaining unit. The decision, however, is elevated to higher level of significance as the Commission accepted our argument that the 1992 Huntington Woods decision should be overturned.

The decision in Huntington Woods was a two to one commission ruling cutting off the right of a newly certified representative from seeking retroactive wages and benefits to a date prior to its certification. The problem with the decision, as had been argued years ago in Huntington Woods, was that employees were being penalized for changing their bargaining representative.

From 1992 to the present date, a series of additional decisions emanating not from MERC, but from the judicial system, suggested that a newly certified union did, in fact, have rights preceding the date of certification, to undergo representation of bargaining unit members. One such decision, being a Supreme Court case that I handled on behalf of POAM, *Quinn v POLC and POAM*, 456 Mich 478 (1998), concluded that a newly certified union, though not having the legal duty to pursue to completion grievance arbitration cases begun by a predecessor union, could voluntarily assume preexisting cases. Utilizing that logic, along with rejecting the illogic upon which Huntington Woods was premised, the Commission stated:

We further find the majority rationale in Huntington Woods unpersuasive, largely as the decision gives too little weight to the primary statutory protection of the right of employees to freely choose their exclusive representative. While the Huntington Woods majority went so far as to acknowledge that "we see the point of the Union's argument that the ALJ's decision penalizes the employees for changing their bargaining representative," the majority opinion offers no compelling rationale, and no statutory basis whatsoever,

Continued on page 10

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The Legislative Director's Chair

by Kenneth E. Grabowski

Change. Can You Handle Change?

I sure hope the Democrats in control of our country know what they are doing, because they are taking us in a direction that this country has never experienced. This direction is of great concern. I may be wrong, but I believe there are some things the federal government should not interfere with.

The Democrats are in power because the Republicans blew it. The Republicans spent too much, overruled local control with excessive federal control, interfered with too many personal freedoms, and forgot why they were originally elected. The people of this country were mad and overwhelmingly threw the Republicans out of office. I hope the Democrats now in power remember this fact, because power and politics can be fleeting. While many changes must be accomplished for our country and state, total control of everything by the government, from banks to manufacturing, smacks of a banana republic. While our government seems to now spend more time and effort protecting those that are non-productive and a drain on society, law enforcement continues to "serve and protect," regardless of what happens or doesn't happen by our governmental leaders. In recent weeks nine police officers were slaughtered by human debris, people that should either have been in prison or deported. At home an Oak Park officer is murdered by a habitual juvenile criminal who should have been incarcerated. In Houston, Texas, an officer is murdered by an illegal alien. In Oakland, California, four officers are murdered by a parolee who should not have been on the street, and in Pittsburgh three officers are gunned down by a deranged individual. No public outrage, no media exposé on the danger walking amongst us, only acceptance by our society on the type of degenerate people allowed to live in our communities. And what is the proposal in Michigan to solve

some of its financial problems, release more prisoners. I'm sure that will make us all safer.

POAM has been in contact with our federal and state officials and have been expressing our viewpoints. POAM will be in Washington, D.C., in May, meeting directly with the heads of government. While new ideas are good, problems need to be thought out, not attacked without thought. Remember all of the geniuses who sold the new pension plan of defined contribution to many of our members, guaranteeing our members would be millionaires in 20 or 25 years? Well, I haven't seen too many police officer millionaires, and what I have seen is a lot of police officers who have been forced to work longer and harder and who cannot retire because of the short-sighted promises made on their pension. As a result of the failure of our regulatory agencies, money that was placed into officer retirement accounts has disappeared into thin air. Our own federal regulators, bankers and government have done more harm to our financial system than the 9/11 terrorists, whose goal was to disrupt this nation's monetary system.

We will be addressing these and many concerns with our elected officials and trying to watch out for what is in the best interest of police officers in this state. Like I said, I sure hope the Democratic leadership knows what they are doing. I have my doubts but wish them success.

On Wednesday, June 3rd, POAM will be sponsoring a political action seminar to show your local association how to build an effective organization to stand up for your rights. The only way to defend your freedoms and protect your interests is to fight for your rights, and make your thoughts known to current and future elected officers. □



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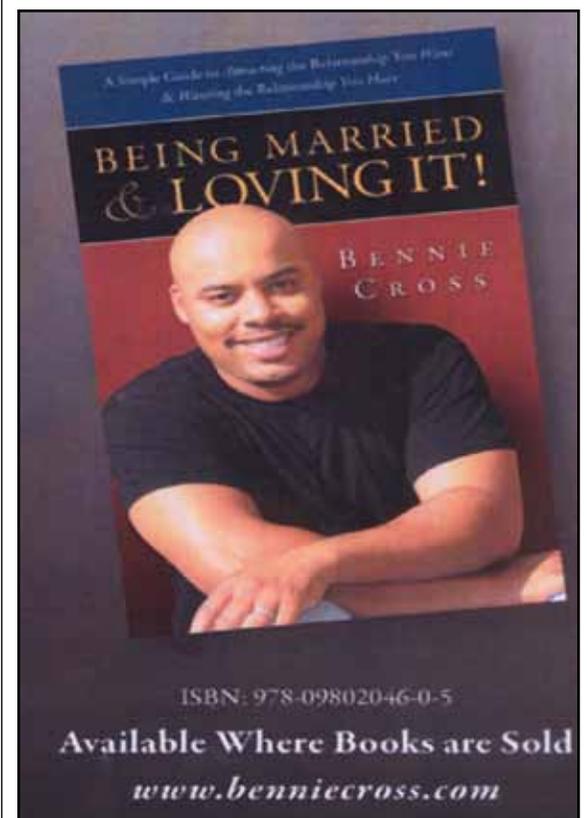
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Sound Legal Advice

by Douglas Gutscher, POAM Assistant General Counsel

Police Reports Are Statements

We represent nearly 12,000 law enforcement officers or related public employees across the State of Michigan. Each year there are a varying number of critical incidents across the State. Critical incidents include the discharging of a firearm, death in custody, an allegation of assault, and other miscellaneous internal or criminal investigations. A surprising number of these investigations and incidents go unreported to the local union officials, the POAM business agents (and, in turn, the POAM legal staff). What is most alarming is the number of cases in which an officer neglects to assert their constitutional and statutory rights during the course of these investigations and incidents.

In my former position as an Assistant Prosecuting Attorney, I was involved in the investigation of public officials. With POAM, I, along with the rest of the legal staff, have defended police officers across the state in various criminal investigations and cases. General Counsel Frank Guido and the rest of the attorneys with POAM have appeared in various forums across Michigan, including Federal court proceedings. This experience provides us with the expertise and knowledge to handle the cases unique to the law enforcement officer.

There is a reason why the attorneys here work exclusively for POAM. It is so you can be comfortable in dealing with attorneys who are experienced, competent and familiar with the unique issues of law enforcement officers. We have chosen to work for you and encourage you to utilize our experience when necessary.

Recently we have noticed an influx of officers not requesting either union representation in internal matters or even attorneys during the course of criminal investigations. In a few extreme cases, officers have even ignored the advice of their union representatives (or counsel) and made unprotected statements to investigators. Ultimately, whether to make a statement during the course of an investigation is an individual decision. That decision, however, should only be made after careful consideration of all the facts and circumstances. There are no absolutes and there are always ramifications for the choices that you make, but you should always make an informed decision.

It is imperative that when you are approached regarding an internal investigation that you explicitly request a union representative. This will, at the very least, insure that you have a witness present to document any conversation that occurs. Remember, regardless of what your employer says, you have rights. These rights are in place to protect you. You should not be embarrassed or intimidated to invoke your rights.

In a criminal investigation, you should always speak with counsel before meeting with investigators. You should not provide any statements without the advice of counsel. These investigations are not to be taken lightly. They are serious matters and can have serious ramifications. Your career, reputation, and in many cases, your very ability to provide for your family, is at stake. Do not be careless in dealing with these investigations.

If you are a member of the POAM Criminal/Civil Plan, call and speak to one of us. It is why we are here. Each case is unique, but we have experience dealing with various offenses, from life felonies to ordinance violations. If you do not call us, we cannot assist you.

It is important to remember that your police reports are statements. They can and, if necessary, will be used against you in a criminal prosecution. Please use caution and common sense when writing a report involving a critical incident. When in doubt, make the call to the business agent and let us assist you. Please keep in mind that it is you who must assert your rights. Do not be passive and do not be bullied into making unprotected statements.

The law is on your side. The United States Supreme Court in *Garrity v New Jersey* stated that officers are not entitled to a watered-down version of the Constitution. Further, Michigan MCL 15.391 *et seq.*, the Disclosure By Law Enforcement Officers Act, provides statutory protections regarding compelled internal statements.

We all understand that there are consequences for your choices and actions. You have to live with the ramifications of your decisions, but they should be informed decisions. In your line of work, you see every day that bad things happen to good people. It should come as no surprise that you are not immune. Sometimes the protectors need assistance in protecting themselves. □

POAM to Host Convention Seminars, cont.

Continued from page 1

cially public safety organizations. In most cases, the endorsements of local police, deputies, and public employee associations are the most important to a politician and they especially appreciate the impact that a well-run PAC can bring to their campaign.”

Jim Tignanelli has certainly been involved in some political tug-of-wars himself. From fighting the demise of the Mt. Clemens Police Department to unseating his fair share of Horse’s Asses, Jim has assisted member groups in communicating their message via the ground (foot patrols) and the air (mysterious airplanes). “We should always be supporting civil servants that have integrity and good political skills,” says Tignanelli. “But you have to be ready to engage when the unscrupulous ones become your enemy.”

POAM Executive Board Member and Monroe County DSA President Dave LaMontaine will be contributing with a PowerPoint presentation of different strategies and political vehicles that have assisted his and many other POAM groups in the past. “POAM units have scored some pretty impressive victories in towns like Saginaw, Plymouth Township, Eastpointe, Redford, Fraser, Arenac County, Rochester, Linden, Wolverine Lake and

others that can be duplicated at other communities,” commented LaMontaine. We have also witnessed some setbacks and mistakes that can be avoided, and we sure want to tell members about those.”

The afternoon session promises to be riveting as Erik Prince from Xe, formerly Blackwater USA, addresses POAM delegates about protecting American interests around the world. The seminar is exclusively for POAM members and is a unique opportunity to find out how America’s elite private force trains, deploys and carries out its most important missions.

This special presentation has been arranged for POAM members by Dick and Betsy DeVos with the assistance of POAM Vice President Dan Kuhn, who has had the privilege of visiting Xe’s training grounds in North Carolina and working with DeVos on his previous gubernatorial campaign.

As is the case with all convention seminars, this year’s event will be another one that you will not soon forget. If you or your group has not already reserved your spot at the Amway Grand for POAM’s annual Delegates Meeting, please call the POAM office today. □

Generally Speaking

POAM Victory, cont.

Continued from page 5

for ignoring that penalty. It would be inappropriate for the Commission to fail to recognize, and to fail to rectify, the fact that when a petitioning union is competing with an incumbent union, particularly over a bargaining unit subject to Act 312, the Huntington Woods rule denying retroactive wage increases unless the incumbent wins, has the Commission placing a heavy and inappropriate thumb on the scales. The Huntington Woods rule makes it not only predictable, but also entirely appropriate for an incumbent union to campaign on the basis that a vote for the petitioner would be a vote to give up any possibility of a retroactive wage increase. Where PERA places a primary value upon employee free choice in selecting a bargaining representative, it would be inappropriate for the Commission to continue to enforce a rule that so unreasonably and irrationally favors incumbency, especially in the absence of any expressed statutory mandate. For that reason, and for the reasons discussed above, we decline to follow the decision in Huntington Woods, and thereby overturn that decision, finding instead that a newly certified union possesses the same right to negotiate over any otherwise bargainable subject, including retroactivity, as would have the incumbent union.

In addition to arguing that the original Huntington Woods decision suffered from a faulty legal analysis at its inception, I argued that pursuant to the Compulsory Arbitration Act PA 312 of 1969, as amended, rights exist, as specified in the Act, to seek retroactive wages and benefits to any period in dispute. The significance of the statutory argument is that it helped underscore temporal rights which employees have, which in the context of the case before MERC meant that employees should not be deprived, merely

because of a change of bargaining representative, from exercising rights under either PERA or the Compulsory Arbitration Act. In fact, the Commission identified the rights existing under Act 312 in support of the decision, stating that the Huntington Woods decision was contrary to the express statutory mandate that wages and benefits "may be awarded retroactively to the commencement of any period(s) in dispute, any other statute or charter provision to the contrary notwithstanding."

The decision of the Employment Relations Commission certifying POAM as the representative of Wayne County Deputies and overturning Huntington Woods, opens the door for public employees across the state to seek POAM membership, without fear that by undergoing a change they will somehow lose an opportunity to bargain wages or benefits retroactive to a point in time when their collective bargaining agreement has expired. We know from past history that there are several unions which have wanted to change to POAM but have been fearful of the loss of retroactive rights. With the decision in the Wayne County case, POAM's leadership role in labor relations matters across the state is further solidified, thereby opening the door for organizations to join the POAM ranks with greater confidence. □

That's my column for this edition of the *LEJ*, generally speaking...



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Important Arbitration

By Ed Jacques, LEJ Editor

Macomb County's Overtime Call-In Change Ruled a Past Practice Violation

On November 15, 2001, what was initially one bargaining unit of Macomb County Deputy Sheriffs was split into two separate units, one for correction officers and the other for deputies and dispatchers. Since at least 1999 and until early 2008, deputies have been called in to perform the work of correction officers on a regular basis and these deputies also perform corrections officers work as a means of accommodating light duty restrictions and as becomes necessary for overtime work.

The order of the call-in procedure for overtime at the jail was as follows:

1. Call Correction Officers scheduled off on the shift where overtime is required and who have requested overtime.
2. Call Correction Officers scheduled off the other two shifts who have requested overtime.
3. Call off duty Deputies who have requested overtime.
4. Call Correction Officers who have signed up to work a double shift or attempt to have Correction Officers stay four hours over or come in four early.
5. Order mandatory overtime for Correction Officers and, if necessary, then order mandatory overtime for Deputies.

"..call-in procedures were developed years ago with design and deliberation."

In early 2008, the County significantly changed the call-in procedure. Prior to the change the County notified POAM Business Agent Gary Pusheé of its intentions. The notification triggered some discussion between the parties but no agreement was reached. As a result of the proposed change the ability of a deputy to garner overtime would be severely impacted. On February 25, 2008, the County sent Pusheé another letter announcing that the County, despite having not reached an agreement, was unilaterally changing its call-in procedure, effective March 17, 2008. POAM and the Macomb County Deputies and Dispatchers Association claimed that the change in procedure violated the collective bargain-

ing agreement (CBA) and immediately filed a grievance.

In the grievance, POAM stated that the new call-in procedure violated past practice regarding the overtime policy and could not be unilaterally changed by the employer as the subject matter of overtime entitlement constituted a mandatory subject of bargaining. The grievance also demanded a return to the past practice prior to March 17, 2008 and to make whole any and all affected deputy sheriffs, specifically the reimbursement of all overtime wages not paid to any deputy as a result of the new policy.

"The policy lasted a minimum of 10 years..and continued after both the deputies and correction officers had negotiated separate CBA's."

In its rebuttal, the County argued that it had a right to change the call-in procedure. The employer insinuated that since the corrections officers and deputies have, since 2001, both negotiated two separate and new CBA's, that the deputies had no contractual right to perform the bargaining unit work of the correction officers. Additionally, the County argued that it retained its management right to assign deputies to overtime in the jail if a need arose. On top of that, the County insisted that it could assign overtime in whatever order it deemed most appropriate.

In Arbitrator Peter Jason's written opinion, he agreed with the County that there was no violation of any specific provision of either CBA. However, Arbitrator Jason did not agree that the call-in practice was never negotiated with the Union and had always been a product of managerial discretion.

Mr. Jason concurred with POAM attorney Martha Champine that the call-in procedures were developed years ago with design and deliberation. They were implemented with a view toward the future which was evidenced by the fact that they were incorporated into a written policy. The policy lasted a minimum of 10 years, both before and after the split of the bargaining unit in 2001, and continued af-

ter both the deputies and correction officers had negotiated separate CBA's.

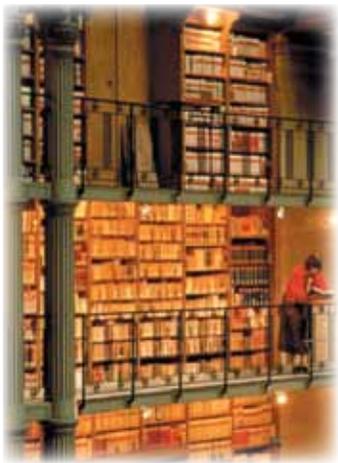
"..this was a mandatory subject of bargaining that must be mutually agreed upon before modifying.."

Arbitrator Jason found that the call-in procedure was a binding past practice that was based on mutual agreement and may not be unilaterally changed during the term of the parties' current CBA. In his award, he stated "The County is ordered to restore the long term practice of the parties regarding the call-in procedure and to make the deputies whole for lost overtime after the unilateral change."

Macomb County Deputy Craig Tench, who helped POAM Business Agent Gary Pusheé and Attorney Martha Champine present the case was relieved when the award was published. "Overtime can be a fairly significant portion of some of our members' total compensation," said Tench. "This was a big issue for deputies and POAM came through for us again." Champine was confident in the case presented for that very same reason. "Because we proved this was a mandatory subject of bargaining that must be mutually agreed upon before modifying, I was confident that we would prevail on behalf of our members," said Martha. "And even though past practice violations can be extremely difficult to prove from the employees' side, the team felt that we had provided compelling evidence."

At the time this story was written, POAM and the local bargaining committee were entrenched in some difficult contract negotiations. In today's world, the ability to scratch out some much-needed overtime for the betterment of their families is still an appreciated option for Macomb County Deputies. □

Editor's note: If you need further information on past practices, you can print POAM General Counsel Frank Guido's expert analysis on the subject which is available on our website, www.poam.net, or call Ed Jacques at the POAM office.



OFF THE SHELF BOOK REVIEW

By Ed Jacques, LEJ Editor

Beyond Hope? *One Cop's Fight for Survival in a Dying City*

When putting together his first book in 2003, Michael East targeted the minds of potential readers. This time around he's going after their hearts.

East, a sergeant and 15-year veteran of the Saginaw Police Department, published *Burden of the Badge – A Year in the Life of a Street Cop* (Authorhouse) in 2003. His follow-up book, *Beyond Hope? One Cop's Fight for Survival in a Dying City* (Infinity Publishing), is scheduled for release in May of 2009. While both projects are law enforcement themed, the author's motives for each are as distinct as the books themselves.

"When I wrote *Burden* my thought was that new cops – myself included – really have no idea what they're getting into when they leave the police academy and hit the streets," said East, who graduated from the Northeastern Police Academy at Delta College in 1994. "Burden was basically a diary of a year in my life on the streets. *Beyond Hope?* is a totally different animal. It digs deep into the raw emotions of law enforcement, and exposes the human side of being a cop.

"Ironically, when I tried to market *Burden* to police academies and colleges, one of the things I heard was the book was too depressing and it might deter potential officers from pursuing their careers," East continued. "I immediately thought 'My God – are you kidding me? Don't we want police recruits to enter this career with their eyes wide open?' Mike Wiltse, who runs the Northeastern academy, allowed me to present *Burden* and do some readings shortly after that book came out. One guy in the academy – he was older and going through a mid-life career change – went to Mike after I left and quit the academy. He said he realized right then that police work wasn't for him. I think we did that guy a favor by helping him realize he was on the wrong career path."

The motivation for writing *Beyond Hope?* was much more simple, explained East, who cultivated his writing career while attending Ferris State University, where he graduated in 1987 with degrees in journalism and public relations.

"Law enforcement, especially in an urban environment, is often so surreal. The death, the violence, the hatred and even the small moral victories – these are all the ingredients for one hell of an emotional stew," East said. "There is no greater subject to write about than the raw emotions you feel working the streets of a violent city like a Saginaw, or a Flint or a Detroit. There's just nothing to compare it to and I had to get those feelings out."

Beyond Hope? is a compilation of 25 stories from the author's career. Some, like the horrendous murder of Karen King, a Michigan State University student from Saginaw who was killed while home on Christmas break, are specific to East's adopted hometown. Others, like the gut-wrenching murder of three Inkster police officers at the Bungalow Motel in 1987, are more easily recognized by Michigan law enforcement officers. The stories themselves are packed with raw feelings and personal insight.

"I was on an emotional roller coaster writing this book. Being able to re-tell the Bungalow Motel story through the eyes of a co-worker who was actually there – it was just unreal," East said. "(Inkster police officers) Dan Dubiel, Clay Hoover and Ira Parker – these guys gave their lives for this profession and their community and I felt I owed it to them to tell their story."

Making a decision on the book's cover art also provided East with an emotional experience. The cover of *Beyond Hope?* features a photo of a simple white cross in the snow with wilted flowers at the base. The cross bears the name and dates of birth and death of Karen King.

"The murder of Karen King was, I think, the single most horrific homicide Saginaw has ever seen. For a city that has 20 or 25 homicides a year, that's a big statement. It happened on a night when I was working. It also happened in my patrol district. I've always felt I failed Karen and her family that night because I didn't prevent her murder," East said. "Of course all cops have been there. We know we can't prevent every crime. We can't stop every murder. But still you feel that sense of responsibility for not stopping what happened.

"When I went looking for cover art and saw the memorial marker where Karen's body was found after her murder, I knew right then it symbolized what the book was about," East continued. "*Beyond Hope?* – nothing put an exclamation point on the title of this book like that one simple photo."

Taking the cover photo was one thing. Finding the means to use that same photo was a whole different story.

"I have never met Karen King's parents, but I knew I couldn't use that cover art without their permission. I didn't want to hurt Karen's family like that. I tried for weeks to call and ask permission, but how do you make that call?" East said. "Finally, I got up the nerve and called Karen's mom. It was an awkward conversation at first because she didn't know me from Adam. She cried when I asked her. I got pretty emotional as well – I cried a few times while writing this book – but eventually she talked it over with her husband and gave me her blessing. I consider the book's cover to be a tribute to Karen, her bravery and her sacrifice more than anything else."

Unlike its predecessor, *Beyond Hope?* is being marketed beyond the realm of just a law enforcement audience.

"One thing I found when I did some book signings for *Burden of the Badge* was most of my buyers were not cops – they were the families and friends of cops. They were the people starving for some real insight into the job," East said. "That is my target audience this time around. But to reach them I had to change my format and make *Beyond Hope?* much more personal. I wanted to kick open that door and expose to the public the heart, mind and soul of being a cop. God willing, I've done that."

Opening that door for his readers also meant exposing some of the author's personal background through a character named Mick that East references often throughout *Beyond Hope?*

"I grew up in a pretty abusive household – poverty, alcoholism, domestic assaults. It was pretty ugly. When I began writing *Beyond Hope?* I realized that, as a cop, I am the product of my upbringing; I am the product of my experiences. All cops are," East explained. "If I'm going to tell people that there's a heart behind the badge of every cop, and I'm going to show them this heart, then I damn well better let them in on how that heart was formed. It is, I believe, one of the secrets to good non-fiction writing – complete honesty and openness. Readers appreciate that.

"The funny thing is, after all these years of seeing abused children, alcohol-fueled domestic assaults and countless gruesome murders, I think my rough upbringing really helps me deal with it," East continued. "Sometimes, and I said this in the book, I think God prepared me for life as a cop by exposing me at an early age to the things I would be dealing with."

"Most cops search out ways to let loose those job-related, pent-up emotions. Writing is my way to cope. I hope through this book I have given a voice to officers who don't like to write, but want the public to know their frustrations," East concluded. "I also hope *Beyond Hope?* helps readers better understand the world in which police officers live – the frustrations, the fears, the adrenaline and the anxieties. That would be pretty damn cool."

Beyond Hope? is scheduled for release in early May 2009, and can be purchased through Infinity Publishing, as well as on-line via booksellers such as Barnes and Noble and Amazon.com. □

Q & A with Southfield Police Chief Dr. Joseph E. Thomas, Jr.

By Ed Jacques, LEJ Editor

Chief Thomas' entire resume and credentials are far too extensive to list. He has served as the Chief of Police for the Southfield Police Department since 1991 and has over 30 years of public safety service; as Director of Public Safety for the City of Albion, Michigan, and as a detective and command officer for the Jackson Police Department. Thomas is a graduate of the Michigan State Police School of Management, the FBI National Academy, and the United States Secret Service Executive School. He holds a Doctoral Degree from Eastern Michigan University and was an all-American athlete and captain of the football team when he attended Alcon State University. Dr. Thomas also teaches basic and advanced training in the Oakland and Wayne County Community College Districts as well as the Schoolcraft Police Academy. Chief Thomas is affectionately referred to as "The Jet" and was the inaugural recipient of POAM's Police Administrator of the Year Award.

Q: In many municipalities the Chief of Police can be something of a political position. How did you get the job and how did you keep it for the last 18 years?

A: First of all, I was surprised City officials offered me the position after my interview. Before hand I learned as much as I could about the City of Southfield and its diverse cultural population. I examined the political structure of the City and the public safety department and had determined its organization promoted conflict and would need some extensive modification. Instead of rejecting my controversial ideas, the administration thought they had merit, appreciated my research and offered me the job as Chief. The average police chief in Michigan's tenure is a little over five years. I have lasted 18 years because I am a big proponent of self analyzation - if criticism of my work is valid I make changes. If not, I ignore it. Developing a positive working relationship with the City Manager and Council is imperative. I never argue with people in the newspapers and try to be a good listener. And I am a big proponent of training and equipping my officers with everything they need to protect the citizens and their own safety.

Q: Can you elaborate a little bit more on equipment and training?

A: I believe that training in our police academies need to be modified. My officers are educated on our version of community policing; which starts with the administration treating its officers well, knowing full certain that that will encourage them to reciprocate that respect to the citizens they see every day. Enforcing laws is "reactive" and real policing should be "proactive," helping solve social ills before they become law enforcement incidents. But, just in case things go really bad, every officer is issued four guns. A service weapon and back-up, an M-16 and finally a 12-gauge shotgun loaded with double 00 buckshot and slugs. Every Southfield police officer attends the Michigan State Police Driving School, including myself.

Q: Are officers allowed to implement any of the special tactics they've learned in that driving school?

A: Of course, but their actions must follow proper protocol, procedure and common sense. The chase must fit the crime and be ended in a controlled fashion. Officers should be completely aware of the environment that the pursuit is taking place in and take all appropriate safety measures. The Southfield police have a reputation as having a low tolerance for criminal behavior.

Q: Southfield is a racially diverse community and those demographics have changed consistently over the last 20 years. The majority of your police officers are caucasian. How is it that under those circumstances the seemingly inevitable citizen complaints are nearly non-existent?

A: I want the best possible man or woman serving our community. Trust me when I tell you that the citizens of Southfield demand professionalism from their police department no matter what the color of the responding officer is. Of course we continue to encourage the recruiting of racially diverse officers and their employment in the Southfield Police Department will continue to rise in the upcoming years. But, we do not experience a lot of turnover here.

Q: You have a reputation for vigilantly backing your police officers. Can you comment on that?

A: Chiefs need to take charge to protect police officers in critical incidents. And that kind of support from their superiors will stop officers from hesitating in a life threatening moment. That doesn't mean I condone bad behavior or will excuse poor decisions, but these police officers need to know that their command structure stands behind them. These are my fellow officers and I cannot help but become personally involved in their careers. Whether it's an "atta boy" about a simple act or a personal call to their home to congratulate them on a significant arrest, I try to approach my people like human beings.

Q: How is your relationship with the police and dispatch unions?

A: I think it is pretty good. I work cooperatively with the unions on appropriate staffing levels. If there is some behavior modification necessary with an officer, I will often address the issue with their union president to see if we can collectively correct the situation. Organizational change comes from the bottom up and I encourage union officers to tell me how to improve their members' effectiveness.

Q: O.K. Chief. Here's a hot potato for you. Many police departments are demanding that officers write a lot more tickets to make up for revenue sharing loss. What is your stance on this practice?

A: I'm not afraid of that subject. Law enforcement should not be in the business of revenue generation. It is inhumane for officers to write tickets just to write tickets and it stops them from conducting their real business of policing. But when careless driving habits need to be corrected a ticket should be issued. Police departments need to regain the public trust.

Q: Chief Thomas, I know you have special sentiments and relationships to the U.S. military.

A: First of all, I believe in veteran's preference in hiring, especially police personnel. These soldiers come to our departments with experience in taking orders, discipline and leadership skills. I am the first Michigan Ambassador to the United States Army Reserve and report directly to the Chief Army Reserve Officer in the Pentagon and US Congress. I have been bestowed the rank, honor and privileges of a Major Two Star General. I am also involved in a charity called Homes for our Troops which builds homes for disabled veterans.

Q: Is it true that you have been asked to run for political office, and if so would you engage in a campaign?

A: I have been asked in the past to run for some high profile political positions and I have considered those duties because I feel so strongly that many government officials are not conducting the peoples business properly.

Q: Many police departments have a mission statement or philosophy that they try to abide by. Can you surmise your department's role in the community?

A: I'll quote Sir Robert Peele: "The people are the police and the police are the people." □



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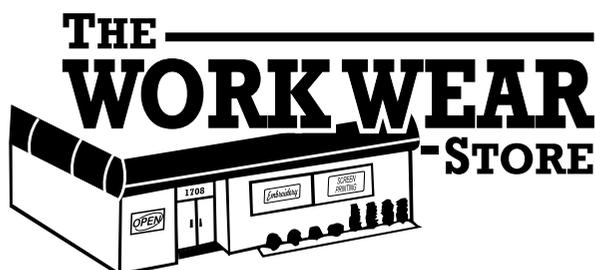


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By Frank Borelli

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The Technology Trap

Not that long ago I had privilege of enjoying a conversation with a relatively new Chief of Police about the equipment needs of the Chief's new agency. In this particular case the Chief was in a unique position to select everything from uniforms to service firearms to radios, computers, cruisers, etc. In a word, EVERYTHING. What struck me, during the course of the conversation, was that the focus truly seemed to be on technology. Now when I say technology I don't mean flashlights or handguns; I mean computers, radios, phones / blackberries, GPS, etc.

Don't get me wrong: I'm all in favor of technology. I think computers are wonderful tools and radios are absolutely essential life lines for all law enforcement personnel. That said, law enforcement virtually always comes down to the person in the uniform. Yes, appearance matters. Yes, equipment is good. Yes, technology is fantastic. But no computer ever put handcuffs on a bad guy. An officer who looks less than 100% professional can still perform in an outstanding fashion.

I also understand that technology is almost mandatory for today's law enforcement environment. We have more police officers and deputies on the roads now than ever before and many radio systems are overloaded with emergency traffic much less "routine" traffic such as warrant checks, driver license checks, etc. So when officers can sit in their cruisers and run their own checks via mobile data terminals (MDTs) that is obviously an advantage. However, that advantage should never be attained at any cost to officer survival concerns.

I remember when an agency I worked for first got mobile data terminals in their cruisers. Policy literally had to be created from nothing to support the proper use of the MDTs. Could they be used while the cruiser was in motion? How about when an officer was by himself on traffic? Or out with a suspicious subject? If you're looking at a computer screen then you can't be watching a suspect's hands. If you're looking at a keyboard you can't be watching the occupant(s) of a vehicle. Where do the lines get drawn? The rules set?

Set those questions aside for a moment and let's come at this from a slightly different angle: at what point do we decide whether to purchase MDTs instead of personal protective equipment (PPE), body armor or additional weapons for our officers? I know that budgets are limited. I know that choices have to be made. But I am flabbergasted that any agency head today would even consider putting their officers on the street without the option of a long gun whether it is a shotgun, carbine or rifle. I mention that because when specifically asked about those items that new Chief I was talking with made it clear that computers and other electronic technologies were more important than a shotgun. "I just want to start with the basics," was the statement made. Since when is an MDT more basic than a shotgun?

Now I know I'm ranting. I know that the use of MDTs is probably responsible for more arrests, warrant services, caught revoked drivers, etc than shotguns are responsible for caught armed robbers. Still, I would never want to put my officers into a situation where they needed greater firepower and the only answer I could give them was, "Throw the MDT at them."

How much does an MDT cost to purchase, install, and run? It can't be cheap and I know prices vary by manufacturer and services acquired. Shotguns are about \$400 each. The batteries never run out. They don't require a system administrator to maintain. The hard drive never gets full and the modem never fails. What's more is that when the MDT tells you that you have a subject detained who is wanted for attempted homicide, the shotgun might be a nice thing to have handy.

I'm not selling the shotgun as the end all be all of police work. I think shotguns are great and serve their purpose but that's not the point. The point

is that, in at least this one conversation, it was made clear that a police executive felt technology was more important than firepower.

Please understand my outlook, as out dated as it might be: the most important tool in any police cruiser is the POLICE OFFICER. Everything else has to support him in the most efficient manner possible. Anything that has batteries that can die should exist in redundancy. Any mechanical device that can malfunction (i.e. a handgun) should have a redundant backup or other lethal force option. And under no circumstances should the more complicated and harder to maintain / easier to break ever be more important than the more basic / simple to use and maintain.

PEOPLE protect and serve. They wear a uniform to set them apart from and make them easily recognizable to the public. They wear a gunbelt so that they have the basic necessary tools of the trade at hand anytime they are on duty. The often patrol in vehicles that are further equipped with tools and technologies that are necessary to today's police work. I recognize all that.

Now, I also know I'm paranoid. I know that the chances of an active shooter or school siege happening tomorrow are slim to none. BUT, if it happens, what are all those officers going to do with their MDTs? Send messages asking for better weapons, more ammo and some extra body armor?

This is the post-nine-eleven reality folks. Our law enforcement professionals have to be warriors first and foremost. They must be prepared every moment that they are on duty to face combat - against one armed robber, one violent abusive husband, one homicidal maniac... or one suicide (homicide) bomber, a team of terrorists, or a handful of school shooters. Everything else that we provide to them must be in support of their role as warriors.

I am reminded of the second Rambo movie (yeah, I said Rambo): The government agent guy is talking about all the weapons and technology that they have available to support and take care of Rambo. He makes a comment about "the best weapons available today." To which Rambo replies, "I always believed that the mind is the best weapon." Government agent man says, "Times change." Rambo says, "For some people."

That's where we are. For some, the absolutely best equipped police officer on the street will be in a new car with a mobile data terminal, radio, handgun, handcuffs, TASER, baton (if they HAVE to), and OC Spray. Rubber gloves are good too because we have to help everyone and we can't slow down even when they're injured due to the crimes they've been committing. We still have to help them so we have to protect ourselves from the potential blood-borne pathogens, so rubber gloves are good. The officer would obviously have a fully stocked first-aid kit in his trunk, be capable of speaking four languages, be paramedic certified, and maybe, just for good measure, be studying for the priesthood.

Am I being sarcastic? Yeah, a little. I think it would be great to have an officer that speaks four languages and is paramedic certified. But I think he should have a gunbelt with all necessary tools and immediate access to larger arms such as shotguns, carbines or rifles. A combat vest with ballistic plates and extra magazines would be great. Yes, I want that officer to be Joe Friendly and assist every citizen he can. But when the feces hits the oscillating rotator and everything schtinks, I want him to be able to armor up, grab a significant weapon and face the gates of hell properly equipped and ready to rock.

Why? Because I'd far prefer for him to have to do it than for him not to be available and have any American citizen become victimized by a criminal or a terrorist. No citizen should ever have to wait for help simply because the agency felt an MDT was more important than body armor that day; or

Continued on page 16

Borelli Training

Continued from page 15

because a blackberry was deemed of greater value than an AR-15 and seven magazines of ammo.

I think it's interesting that we have some euphemisms we use every day but we never take seriously: War on Crime, War on Drugs, War on Terror, etc. War? A War is fought by WARRIORS, not social workers. The social workers come in after the fight has been fought and won. WARRIORS can act like social workers after the battle has been joined and thoroughly won. No warrior should ever face a battle improperly equipped because his leadership felt that administrative technology was more important than the tools of combat.

For the past several decades our technological capabilities have grown by leaps and bounds, but at no time has anyone come up with a technology to replace the people behind the badge. Further, no technology has been invented that relieves those people from having to commit physical acts of aggression or violence to combat those who prey on the innocents of our world. Since that is an unalterable reality, let's insure that those people have all of the necessary tools of aggression and violence first, aid and assistance second, and whiz-bang administrative technology last. 'Nough said... BE SAFE! ☐

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POAM LAUNCHES NEW WEBSITE

By Ed Jacques, LEJ Editor

Have you visited www.poam.net lately? If not, check it out, we think you will be impressed with the recent changes and improvements we have made to the site.

The goal of Jim Tignanelli and Bill Birdseye when they decided to revamp the website was to improve the layout, simplify navigation and enhance its ability to act as a communication vehicle to the membership.

The finished product was all of the above and more. Additional features include some pretty cool graphics, an official blog, promotional opportunities for POAM Preferred Vendors, and a bi-monthly e-newsletter and the flexibility to do much more in the future.

Trademark Productions in Royal Oak, Michigan assisted with the project and is being retained to assist POAM personnel in the management of the site. The software utilized is user friendly, allowing POAM Controller Lynn Singer the ability to assist in the manipulation and development of nearly every part of the medium. That is a huge benefit especially if information needs to be disseminated immediately.

When researching ideas for the new site, the folks at Trademark discovered that www.poam.net was already the most visited police union website in the country. They agreed that the scope of the information available on the site was the reason for its success and their mission should be to spotlight that, and assist viewers in maneuvering through all the available data.

Members like the new format and we are committed to improving communication through enhanced technology. POAM is asking that you provide us with an e-mail address so you can be on our e-list to receive the bi-monthly newsletter or other vital information important to your career. Rest assured your privacy will remain 100% confidential.

You might be interested to know that POAM receives requests for additional information on pertinent subjects found on the site ranging from Weingarten to 12-hour shifts from every corner of the world. Officers from Australia, England, Hong Kong and the Philippines, etc. are receiving information that can assist their local police departments, compliments of the POAM.

Got an idea for the next seminar? Want to comment on a recent article in the LEJ? Need a Garrity form printed A.S.A.P? How about a suggestion on enhancing the site? Go to www.poam.net and let us know! ☐

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An Examination of Michigan's Law Enforcement Policies, Procedures and Practices When Arresting a Caregiver of Minor Children

By Donna Selman

RATIONALE FOR THE STUDY

On October 29, 2007, the Ann Arbor News ran the following story: "Husband arrested first, wife soon follows." A couple ended up in jail, both facing drunken driving charges, after Ypsilanti Police first pulled over the husband, who was driving with his young son in the car, and then arrested the mother when she showed up to pick up the boy. Police said they told the man's 12-year-old son to call his mother to pick him up. But when she arrived with her 9-year-old daughter in the car, police said, she also appeared to have been drinking, and registered 0.13 on a PBT. Both children were turned over to a relative, and the parents held until they sobered up."

In 1988, a Michigan police department found itself in federal court defending an officer that directed a 15-year-old and a two-year-old to walk to building and call someone to pick them up after he arrested their primary caregiver on the side of a busy highway. The 15-year-old used the public phone in the building to call her brother. However, he did not have a car and was unable to pick them up. In addition, she was unable to tell him exactly where she was. She was only able to tell him what city she was in and that she only had enough money to make one call. Eventually the building closed and the children were told that they had to leave. They waited outside the building until they were finally retrieved at 9:30 p.m., six hours after the police officer left. The two-year-old child had a wet diaper and had not eaten for six hours.

These two incidents, although separated by nearly two decades, highlight a glaring problem faced by law enforcement administrators, individual officers and community members across the country. Law enforcement agencies in Michigan, like those in other states, with few exceptions, are left to establish policies and procedures regarding situations when the arrestee is the primary caretaker of minor children with little and inconsistent guidance from the judicial and legislative bodies to which they normally look for direction. Often policies and procedures are established only after a tragic or near tragic event endangering children and encumbering individual officers and agencies in costly lawsuits. Individual officers, lacking procedural guidance make discretionary calls in the field that require them to predict outcomes and be held accountable if their discretionary calls result in tragedy. Establishing procedure, policy and practices in a systematic way can alleviate the dangers and risks to agencies, officers and children.

GOALS

Assess existing policies, procedures and practices of Michigan Law Enforcement agencies relative to children whose primary caretaker(s) have been arrested.

Identify innovative strategies that could be implemented by local law enforcement agencies to improve their responses to the children of arrested parents.

Establish a data resource for individual officers and agencies that include a variety of possible responses.

SUMMARY OF THE BACKGROUND LITERATURE

In the last 17 years there have been two studies that focused on law enforcement policies and what happens to children of arrested parents. The interesting finding is that 17 years ago policies were in place that addressed this issue, while today the policies are not as clearly stated.

From 1991 to 1993, the American Bar Association's (ABA) Center on Children and the Law conducted a study for the Children's Bureau. One facet of this study included a national telephone survey of law enforcement agencies (n = 74) concerning policies and procedures regarding children at the time of caretaker arrest. ABA researchers reported that years ago sixty seven percent of responding departments had written policies outlining procedures for the care and placement of minor children when a parent or caretaker is arrested. Of those agencies responding to the ABA survey, 43 percent indicated that officers rarely asked about the status of children at the time of arrest. Instead, they relied on the arrestee to volunteer information about children and their needs.

In 1993, 72 percent of responding agencies reported that they had procedures in place to check the nominated caretaker's suitability to serve as a temporary guardian. Finally, only eight percent of law enforcement agencies indicated that they reported children of arrestees to child protective services each time they make an arrest. Most agencies (78 percent) reported children whose parents have been arrested to child protective services only when there was evidence of abuse or neglect. Further, the study revealed that law enforcement officers made a variety of placement decisions in the field, including the potentially traumatic experience of taking the child to the police department, informally placing the child with neighbors or relatives or calling in Child Protective Services. (Smith & Elstein 1994)

In 2001, the California Research Bureau (CRB) administered a mail survey to 350 local law enforcement agencies and 58 county sheriff's departments in California. The California survey found that nearly two-thirds of local law enforcement departments in that state did not have written guidelines governing the care of children whose sole caretaker had been arrested. The study discovered what amounts to a de facto "don't ask, don't tell" policy. Officers in a majority of law enforcement agencies do not ask about an arrestee's children at the scene of a crime or when making an arrest. If children are present at the time of arrest officers in less than half of the agencies will inquire about their care. If an arrestee offers information about children officers in 39 percent of the departments would get involved and only 12 percent would inquire about children if there was physical evidence of them at the scene (toys, baby bottles etc.). (Nieto 2002)

MICHIGAN LAW

MCL 712A.14 states, "immediately take into custody any child who is found violating any law or ordinance, or whose surroundings are such as to endanger his or her health, morals, or welfare, or for whom there is reasonable cause to believe is violating or has violated a personal protection order issued pursuant to section 2(h) by the court".

Even with this many questions remain unanswered for Michigan law enforcement officials, such as whose responsibility is it to determine that the adult, in whose care the children are left, are suitable and that the children's safety is assured? What happens to children when their guardian is arrested during a traffic stop some distance from their home and no family member is able to drive them home? When and how should an officer act when arresting the caregiver of a minor child/children? Further, what are the legal ramifications of these actions? The courts have been unclear in dictating when and how officers should respond. According to

Continued on page 30

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EMOTIONAL BACKUP

POAM'S LIFELINE PROFESSIONALS GIVE ASSISTANCE TO MEMBERS IN TIMES OF NEED

By **ED JACQUES, LEJ Editor**

Crisis is something most employees attempt to avoid when they arrive at their workplace. For employees of Southfield-based Incident Management Team (IMT), crisis is expected. IMT is the internationally respected crisis management company that responds to calls to the Police Officers Association of Michigan's Lifeline.

"The important thing is that we get these people immediate help. For a lot of people who are suffering with a problem, if they don't get assistance with the first call they make, they give up," said Dr. Ken Wolf. "If the person is calling from somewhere in Michigan that we can't get to quickly, we make sure we find a professional counselor in their community who can assist them."

Police trained psychologists and social workers need to be sensitive to stressors that affect law enforcement officers and their families. Some of the more intense stressors are use of deadly force situations, post shooting trauma, suicide of fellow officers, physical encounters that result in serious injury, hostage situations and prolonged rescue operations that may end up with a bad outcome. Also; gruesome scenes, injuries or fatalities to children and situations where officers feel hopeless or powerless. Officers and their families also have stress due to rotating shifts, discomfort with a partner and being absent for many family occasions due to work schedules.

Police officers pride themselves through their professionalism and training that they can approach most situations with a sense of control and the ability to sort out confusion at any scene. However, when the issues are personal, they may not always know the best strategy to cope effectively with problems that make them feel uncomfortable. The POAM Lifeline is a backup resource for them and their families to master personal problems and maintain a positive attitude and career. Dr. Ken Wolf and Marilyn Knight M.S.W. have been operating IMT and working with police departments, police officers and their families since 1980. Their experience of being "backup" for police officers has given them a great understanding of the brotherhood of blue and personal concerns of all law enforcement officers. They are sensitive to the stresses that our members face on the street, in our jails, courts and the bureaucracy in many departments.

Dr. Wolf and Ms. Knight have developed police counseling programs and critical incident debriefing programs for law enforcement departments through the United States and Canada. They were crisis responders at the World Trade Center and Pentagon after the terrorists attacks. Both are currently developing crisis support programs for first responders for MIOSHA and the United States Army after mass casualty incidents and acts of terrorism. IMT employees have handled critical incident stress debriefings at several high-profile tragedies, including the Oklahoma City bombing in 1995, mass shootings at the Royal Oak (1991) and Dearborn post offices (1993), and Northwest Airlines plane crashes.

POAM family members who are suffering from depression, alcoholism, marital problems or financial trouble can call the Lifeline's 24-hour pager number and get an immediate response from one of IMT's expertly trained counselors. All assistance provided to officers is offered on a strictly confidential basis.

If you, or a fellow officer you know, is having personal problems and want confidential assistance, police mental health professionals are available through the Incident Management Team at 248-347-3300 or POAM Lifeline at 313-937-5105. □

This article was featured in a previous edition of the Law Enforcement Journal.

The following are brief profiles of the two IMT professionals who assist POAM members:



Marilyn Knight, M.S.W., is the president/CEO of IMT. She is an international lecturer, presenter and trainer in the areas of workplace violence prevention, crisis response and organizational change. She was a sworn special deputy of the Wayne County Sheriff's Department and is a coordinator of the department's Disaster Response Team. She has assisted in training law enforcement officers in advanced hostage negotiations and critical incident response.



Kenneth Wolf, Ph.D., is the managing partner of IMT, where he consults on workplace violence, threat management, critical incident response and downsizing strategies. A fully licensed clinical psychologist, Dr. Wolf has consulted with the U.S. Department of Justice and serves as a senior crisis consultant to several Michigan emergency management response teams. Dr. Wolf is also a certified trainer for the International Critical Incident Foundation which specializes in peer intervention skills.



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06/03/09

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Every dollar collected as an entry fee will be thrown into the pot and 40% will be awarded to the best poker hand, 30% to second best, 20% for third place, and 10% to the fourth best poker hand.

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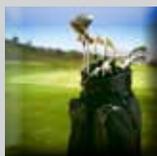
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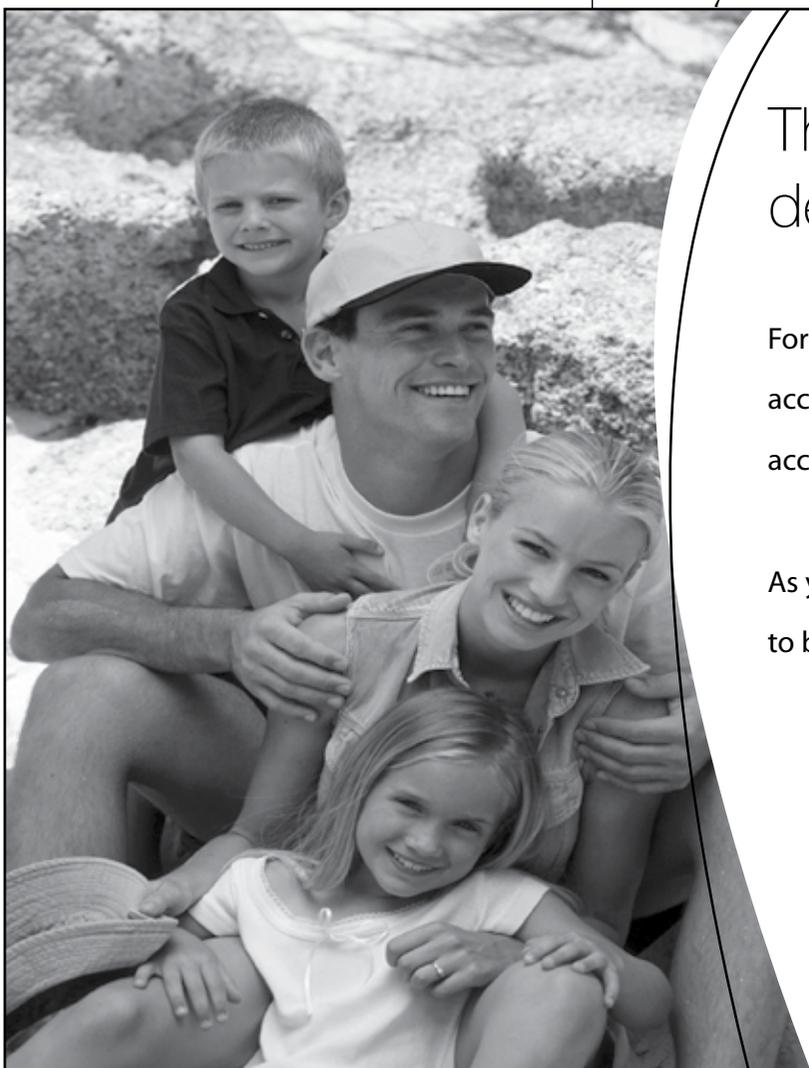
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By Jim DeVries, MCOLES Board Member

Greetings! Those of us who are fortunate enough to live in the northern reaches of the country are finally beginning to see some sun peaking out from winter's overcast. Spring can't come too soon.

State certification of law enforcement retirees for concealed carry under the federal Law Enforcement Officers Safety Act (LEOSA) is now available. In late December 2008, the Michigan Legislature passed Public Act 537, (MCL 28.511 et. seq.), which designates MCOLES with authority to provide LEOSA certifications. As a result, the Commission, in February of this year, approved a process governing its issuance of LEOSA certifications. That process is summarized below.

- Application to MCOLES for Law Enforcement Officers Safety Act Certification.
- Application for Live Scan fingerprinting (Upon initial application only. Provides criminal history background check and wrap back reporting in succeeding years).
- Retirement Verification Letter (Upon initial application only).
- Successful Completion of the MCOLES Active Duty Firearm Standard (classroom and range).
- Certificate Issuance.

A complete set of informational documents and instructions for retirees who are considering application for LEOSA certification are available at the MCOLES web site, www.michigan.gov/mcoles. Included is information regarding concealed carry in gun free zones and the advantages and disadvantages of concealed carry under a LEOSA certificate versus the Michigan Concealed Pistol license. I urge all retirees to review this information.

Due to the uncertainty of response from the retiree community, Macomb Community College was selected as a prototype site for the initial admin-

istration of the MCOLES Active Duty Firearm Standard to retirees. The first training session will take place in May. As the program unfolds, additional sites will be identified on a regional basis according to need.

Over the past nine months, we have witnessed our national economy slow to a crawl. It is probably not an overstatement to say that our financial markets have been in turmoil. As the repercussions of an economic crisis spread, we are seeing business failures and job losses in areas once thought to be secure. In Michigan, our auto giants have struggled to remain solvent and have joined others in receiving bail out cash from the federal government. Any of us who are fortunate enough to have an investment portfolio, an IRA, a 401k, a 457 or other investment tool have seen our net worth decline by as much as 50%. Finally, like a vulture circling above its injured prey, inflation looms. It certainly is not a pretty picture.

It is very clear that the financial times we now live in threaten to redefine law enforcement. There is huge competition for scarce dollars to fund government programs. Most of our states are struggling, and often, the elected officials who control our purse strings view at least some of what we do as "nice to do" rather than essential. The continued development of law enforcement officers through training often falls victim to this type of thinking. What a pity. Training can accomplish so much to improve officer effectiveness and safety.

In light of these concerns, let me close with a simple thought. It is incumbent on all of us in the business of law enforcement to take advantage of every opportunity to remind our leaders that the first obligation of government is to protect its citizens. Never undervalue the importance of law enforcement service! □

The Worker, Retiree, and Employer Recovery Act of 2008 *and what it means to you*

This memorandum summarizes changes to the Internal Revenue Code and other laws made by recent legislation. However, the author is not an attorney and the information provided is not legal advice or opinion. Moreover, the memorandum is not intended to provide a comprehensive description of the related rules. Plan administrators should consult with qualified legal counsel to ensure plan provisions comply with applicable laws and regulations.

On December 10, 2008, the U.S. House introduced and passed H.R. 7327, the Worker, Retiree, and Employer Recovery Act of 2008 (Recovery Act). The next day, the Act was taken up by the Senate and passed unanimously. The President is expected to sign the Act; however, he has not done so at the time of this writing. The Act provides funding (and other) relief for private sector retirement plans along with technical corrections to the 2006 Pension Protection Act. Several of the provisions are applicable to governmental pension plans, including:

Retired Public Safety Officer Distributions - The Pension Protection Act allows qualified retired public safety officers to exclude up to \$3,000 annually from federal income taxation for distributions made from an eligible governmental plan to pay premiums for qualified health insurance or long-term care. In early 2007, the IRS ruled that this exclusion only applied to coverage provided by an insurance company and not to coverage provided by self-funded plans. However, the IRS later agreed to interpret the language to include self-funded plans. The Recovery

Act formally corrects the statutory language to include coverage provided by self-funded plans. The change is effective for tax years beginning after December 31, 2006.

Rollovers to Nonspouse Beneficiaries - The Pension Protection Act allowed (but did not require) qualified retirement plans to rollover benefits to nonspouse beneficiaries. Under the Recovery Act, rollovers to nonspouse beneficiaries are generally subject to the same rules as other eligible rollovers, including the requirement that plans allow beneficiaries to make direct rollovers of eligible rollover distributions. This provision is effective for plan years beginning after December 31, 2009.

Roth Rollovers - The Pension Protection Act allowed distributions from qualified retirement plans, tax-sheltered annuities, and governmental 457 plans to be directly rolled over into a Roth IRA, provided the distribution is recognized as gross income. The Recovery Act clarifies that rollovers from a Roth account within a tax-qualified retirement plan or tax-sheltered annuity to a Roth IRA would not be subject to inclusion in gross income.

Minimum Distributions - Generally, participants in qualified plans are required to take minimum distributions by April 1 of the year following (1) the year they retire or (2) the year they attain age 70½, whichever is later. The Recovery Act provides a temporary, one-year moratorium on required minimum distributions from individual retirement plans (e.g., IRAs) and defined contribution plans qualified under Code §§ 401(a), 403(a), 403(b), and governmental plans under § 457(b). The one-year moratorium is effective for minimum distributions beginning after December 31, 2008. (However, minimum distributions for 2008 must still be made.) □



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.



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National Police Week 2009

Respect | Honor | Remember

May 10, 2009 (Sunday)

14th Annual Law Ride

Line up begins at 9:00 a.m. in Lot 8 of R.F.K. Stadium.

The procession will leave RFK promptly at 11:00 a.m. and ride to the National Law Enforcement Officers Memorial.

Contact: www.lawride.com

May 12, 2009 (Tuesday)

Unsung Heroes Golf Classic

7:30 a.m. Registration & Breakfast; 9:00 a.m. Tee-Off

The Greens at Andrews Air Force Base, Maryland

Contact: Mike Scanlon. 540-878-0018 or email: mike.scanlon@local5000.org and www.nleomf.org/unsungheroesgolf

Police Unity Tour Arrival Ceremony

2:00 p.m. More than 1,000 bicyclists will ride into the Memorial, completing a multi-day journey in honor of fallen officers.

16th Annual TOP COPS Awards Ceremony

7:00 p.m. Warner Theatre, 513 Thirteenth Street, NW, Washington, DC

Contact: Jill Sizelove (703) 549-0775

May 13, 2009 (Wednesday)

21st Annual Candlelight Vigil

8:00 p.m. National Law Enforcement Officers Memorial

(202) 737-3400

It is advised that anyone attending take the Metro Red Line to Judiciary Square.

May 14, 2009 (Thursday)

Seventh Annual Steve Young

Honor Guard Competition

Fraternal Order of Police Grand Lodge

8:30 a.m. John Marshall Park, between the Federal Court House and the Canadian Embassy.

Contact: Ken Roske via e-mail: honorguard@policeweek.org or visit www.policeweekhonorguard.com

14th Annual Emerald Society & Pipeband March and Service

National Conference of Law Enforcement Emerald Societies, Inc.

Assemble at 4:30 p.m. at New Jersey Avenue & F Street, NW. Step-off promptly at 6:00 p.m. March will proceed to the NLEOM.

Contact: Mike Roe: 314/304-1915 or email: mjroe@slmpd.org

6th Annual POAM Police Appreciation Party

At the Tune Inn, located at 331 ½ Pennsylvania Ave., S.E. across from the Capitol

May 15, 2009 (Friday)

28th Annual National Peace

Officers' Memorial Day Services

Grand Lodge, Fraternal Order of Police

Grand Lodge, Fraternal Order of Police Auxiliary

Noon West Front of the United States Capitol

Contact: www.policeweek.org

FOP/FOPA Wreathlaying Ceremony

3:30 p.m. National Law Enforcement Officers Memorial

May 16, 2009 (Saturday)

National Police Survivors' Conference

9:00 a.m. to 4:30 p.m.

Hilton Alexandria Mark Center (Registration is Mandatory)

Contact: (573) 346-4911 or e-mail:

cops@nationalcops.org; 571-251-0755 or event@NationalPoliceWeek5K.com

Schedule subject to change.

6TH ANNUAL POAM POLICE APPRECIATION PARTY ON TAP AT THE TUNE INN



By Ed Jacques, LEJ Editor

POAM President Jim Tignanelli has announced that our organization will once again host an informal gathering of police officers attending Police Week activities in Washington, D.C. The reception will be held on Thursday, May 14, 2009.

The tradition started when POAM Executive Board members attended ceremonies in D.C. and noticed that many Honor Guard teams, in between standing vigil, were changing uniforms in public restrooms and waiting in line to get a bite to eat. As former and current police officers, they concluded that all attendees needed a place to relax, eat, and drink with their families and friends, and at an establishment where uniforms were welcome.

For the fourth consecutive year, the event will be held at the Tune Inn, which is located at 331 ½ Pennsylvania Ave., S.E. The bar/restaurant is located across from the Capitol and is convenient to all the landmarks and events during Police Week. Even though it's a short walk, POAM will have a van with its insignias on each side, making runs from the Capitol to the Tune Inn all afternoon.

Last year's event was a smashing success with the Detroit Police and Fire Pipe and Drum Corps providing inspired entertainment and police officers from all over the country swapping stories and well wishes. POAM Executive Board members will be there to greet you and make you feel at home. □



The Tune Inn is the place to be!

Peace Officers are not Meek Officers

By Sergeant Tom Keilman, West Bloomfield Police Department and Ordained Minister

A law enforcement officer is often referred to as a “Peace Officer”, one who brings order and stability to a chaotic situation. The ultimate end goal of a “Peace Officer is to restore the peace to any harmful, tragic or chaotic situation. But “Peace Officer” sounds so wimpy, so sissy! When we really look at all that “peacemaking” is made up of, I think you will find that the title, “Peace Officer” is not only adequate and descriptive, but it is also very powerful!

The American Military operates on the principle of “peace through strength”. A strong military needs weapons and the right to use force to maintain international peace. Like the military, law enforcement officers have the right to use force and weapons to maintain the civil peace. It has always been said that there is strength in numbers and strength then becomes the main ingredient of peace.

An example of this is how the Bible describes the law enforcement officer as a warrior. In the New Testament book of Romans Chapter 13:4 it says: “For he (the law enforcement officer) is God’s servant to do you good. But if you do wrong, be afraid, for he does not bear the sword for nothing. He is God’s servant, an agent of wrath to bring punishment on the wrongdoer.” (NIV)

On the other end of the spectrum, we see the diplomatic role of being a law enforcement officer. We read in Matthew 5:9: “Blessed are the peacemakers for they will be called the sons of God.”(NIV) And the verse that brings it all into balance is found in the Old Testament book of Zechariah Chapter 7:9: “This is what the LORD Almighty says: “Administer true justice; show mercy and compassion to one another.”(NIV) In law enforcement incidents we are often called to be both peacemakers and warriors at the same time!

A few years ago, I responded to an injury accident where the young girl held on to me with both hands and would not let go until the ambulance arrived. I was her hope and stability in a chaotic and fearful situation. Mo-

ments later, the other driver, who was drunk, decided to resist arrest and the use of force was necessary to bring him under control.

Now relive some of your past dispatches to a domestic violence situation or an assault and battery in progress. As you roll up on the scene, you act as a peacemaker for the victim and at the same time, a warrior to the offender.

The victim runs toward you to safety and the offender attempts to flee, avoiding arrest. The “peace through strength” principle operates for both the victim and the perpetrator involved, but at different times. It is immediate for the victim because your presence is hope and deliverance from the circumstance. The offender however, encounters you in the role of the warrior. When appropriate use of force is needed to subdue him because of his mindset, emotional state, or the influence of drugs and alcohol, the peacemaking for him comes later, usually through a jail or prison chaplain, counselor or while in treatment. All, except the hardcore, are usually touched by the peacemaker process.

Real peacemaking is made up of all of these balanced components: POWER (appropriate use of force), AUTHORITY (the right to act), TRUE JUSTICE (victim and offender due process) and MERCY and COMPASSION (bringing hope, stability and order).

When a law enforcement officer is able to maintain the appropriate balance of these components in his law enforcement duties you have one very powerful and effective, “Peace Officer”, a true world changer!

As peacemakers in an ever changing world we need all the training and support we can get. A great resource is the compact PEACEMAKERS New Testament produced by the International Bible Society. It includes great articles about ethics, integrity, dealing with stress, help for families and much more. A free copy is available to you. E-mail your request to me at: keilmantom@yahoo.com

Thank you to all the “Peace Officers” out there changing the world, one person at a time. □

NO-COST LODGING FOR COPS VISITING THE MAYO CLINIC

By Mike Walsh, Rochester, Minnesota Police Department

Rochester has long been known for the Mayo Clinic and the fine medical care provided there. People from all over the world come to Mayo for medical needs, including law enforcement officers and their family members.

It is not at all uncommon for Officers from the Rochester Police Department to be approached by out of town cops who are in Rochester for Mayo-related reasons. They stop us to say hello, to trade patches, to ask us where to eat, where to go, things to do, etc. We also from time to time get calls from departments around the country, where a co-worker of a law enforcement officer at Mayo calls to say “One of my co-workers is at Mayo... can you help them out at all or look out for them?” We certainly do what we can to help, but aside from general advice or little things, there has typically not been a lot we could do for our fellow law enforcement officers or their families.

That changed earlier this year through the hard work and efforts of Officer Don Bray of the Rochester Police Department. Don was able

to find and secure lodging that law enforcement officers visiting the Mayo Clinic could use at no cost. We all know how expensive medical care can be when we are in our own home areas, let alone when we have to travel miles and miles for care and stay extended periods of time away from home because of it.

Don was able to make arrangements for two apartments near downtown, close to Mayo, to be available for use only by visiting cops and their family members. These apartments will make the costs of out of town medical care less of a concern for cops in need. Great job Don!

One apartment is for short-term visitors, the other for longer-term visitors. Both are in a great location, fully furnished, and provided at absolutely no cost to cops and their family members. The apartments are paid for via private donations and through the Rochester Police Benevolent Association and the Olmsted County Deputy Sheriff’s Association.

The apartments are only for use by those seeking medical treatment here in Rochester; they are

not for use for vacations or other non-medical events.

If you know of any cops who are coming to Rochester for medical reasons and they would like to stay in one of the apartments, please have them get in touch with Officer Don Bray via email at dbraygrochestermn.gov or via his cell phone at **507-251-3197**.

Simply due to scheduling reasons, the earlier those who would like use of the apartments contact Don, the better for everyone, as they can and do get scheduled out ahead and booked up. These apartments are also not limited to just cops from Minnesota; they are for use by law enforcement officers from anywhere.

If any of your associations would like to make donations to help pay for these apartments, please feel free to do so! Donations can be made to the Rochester Police Benevolent Association, C/O Don Bray, 101 SE 4th Street, Rochester, MN 55904.

Please spread the word about the availability of the apartments. □





By Ed Jacques, LEJ Editor

The Cutting Edge

REAL LIFE TECHNOLOGY ASSISTS CSI UNITS DIMS SYSTEM AUTOMATICALLY COLLECTS AND AUTHENTICATES DATA

The Las Vegas Metropolitan Police Department (LVMPD) processes over 25,000 crime scenes annually. In fact, in 2007 alone the Photo Lab acquired and archived over 1 million digital photographs from field crime scene investigators (CSI's). That number is predicted to grow by 50% every year.

When Las Vegas Metropolitan Police Department, or even its television namesake, Las Vegas CSI, come to mind, so do cutting edge technologies and amazing gadgets. One look inside the LVMPD's photo lab would confirm these thoughts. In fact, the one thing you would never guess by looking at the lab today is that several years ago there was not a digital camera to be found in LVMPD. Until only a few short years ago, the LVMPD was still shooting their crime scenes with traditional film.

The revolution of digital photography brings law enforcement agencies across the nation a certain amount of apprehension as they look for solutions to manage the ever-increasing amount of critical, evidentiary photography. Today, with audio and video recordings clearing their own path into the digital world, this evidence is even more abundant, and requires careful management. In addition to photographs and prints, agencies are required to retain audio and video files from interview rooms, in-car systems, an array of surveillance systems and even handheld devices.

While one would assume that this transition is easier for larger agencies, the fact is that the larger the agency, the tougher the transition. As with any other police operation, volume only magnifies the problem. The larger the Department or the more crime there is, the more evidence exists and the more people required to handle that evidence. This all adds up to more margins for error. Things that might go smoothly within a smaller department could literally cause havoc in a larger agency.

When the Las Vegas Metropolitan Police Department decided it was time to make the move to digital photography, they knew that just like film, the evidentiary integrity of these digital images must be maintained at all times. They knew that without SOP's in place, there was no way to manage this process, and hold others accountable for their actions. They also knew that the transition to digital would require precision. That it needed proper planning and coordination, and that it could not start with the cameras.

Cameras seem to be the logical place to begin a departments transition to digital. An agency has some extra funding, and purchases camera equipment for Patrol Officers or Crime Scene Investigators. Sounds good so far, right? But what happens next is the real problem, and typically, that's not much. The evidence is burned to CD's or copied to a hard drive somewhere in the department. But, how is the integrity and authenticity of the images managed? How is chain of custody handled for the evidence? What are the proper procedures to ensure the evidence is maintained in compliance with

the appropriate standards? In many cases, these questions go unanswered.

Fortunately, after much research, the Las Vegas Metropolitan Police Department turned to Linear Systems. Together, Linear Systems and the LVMPD worked to configure and implement a customized DIMS (Digital Information Management Solution) System that would essentially create and enforce the Departments SOP's and manage the entire workflow of their digital evidence, from collection

and authentication, to indexing, printing, CD/DVD production and data archival.

With DIMS, the moment a Las Vegas CSI returns from a scene, the card from the digital camera is removed, and placed in a card reader in one of their digital download stations. The Investigator inputs their badge number, the case number and other required information associated with the digital evidence. From there, DIMS manages the rest. The DIMS System essentially forces compliance with the agencies SOP's by automatically collecting and authenticating the data. DIMS does this with complete logging and chain of custody control, a full database including multiple search parameters, and centralized printing, disc publishing and email capabilities. The CSI's can export images to Photoshop, perform any necessary enhancement, and then re-import them back into the system. Examiners can even lift latent print images and export them in an AFIS compatible format right from their DIMS system.

DIMS was customized to enforce LVMPD's policies and procedures, and continues to save the department time and money through automation. Web-based access to the DIMS system with multi-level user rights ensures that only the appropriate people have access to the evidence, which in turn increases the security of the information, and facilitates efficient internal communications. In addition, since evidence collected and processed with a chain of custody is more reliable, it reduces challenges to their credibility. With the authenticity and reliability of forensic evidence being questioned all too often by everyone from the National Academy of Science to members of the media, the time is now to take control over digital evidence and the policies and procedures surrounding it.

Today, the DIMS System continues to enable the Las Vegas Metropolitan Police Department to rise to the challenge and manage millions of digital photographs without losing a single one. Though their initial interest in the system was photography, just like digital technologies, LVMPD's system continues to evolve to manage year after year of images, as well as audio and video evidence, and has to date been upgraded to over 24 Terabytes of storage!

So what's the best part of the DIMS system? The department would have a tough time answering that question, but will tell you that the most overlooked element is that the Las Vegas Metropolitan Police Department, as well as many other agencies throughout the nation purchased their entire system through grant funding. With budgetary cuts and layoffs nationwide, new technologies, no matter how necessary they may seem, are simply not an option. Fortunately, there is an abundance of grant funding available in 2009, and this needs to be leveraged. Since President Obama signed the American Recovery and Reinvestment Act and the Omnibus Appropriations Act of 2009, more than \$4.5 billion dollars were allocated to assist State, Local and Tribal Law Enforcement Agencies. Departments of all sizes are eligible for portions of this funding, and like LVMPD, can use it to implement DIMS systems and ease the pain of the digital transition. □

"The revolution of digital photography brings law enforcement agencies across the nation a certain amount of apprehension as they look for solutions to manage the ever-increasing amount of critical, evidentiary photography."

DIMS

Representatives from DIMS will be attending the POAM Convention. Visit their exhibitor's space and find out how this system can benefit your department.

See our ad on page 16!

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The Federal Perspective

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

Recovery Package Attempts to Fuel Economy

Within the first 90 days of the new Congress, the American public has seen significant pieces of legislation advance through the body, many of which will have a direct impact on the law enforcement community. The American Recovery and Reinvestment Act of 2009 (ARRA/HR. 1) was signed into law on February 17th, and the Fiscal Year (FY) 2009 Omnibus Appropriation Bill (HR 1105) was signed by the President on March 11, 2009. There are also a significant number of additional law enforcement initiatives currently underway in the 111th Congress.

The first priority of the 111th Congress was to enact a recovery package to help fuel the U.S. economy. The American Recovery and Reinvestment Act of 2009 (ARRA/HR 1) is a \$787 billion package to help stimulate the economy through creating jobs, supporting the states, and investing in our country's future through accountability, oversight, and transparency. The legislation includes approximately \$7.8 billion in law enforcement funds, oversight, and similar programs. The Economic Stimulus allocated a total of \$4 billion to state and local law enforcement efforts; \$2 billion for Byrne Justice Assistance (BYRNE-JAG) formula grants to support local law enforcement efforts with equipment and operating costs, and \$1 billion for the COPS hiring grant program, which can be used for retention.

Through the Economic Stimulus, Michigan is eligible for a total of \$67,006,344 towards Byrne-JAG program and will be eligible for additional Byrne Competitive Grants. More information on Byrne-JAG state and local allocation information is available at <http://www.ojp.usdoj.gov/BJA/recoveryact.html>.

Applications for COPS Hiring Recovery Program (CHRP) grants will be accepted online via the COPS Office web site at www.cops.usdoj.gov beginning March 16, 2009 through April 14, 2009. For more information please visit <http://www.cops.usdoj.gov/Default.asp?Item=2108>.

A special website will provide transparency by posting information and recovery spending along with several other means to ensure effective and efficient oversight. The website, Recovery.gov, provides the public with a timeline when to expect agencies reports, press coverage on the stimulus package, frequently asked questions, and other valuable information the help keep the American people informed on the matter.

Currently, Federal agencies are in the process of putting together their budgets and creating the procedures for the release of these funds. Some of the funding will be released through formula block grants, while others will be released through a competitive grant process which is likely to begin shortly.

On Wednesday, February 25, 2009 a \$410 billion Fiscal Year 2009 Omnibus Appropriations Bill passed the House of Representatives by a margin of 245-178, passed in the Senate without amendments by a margin of 62-35 and signed by the President on March 11, 2009.

The bill contained \$3.2 billion, \$495 million above 2008, to keep our communities safe. The Omnibus allocates \$550 million to Community Oriented Policing Services (COPS) to support local law enforcement agencies with technology and training grants. The Office on Violence Against Women received \$415 million, and the Office of Justice Programs was allocated \$2 billion for grants to state and local organizations to fight and

prevent crime including BYRNE-JAG, the State Criminal Alien Assistance Program, drug courts, and programs for at risk youth and missing or abused children.

Other pertinent law enforcement legislation and news include the Department of Homeland Security (DHS) Loosening its Strings on Homeland Security Grants. Sources have indicated that for fiscal year 2009, the department will give out approximately \$3 billion to states and localities to assist them in terrorism prevention. The DHS has also loosened its rules to allow recipients to spend up to 50% of homeland security grants for personnel expenses, up from 25%, and they removed the 25% local-match requirement for rail, transit and port security aid.

The Public Safety Employer-Employee Cooperation Act of 2009 (HR 413) sponsored by Congressman Dale Kildee (MI-15th CD) provides collective bargaining rights for public safety officers employed by states or local governments. This act will direct the Federal Labor Relations Authority to determine whether state law provides specific 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 employee and requiring public safety employers to recognize and agree to bargain with the employees' labor organization. This collective bargaining legislation currently has 44 cosponsors including: Congressman John Dingell (MI-15th CD), Congresswoman Candice Miller (MI-10th CD), and Congressman Bark Stupak (MI-1ST CD). H.R. 413 has been referred to House committee Education and Labor, a Senate version of this bill has not been introduced yet.

The Social Security Fairness Act (HR. 235; S. 484) was introduced in the House by Congressman Howard Berman (D-CA) on January 7, 2009 and has since picked up 227 co-sponsors including , Congressman John Dingell (MI-5th-CD), Congressman Dale Kildee (MI-5th CD), Congressman Thaddeus McCotter (MI-11th CD), Congresswoman Candice Miller (MI-10th CD), Congressman Bart Stupak (MI-1st CD), and Congressman Fred Upton (6th CD). The Senate companion bill S. 484 was introduced by Senator Dianne Feinstein (D-CA) on February 25, 2009 and currently holds 17 co-sponsors. This legislation Amends title II (Old Age, Survivors and Disability Insurance) (OASDI) of the Social Security Act to repeal government pension offset requirements applicable to husband's and wife's insurance benefits, widow's and widower's insurance benefits, and mother's and father's insurance benefits with respect to OASDI payments, and windfall elimination requirements with respect to computation of an individual's primary insurance amount.

The COPS Improvement Act (S. 167; HR 1139) sponsored by Senator Herb Kohl (D-WI) and introduced in the Senate on January 8, 2009 and is cosponsored by Senator Debbie Stabenow (D-MI) amongst fourteen others. The legislation's House companion was introduced by Congressman Anthony Weiner (D-NY) and holds 42 co-sponsors including Congressman John Conyers Jr. (MI-14th CD) and Congressman Stupak. The Act to amend the Omnibus Crime Control and Safe Streets Act of 1968 to enhance the COPS ON THE BEAT grant program. The program Authorizes grants to



Dennis McGrann

Continued on next page

Recovery Package, cont.

Continued from previous page

hire school resource officers and establish local partnerships to combat crime, gangs, drug activities, and other problems in elementary and secondary schools; establish and implement programs to reduce and prevent illegal drug activities, including the manufacturing, distribution, and use of methamphetamine; and meet emerging law enforcement needs, as warranted. It also authorizes the use of COPS ON THE BEAT grants to hire former members of the Armed Forces to serve as career law enforcement officers.

The Rural Law Enforcement Assistance Act (S. 150) Introduced by Chairman Patrick Leahy (D-VT), is intended to help local law enforcement agencies address crime problems that are expected to exponentially grow worse in conjunction with economic problems increasing. The bill continuing to pick up co-sponsors and was last referred to the Senate Judiciary Committee.

The Act would amend the Omnibus Crime Control and Safe Streets Act of 1968 to authorize appropriations for FY2009-FY2013 for rural drug enforcement assistance and the Violent Crime Control and Law Enforcement Act of 1994 to authorize appropriations for FY2009-FY2013 for training rural law enforcement officers in the investigation of drug trafficking and related crimes.

Gang Abatement and Prevention Act of 2009 (S.132) Introduced by Senator Dianne Feinstein (D-CA) is aimed to increase and enhance law enforcement resources committed to investigation and prosecution of violent gangs, to deter and punish violent gang crime, to protect law-abiding citizens and communities from violent criminals, revise and enhance criminal penalties for violent crimes, to expand and improve gang prevention programs, among other purposes. This bill has since been referred to the Senate Judiciary Committee.

Combat Methamphetamine Enhancement Act of 2009 (S. 256) was introduced by Senator Feinstein (D-CA.) on January 15th. The Combat Methamphetamine Enhancement Act of 2009 is a bill designed to enhance the ability to combat methamphetamine and was last referred to the Senate Judiciary Committee. The Legislation Amends the Controlled Substances Act to require all regulated retail sellers of certain listed chemical products used to make methamphetamine to submit self-certifications of compliance with the requirements of such Act to the Attorney General. It also requires the Attorney General to develop a list of all self-certified individuals and make it publicly available on the website of the Drug Enforcement Administration (DEA) and prohibits distributors of listed chemical products from selling such products to individuals not currently registered with the DEA. Lastly, the legislation imposes civil penalties for negligent failure to self-certify as required by this Act.

The Washington office of POAM will continue to closely follow these issues and any other legislation that are significant to the Police Officers Association of Michigan. If you have any questions or need additional information please do not hesitate to contact us at (202) 544-9840. □

Arresting Caregivers, cont.

Continued from page 17

the NIJ, it appears that today many departments rely on officers to use their discretion to protect children found during raids of methamphetamine laboratories, during domestic violence calls, and when parents have locked children out of their home.

The courts, the place to which police chiefs look when setting policy, have sent mixed signals and inconsistent guidance in this very important area. Some of these questions have been posed to appellate courts and the courts have not answered with a unanimous and consistent voice. It seems as though the courts are sending the signal that as long as the children are not so young as to shock the conscience and no harm results, the officer can leave children in risky situations and be found to have made an unfortunate judgment call but one that does not rise to the level of deprivation of qualified immunity. But if the abandoned child is harmed in some way, the officer should have anticipated it and will be found guilty of gross negligence and reckless disregard for safety. The problem with this guidance is that it requires the officer to foresee the future.

SURVEY METHODOLOGY

The survey tool is modeled after the California Research Bureau instrument used in a statewide survey of law enforcement agencies in 2001. In addition, selected law enforcement officials, law enforcement officers and Child Protective Services caseworkers will be informally interviewed to ensure law enforcement needs are being addressed by the survey instrument and to ensure cooperation in survey distribution. Surveys will be mailed to all local Michigan police departments (approximately 350) and county sheriffs' departments (approximately 83). To obtain qualitative information, onsite interviews with officers from different regions of the state are planned to commence at the Police Officer's Association of Michigan annual meeting June 3-5, 2009 in Grand Rapids Michigan. □

ABOUT THE AUTHOR

Dr. Donna Selman is an Assistant Professor of Criminology & Criminal Justice at Eastern Michigan University where she teaches a variety of Criminal Justice courses and serves as the Graduate Student Advisor. Dr. Selman serves on the Executive Committee of the EMU Chapter of the American Association of University Professors and the Critical Criminology Division of the American Society of Criminology. Dr. Selman will be present at the POAM Convention to solicit volunteers and personally discuss all aspects of her survey. Please look for her in the exhibitor's hall.

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Negotiated Sterling Heights COA

Duration: 07/01/2007 – 06/30/2011

Wage Increases:

2007 – 3.0%
2008 – 3.0%
2009 – 3.0%
2010 – 3.0%
2011 – 3.0%

- Differential for sergeants is 22%, lieutenants 12% and captains 10%.
- \$1,000 contributed annually by employer to deferred comp.
- Increased longevity to \$7500 for sergeants, \$8,300 for lieutenants and \$8700 for captains.
- Clothing allowance raised from \$1,200 to \$1,500.
- Shift premiums of 4% for afternoons and 5% for midnights.
- Educational benefits of \$500 for associates degree, \$750 for bachelors and \$1,000 annually for masters degree.
- Health care is a PPO 10 or a high deductible health savings account (HSA) funded by employer.

Bargaining team consisted of Dave Smith, John Berg and Luke Riley who were assisted by POAM Business Agent Jim Tignanelli.

Negotiated Farmington PSOA

Duration: 1/1/2007 - 12/31/2009

Wage Increases: (Full Retro)

2007 – 3.0%
2008 – 3.0%
2009 – 3.0% with a 1.00% pre-tax employee contribution to retiree health care.

- No new enrollments in HAP. Healthcare plan revised to BC/BS Community Blue 4, with AmeraPlan to “fill in” new deductibles and co-pays with city paid “self funding” with benefits equal to BC/BS Community Blue 1 coverage.
- City to pay a monthly health care premium maximum of \$1540.00 per employee for family coverage, \$1285.00 for two person and \$625.00 for single coverage. Those figures increase by 5% a year and if the premium exceeds those rates, City and Union will agree on new coverage or employee may pay the difference.

Bargaining team consisted of Scott Herrmann, Jeff Brow, Aarob Malewski and Todd Anderson who were assisted by POAM Business Agent Gary Pushee.

Negotiated Lathrup Village POA

Duration: 07/01/2008-06/30/2012

Wage Increases:

2008 – 2.0%
2009 – 1.5%
2010 – 1.5%
2011 – 2.0%

Brings top pay for a police officer to \$66,367.

- Initiated a \$2,000 annual premium for detectives.
- Health care is BC/BS Flex 3 with the employer funding the 2000/4000 deductible. Current employees will co-share the premium at \$40 per month, new hires at \$80 per month.
- Initiated strong language protecting retirees’ health care and pensions if the department is absorbed.
- Duty disabilities and officers killed in the line of duty will receive 100% paid health care for officers and/or spouse.

Bargaining team consisted of Scott McKerr who was assisted by POAM Business Agent Scott Atkinson.

Negotiated Canton Township POA

Duration: 07/01/2008 – 06/30/2010

Wage Increases:

2008 – 3.0%
2009 – 2.5%
2010 – 2.0%

- Pension improved from F 50/25 to 25 and out.
- Increased uniform allowance to \$800, weapon proficiency to \$400 and mileage pay to IRS rate.
- Vacations and personal days switched to PTO time and each step increased by 16 hours. Deleted 16 hours of bonus time. Pay out on bank is up to 80 hours and can be carried over up to one year.
- New hires will be required to pay 5% of their selected health care premium.

Bargaining team consisted of Dave Boljesic, Robert Smedley, Mike Kennedy and Tom Champagne who were assisted by POAM Business Agent Gary Pushee.

Negotiated Cassopolis POA

Duration: 07/01/2008-06/30/2012

Wage Increases:

2008 – 2.0%
2009 – 1.5%
2010 – 1.5%
2011 – 2.0%

Brings top pay for police officers to \$37,398.

- Medical coverage remains BC/BS PPO 1 with drug card increased to \$10/\$40 and office visits to \$30. No premium sharing. Insurance to 50% of premium.
- Employer contribution to pension (defined contribution) increased.
- Short term and long term disability is 66% of base pay with a \$750 week maximum.
- Initiated Longevity pay.
- Personal days increased from 28 hours to 40 hours and two new tiers added to improve vacation pay.
- Eliminated birthday as holiday.

Bargaining team consisted of Don Obermesik who was assisted by POAM Business Agent Scott Atkinson.

Negotiated Cass County Sergeants, Lieutenants & Captains

Duration: 01/01/2009-12/30/2012

Wage Increases:

2009 – 2.5%
2010 – 2.5%
2011 – 2.5%
2012 – 3.0%

Brings top pay for sergeants to \$56,606; lieutenants to \$58,616 and captains to \$61,659.

- On January 1, 2012 medical coverage will switch from BC/BS PPO 2 to PPO 3 with a 10% premium co-share.
- Dental increased to \$900 in 2009 and \$1,000 in 2010.
- ETO increased to 84 hours.

Bargaining team consisted of Todd McMichael and Lyndon Parish who were assisted by POAM Business Agent Scott Atkinson.

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