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Law Enforcement JOURNAL

Winter 2007



Andy Dillon is New Speaker of the House

By Ed Jacques, LEJ Editor

The first thing that Michigan Democrats did when they gained control of the House after the November elections was to designate a new leader with fresh ideas. Before joining the Michigan House in a special election in 2004, Representative Andy Dillon (D-Redford) was president of DSC Incorporated, formerly McLouth Steel. He has been a top-tier business executive since 1995 and has earned a reputation in Michigan and nationally as a savior of floundering companies. His work resulted in many plants staying open and jobs being saved.

Dillon is also a practicing attorney, operating a successful law firm for seven years. He was also a district court magistrate and a former member of the Redford Township Planning Commission. Andy Dillon is a graduate of the University of Notre Dame, with degrees in accounting and law.

POAM Legislative Director Kenneth Grabowski was very familiar with Dillon's credentials when POAM, Redford Township POA, Livonia POA and the Dearborn Heights POA resoundingly endorsed him in his inaugural election campaign.

As evidenced by his appointment to Speaker of the House, Andy has made a tremendous impact in just two years in Lansing. Dillon is one of the strongest voices in state government to quickly find a replacement for the Single Business Tax, the burdensome tax that is set to expire at the end of 2007. On the House floor, he presented a compelling argument to replace



Andy Dillon (center) is flanked by POAM's Kenneth E. Grabowski and James Tiganelli on the right and Redford Township Supervisor Miles Handy and POA President Eric Norman on the left.

the SBT so that crucial public services, schools, roads and public safety are not harmed. Andy is a leading advocate in state government on the elimination of the personal property tax, which is even more onerous than the SBT on Michigan businesses.

Andy Dillon has distinguished himself as the architect of the 21st Century Jobs Plan, a groundbreaking plan to invest \$2 billion – at no cost to taxpayers – to create good paying jobs in high tech fields, such as advanced manufacturing, alternative fuels, homeland security, and life sciences. Dillon reached across the aisle and forged a true bi-partisan economic stimulus plan that the Governor quickly signed into law.

Andy has also been instrumental in improving the

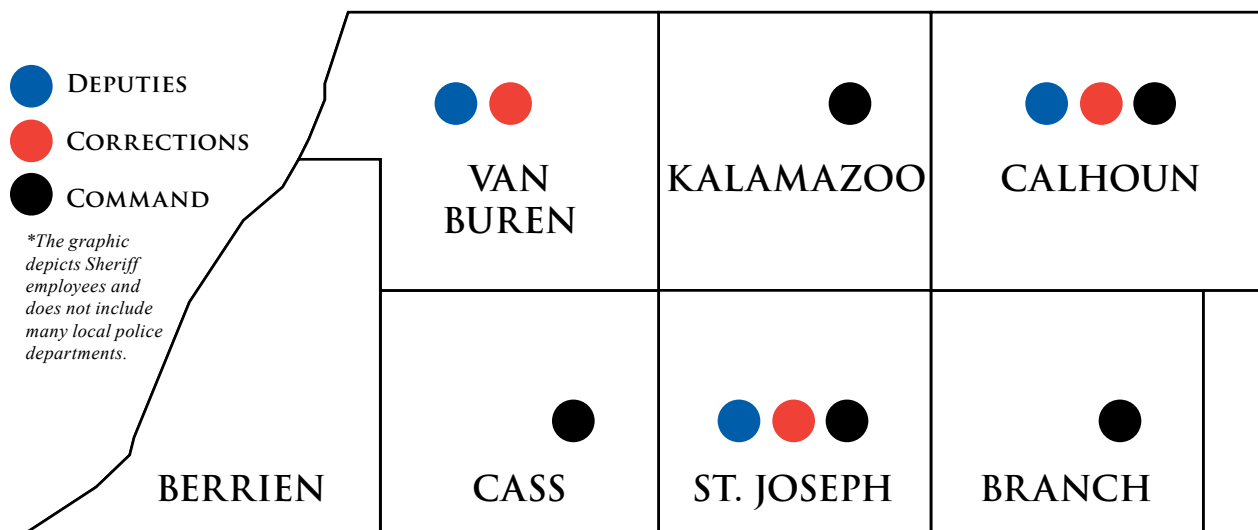
quality of life in his district. He has been pivotal in attracting new investment and state funds to Redford Township, such as transforming Detroit Diesel into a major manufacturing facility which is expected to keep and create a total of more than 1,200 jobs. He has worked closely with state and local officials to make significant repairs to roads in Redford, a key factor in improving the area's infrastructure.

POAM is proud of its affiliation with Andy Dillon, especially since he comes from our district. Law enforcement officers from every corner of the state can count on him to be a strong leader in his new role as Speaker of the House. □

CALHOUN AND VAN BUREN COUNTIES JOIN!

POAM NOW DOMINATES SOUTHWEST CORNER OF THE STATE

By Ed Jacques, LEJ Editor



POAM was proud to welcome over 300 new members to our organization in the 4th quarter of 2006 with 200 of them coming from sheriffs' departments in Calhoun and Van Buren Counties. The results in every election were overwhelming victories for POAM and its Recruiting Director, Gary Pushee. POAM is now the largest law enforcement union in every region of the state.

Ten years ago, many of the bargaining units in Southwest Michigan realized they had an option and began joining POAM. These recent victories now cement our reputation as the prominent law enforcement union in every corner of the state.

The Calhoun County Deputy Sheriffs Association consists of approximately 140 members, with the vast majority working in the Calhoun County Jail in downtown Battle Creek. The road patrol office is located 15

Continued on page 13

Signed and Sealed

Agreements gain vital benefits for POAM members

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



Negotiated

Mt. Pleasant POA

Duration: 07/01/2006 – 06/30/2010

Wage Increases:

2006	3%
2007	3%
2008	3%
2009	2%

Bringing top pay to \$56,500.

- All employees receive \$200 signing bonus
- Clothing, cleaning and uniform allowances all increased
- Employer to provide 12 weeks of full pay if employee is on workers compensation
- Increased acting supervisor pay to \$1.50 more per hour
- Employees to co-pay medical premium:

2007	\$300 annually
2008	\$350 annually
2009	\$400 annually

Bargaining team consisted of Don Systema and Paul Lauria who were assisted by POAM Business Agent Jim DeVries.

Negotiated

Fenton POA

Duration: 7/2/2005 – 6/30/2008

Wage Increases:

	Patrol Officers	Dispatchers
2005	3%	3.5%
2006	3%	3.5%
2007	3%	3.5%

Bringing top pay to \$54,683.

- President's Day added to the list of paid holidays
- After 25 years of service, vacation increased to 25 days
- Longevity pay improved to ½% each year up to 8% maximum
- Clothing allowance initiated for investigators

Bargaining team consisted of President Rich Lacy and Cliff Block, who were assisted by POAM Business Agent Gary Pushee.

Negotiated

Garden City POA

Duration: 10/1/2005 – 6/30/2011

Wage Increases:

2005	0%
2006	0%
2007	0%
2008	5%
2009	5%
2010	5%

Bringing top pay to \$63,605.

- Maximum sick leave bank increased to 80 days. Employees can cash out 6 sick days if they use 2 or fewer during the year
- Uniforms added to the list of items that are reimbursable
- Unused sick leave up to 60 days added to final average compensation (FAC)
- Employee retirement contribution increased from 5% to 6% (pre-tax)

Bargaining team consisted of Randy Lorenzetti and Tim Gibbons, who were assisted by POAM Business Agent Bob Wines.

Act 312 Award

Meridian Township POA

Duration: 01/01/2006 – 12/31/2008

Wage Increases:

2006	2.8%	w/full retro pay
2007	2.5%	
2008	2.6%	

Bringing top pay to \$55,171.

- Employees to receive one additional holiday
- Beginning 01/1/07, employer picks up additional 1/2% of pension contribution
- Education incentive pay increased to:
\$1475 Bachelors Degree
\$875 Associated Degree
- Health insurance opt-out was capped at \$4500 annually
- RX card changed from \$10/\$20 to \$10/\$20/\$40
- Beginning 01/1/08 co-sharing of health care premiums equivalent to township firefighters

Arbitrator was Donald Burkholder

Bargaining team consisted of John Wicks and Haylord Mankowski, who were assisted by 312 Advocates Marv Dudzinski and Jim DeVries.



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**More Signed and Sealeds
on page 23 and 35**



From the President's Desk

by Jim Tignanelli

Visit to Walter Reed was Humbling, Uplifting

Gary Pushee and I had the distinct honor of representing all of you at a recent visit to the Walter Reed Memorial Medical Center in Washington, DC.

Words cannot describe the welcome that was given to Gary and me when we arrived at the medical center. Andy Keiser, from Congressman Mike Rogers office, had made the necessary contacts for us and we are so appreciative of his efforts. They had even gone so far as to reserve a parking space for us in what appeared to be a restricted area very convenient to the front of the hospital. Hardly expected...(or deserved!)...but greatly appreciated. From that point, we were met by Lt. Colonel Brew who immediately greeted us and offered us full view of the facility.

Frankly, I was overwhelmed by the attention that was given to our visit. Lt. Colonel Brew accompanied us to each floor of the hospital and waited nearby as we met with some fifteen or twenty young soldiers that had been injured in the war (both in Afghanistan or Iraq). We then visited the occupational and physical therapy floors of the hospital and were extremely impressed with both the equipment and the staff that was on hand. Each welcomed us to their particular area and each was eager to show us what they had available as tools. I was so impressed with their enthusiasm for their duties and their patients. We could not help but feel the positive influence they had.

I must admit that I had presumed the worst. I was reasonably certain that our soldiers would be "hustled" through a system and ushered to the door. Just the opposite was true. On the contrary, the staff was obviously concerned with each of the persons they were working with. I'll not forget Stephanie Dougherty, Matt Scherer and a young lady named Kim V. who not only worked with the patients but so obviously cared for each of the soldiers in their area. I'll not forget Captain Dougherty's words to me. "If they can't zip their fly or wipe their butt, they aren't leaving!" She escorted us to an area that had functional duplications of a living room, bedroom, kitchen and bathroom. Her patients needed to function perfectly in each area before she was satisfied with their rehabilitation. Kim had such a great smile and attitude. We watched as she played catch with a football with

a young soldier from Illinois. Captain Scherer operated the physical therapy floor and it was obvious just how much he cared for the soldiers in his care. He told us of disabled veterans groups with which he maintains communication so that the young soldiers have support after they leave the facility. One young man that we met in this area was from Michigan. He was working hard on the treadmill. He had a prosthetic leg and was going home for his son's birthday. He had not seen his son since the injury and he wanted to walk in when they met. It was clear to me that he was going to accomplish his goal. His wife was seated nearby doing her college homework. I could not help but note the pride she displayed for his efforts.

And the soldiers...such handsome young people, all of them...were so enthusiastic about what they had accomplished while on duty. We met soldiers from New Hampshire to Tennessee and all parts in between. All felt our country was doing so much good in Iraq and Afghanistan. I asked if the media coverage was disappointing to them and they acknowledged that it was, for the most part, ignoring the many good deeds that were being done but all found it was easy to ignore such one-sided opinions. All wished they could return to their buddies overseas. Each greeted us as if WE were the important persons in that room. Each welcomed US to the facility. It was a very humbling experience. These young persons had volunteered for this service and many had suffered very serious injuries...and they thanked US.

Our contact at the hospital, Tamara Miller, made certain that each and every step of the way was perfectly choreographed for us. I am so grateful to her for arranging this opportunity.

I am hopeful I can make this visit to the facility an annual one. The soldiers told me that items needed back at the front include beef jerky and hand sanitizer. I am already working on getting that done. If you have someone in your area that can be of help with this plan, please contact me through our website, www.poam.net. □

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Vice-President's Viewpoint

by Dan Kuhn

A Memorable Election Season

Whew! It's over! And how weird it seems not having to rush home from headquarters after my shift is over to get to a parade or go door to door. Never have I personally been so involved with so many POAM candidates. And although it was a heck of a lot of work, it was the most memorable and rewarding campaign season ever for me, even if all of our endorsees didn't win, the important thing is the POAM was in the game, and had a chance at winning.

From having the privilege of taking a field trip with Dick and Betsy DeVos down to Blackwater USA in North Carolina, to spending a Saturday with "The Mayor" Rudy Giulina, the memories were many. It was an absolute honor to meet the founder and CEO of Blackwater U.S.A., Eric Prince, whose company is responsible for the training and deploying of the brave men and woman who are assisting our military in protecting and securing American interests all over the world, as well as training thousands of SWAT and law enforcement personnel each

year. The men and woman at Blackwater USA, are examples of what the definition of "patriot" really means, and I was fortunate to spend some time with them.

Not all my efforts were spent with the DeVos campaign. From working with local candidates like Jim Howell, who was running for Circuit Court Judge in Saginaw County or Justice Maura Corrigan, who was seeking re-election to the Michigan Supreme Court, to participating in an informational picket in Standish, this election year was truly a memorable one. It allowed me to meet and form friendships with numerous leaders of this state who will no doubt be allies of the POAM and its members forever.

My thanks to the candidates who allowed me to participate in their efforts this campaign cycle, and to the POAM for remaining courageous enough to take chances in our endorsement of candidates that we identify as the best potential representatives of the cops in Michigan. Happy new year everyone!...Be safe! □



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The Treasurer's Ledger

by William Birdseye

Public Employers Need to be More Competitive

FLEXIBILITY REQUIRED TO KEEP AND ATTRACT QUALITY OFFICERS

Let me start out by stating the obvious: a vast majority of law enforcement officers stay in their occupation because they like the work. However, public employers need to realize what the private sector has known for centuries — you get what you pay for.

It seems that the optimism that engulfed the 1990s has turned to pessimism amongst public employers in the 21st century. Their rainy day funds are never too big and more concessions are necessary to ensure against the bad times that lay ahead.

This generation of employees, law enforcement or not, is different than those of the 1980's. Changing work places is now a sign of ambition and staying put is not necessarily an indication of loyalty. College graduates make up a significantly higher percentage of the law enforcement profession, and there is a self-induced obligation to pay for that degree by earning the maximum amount of money.

It is common knowledge that we work cheap. But most every public employee will have to admit that their saving grace is a good benefit and pension package. Officers realize that this is a young person's job and one's appetite for this type of work is limited. Building a nest egg or moving on to another profession after retirement with some sort of safety net are huge motivating factors in staying on the job.

As new technology and industry create more opportunities for young people entering the work force, I have to be concerned about the quality of

law enforcement applicants in the upcoming decade. A certain percentage of the population will always be attracted to police work and today's large number of veterans do offer some hope. (See Marvin Dudzinski's column).

It is reasonable to expect City and County Executives to be fiscally responsible, especially when revenue sharing cuts hit hard. But, in the face of that, many of these Administrators have forgotten how dangerous and stressful the occupation is. Other considerations that offer security, quality of life issues, and promote department morale should be considered. Like the private sector, law enforcement officers have the right to pick and work for a municipality that is willing to offer its employees more. Statistics show that attractive shifts, pension and medical plans rank higher than monetary compensation when employees switch departments. Shortsighted executives will find the quality of their personnel diminishing as they continue to make cuts and blindly ignore other important work issues.

Turnover rates will increase and the training costs associated with that will spiral. The amount of money spent on attorney fees, whether it be for litigation or labor relations, will become an unmanageable percentage of the budget. But who will suffer the most? The public. They demand professionalism from law enforcement officers and deserve it. Those qualities come from happy, content officers that know their employer appreciates and accommodates their career needs. □



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Secretary's Notepad

by Marv Dudzinski

IRAQ WAR VETERANS SUCCESSFUL

I was surprised to find out that nearly one million American soldiers have served in Iraq. That is truly a lot of dedicated people who left their families and friends in the United States to volunteer for some pretty tough duty.

With the Democratic Party recently gaining control of the United States Senate and Congress, our country's commitment to the region may very well diminish in the upcoming months and be eliminated in the next few years. Regardless of what happens or how you define victory or stalemate, our courageous men and women of the military are deserving of our praise and respect. It is very encouraging to see that the American public's appreciation and understanding of veterans is greater than their reception in previous conflicts.

A topic of frequent conversation in the POAM office is the quality of police officers in the next decade if Michigan's economic woes and many municipalities unwillingness to pay competitive wages and benefits continue. (See Bill Birdseye's column). I believe these returning vets offer our profession some hope in the future.

If you talk to many old-timers and recent retirees you will probably find that more than a few of them served in the military during the Vietnam era. Police departments are paramilitary organizations and many Vietnam vets

embraced that discipline and became great cops. Do we have any reason to believe that today's Iraq veterans are not at least as well suited for a law enforcement career, especially considering our current all volunteer status?

The facts are that a soldier's duty in Iraq is more like police work than it probably should be and certainly more closely related than Vietnam was. It seems to me that intelligent employers will acknowledge and give some kind of preference to an experienced veteran. There is very little that any employer can throw at them that can rival the pressure of working in Iraq. The Iraqi military details amount to incredible work experience, especially if one joins a large urban city department.

Will these veterans be interested in working in the public sector? I believe the answer is undoubtedly yes. The bigger dilemma will be competing with growing metropolitan police departments in attractive parts of the country like Las Vegas, Fort Lauderdale, Charlotte, Phoenix, etc... The vast number of veterans that have served and gained valuable experience in Iraq in a relatively short period of time bodes well for Michigan's chance to hire some of these qualified heroes.

My greatest hope is that Michigan experiences an economic turnaround and can offer every interested homegrown soldier a career in law enforcement. That way everyone wins. □



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The Director's Chair

by Kenneth E. Grabowski

Victory. You don't win them all and you don't lose them all, but when you are involved politically, the elected officials know who you are and know you won't let them roll over you without a fight. Several of POAM locals worked very hard and achieved victory in their political battles. Keep fighting for your future.

Political Involvement Pays Off

By Ed Jacques, LEJ Editor

Law enforcement officers from several communities stuck their necks out and walked the political beat for issues and candidates that would have a tremendous impact on their careers. Most were rewarded with victories.

In Roseville, police officers attended community events, scoured the neighborhoods, and worked the polls to insure that a five mil increase got passed in their community. The City's Finance and Budget Director, Pete Provenzano, knew that selling this program would be a difficult venture. To their credit, the City ran an organized and informative campaign and Provenzano was smart enough to enlist the support of the City's unions right from the start.

John Pas, president of the Roseville Police Officers Association, knew that his members would be adversely affected if the initiative failed. Up to 13 of his fellow police officers, including two detectives, faced layoffs. Besides working closely with the City on their strategies, Pas contacted the POAM office and asked for some additional help. POAM President Jim Tignanelli and Legislative Director Kenneth E. Grabowski authorized a targeted direct mail campaign to proven police supporters and absentee voters. Director of Member Services Ed Jacques worked closely with Pete Provenzano on specific language and details that would hit home with Roseville residents.

The millage increase passed by a small margin and undoubtedly, the endorsement and resounding support for the initiative from the Roseville POA and the POAM made a significant impact in the results.

The Beverly Hills Public Safety Officers Association left the Michigan Association of Police and joined POAM less than a year ago. "I had a feeling that we were going to need the help of a more sophisticated and politically involved union like POAM," said Executive Board Member Marty Bednarz. "That's the main reason we voted to switch."

The writing was already on the wall in Beverly Hills. Arbitration was looming for the command officers and dispatchers whose contract had expired prior to the public safety officers. The Department had recently implemented 12-hour shifts and now some city council members were interested to know if the new schedule had cost the village one more penny. As President Howard Shock and Vice President Andy Van Horn watched council meetings on cable TV, it became obvious that the group needed to dive into the political pool.

Shock made the call to POAM Business Agent and Legislative Director Kenneth E. Grabowski, who is also the group's business agent, for advice on how to proceed. "They were inexperienced and a little nervous about political involvement," stated Grabowski. "But Howard Shock trusted my advice and is an intelligent leader. I thought he could pull it off."

When the local association sent a letter out to Village Council candidates and incumbents about interviews and endorsements, it smoked a couple enemies out of their holes right away. The folks who insisted that public safety officers not involve themselves in the political process were obviously not interested in their cause. As other veiled threats came in to Grabowski and Shock, they went on the offensive.

Grabowski threatened every ounce of POAM political muscle if the rhetoric continued and the Association went on to interview candidates and affiliate with a Political Action Committee (PAC) called the Voice of the Village, who had public safety as one of their key platform issues. Members of the Association made a point to attend local events to remind Beverly Hills citizens that they care about the community.

The results were a clean sweep for the Beverly Hills Public Safety Officers Association. All seven members on the Village Council were endorsed by the organization, including four new members!

"I'm well aware that this Council has fiduciary responsibility," said Shock. "At least we know that we have government officials that clearly care about public safety and the work issues that are important to our membership."

"Howard and his members did a magnificent job at their first political involvement," said Grabowski.

The Washtenaw County Deputy Sheriff's Association and POAM scored victories in the County Commissioner races. Republican Mark Ouimet, who was targeted by Ann Arbor Democrats because of his support of road patrols, scored a close but impressive victory. Ouimet, who was often the lone vote of support for law enforcement on the County Commission, now has company as WCDSA and POAM endorsed candidates knocked out some unfriendly incumbents. The Board now has a majority of commissioners with a pro-deputy sheriff rating. Ouimet was POAM's Commissioner of the Year and received a lot of support from his law enforcement constituents that he has promised to defend to the bitter end.

POAM Legislative Director and Business Agent Kenneth E. Grabowski drafted a persuasive letter that was mailed to thousands of independent voters. Director of Member Services Ed Jacques and Mark's Campaign Manager, Caleb Marker, worked together on other campaign materials. "My position on police services clearly helped, but it is a democratic landslide and if it wasn't for the hard work that you did I would have been a casualty of the evening, too," said Ouimet.

In Monroe County, all nine county commissioner seats were open for election. Six of those nine commissioners had their own personal agenda and did not care to listen to their constituents on significant issues. Most citizens in the county are hard working, middle class and pro police. Monroe County Corrections Officers were two years without a contract and struggling in unproductive negotiations with the County. The Board of Commissioners was hood-winked by an overpaid consultant and forced many of their public employees into an HMO from Ohio.

Monroe County Deputy Sheriff's Association (MCDSA) President Dave Lamontaine and his Executive Board decided it was time to draw a line in the sand. Legislative Director Kenneth E. Grabowski was called in to give sound advice to the group and help them tiptoe through the potential political minefield. POAM Director of Member Services Ed Jacques prepared a direct mail and telephone solicitation campaign. Monroe County deputies began writing letters to the editors and advertising in the local newspapers, and posting large display signs throughout the entire County. They put together a web site with complete information on the subject, including contact information on every single commissioner. Every medium used displayed the web site address and the hits on the site were piling up. This was not the first time MCDSA has gotten involved politically, but it was one of their bigger battles, and they knew what must be done. The MCDSA developed some novel and effective strategies during the campaign. The first tactic was assigning one member to act as a contact person for each of the nine candidates they were endorsing. That person would be immediately available for each of the candidates that needed help in any way. The local association also enlisted the help of a dynamic, recently hired female officer to make contact with community groups and explain the unfavorable situation that a majority of the commissioners had put its law enforcement officers in. As part of that, she explained that she would be one of the first deputies to be laid off, helping put an affected name and a face to continued malfeasance.

Lamontaine was confident entering the November 7th election. His group had recently helped pass a millage increase in Bedford Township, calling for the increase to be spent exclusively to hire four new deputies. Lamontaine was lucky to have such a qualified and courageous Executive Board to work with, as well as the many members that had volunteered hours of their personal time.

The results were overwhelming. Seven of the nine candidates they endorsed prevailed and they had turned the weak situation into a positive atmosphere as the group looks forward to working with the new Board. "Never again will we allow these types of issues to go unchecked again," promised Lamontaine. □

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SURVIVING THE ROCHESTER POLICE DEPARTMENT

Administration mirrors Hooterville, Hazzard County

By Ed Jacques, LEJ Editor

Try to imagine Boss Hogg as your police chief and Mr. Haney as your mayor and you will begin to realize what Rochester police officers have had to deal with in recent years.

For a long time now, monthly performance evaluations in the Rochester Police Department primarily focus on three items: number of stops, number of tickets, and number of warnings. Little or no acknowledgement is made of significant arrests, letters of appreciation, acts of bravery, or professionalism in stressful situations.

Rochester police officers proposed a more encompassing performance evaluation, which included writing tickets, to the Administration. These ideas were dismissed with little regard. Patrol and command officers in the department then did something that they hoped they could avoid. A letter of “no confidence in Rochester Police Chief Ted Glynn’s ability to lead” was distributed with 95% of the employees signing it. Copies of the letter were sent to City Manager Kenneth Johnson and to every member of the Rochester City Council.

Rochester police officers simply wanted the Chief to be more innovative in developing solutions to problems and develop policies and procedures that help officers be more effective. When no response was forthcoming from the City Council, members nominated Chief Glynn for the POAM Horse’s Ass Award, given annually to the state’s worst police administrator. Although no one has taken credit for it, a plane was hired to fly over the annual Rochester Christmas Parade displaying the message, “OUR POLICE DEPARTMENT HAS A TICKET QUOTA.”

As the Chief was being considered for the dubious POAM award, it became public that Glynn was being investigated for the possible misuse of the computerized Law Enforcement Information Network (LEIN) database to check the criminal background of a prospective hire, a woman he was also seeing socially. There were no police officer positions open at the time. Many other absurd and ridiculous decisions made by Chief Glynn convinced the POAM Executive Board that he should be their unanimous selection of the Horse’s Ass. Newspapers from all over the state covered the story.

In the meantime, Rochester Mayor Dave Katulic was driving for months with defective brake and headlights. He was cited for those violations in March of 2006 by the Shelby Township Police Department. Rochester police officers gave the mayor several warnings after that to get the equipment failures fixed. He was finally arrested on June 25 after a traffic stop revealed an outstanding warrant.

Shortly afterwards, the mayor asked City Manager Kenneth Johnson to solicit a proposal from the Oakland County Sheriff’s Department on hiring deputies to take over law enforcement services for the municipality, putting the local police department out of business. Initial rumors were that contracting with the County could save the City approximately \$700,000, even though Undersheriff Michael McCabe said the County had not drawn up official figures on how much hiring deputies would cost and that his presentation was merely an outline of how the County operates when it takes over police services for the community.

That proposal was given to the Rochester City Council at its September 11, 2006 meeting. After the Council initially voted 4-3 to abandon the idea of contracting and look further at its own Police Department, at the end of that meeting, and after many opposing members of the public had left, Councilmember Thomas Werth changed his mind and put forward a motion to postpone the decision until the Council’s next meeting. This lack of professionalism and disregard for the public put the Rochester Police Officers Association and its citizens on high alert and they reacted quickly.

The next meeting was September 25th and City Council was greeted by approximately 500 angry citizens, nearly half of them wearing t-shirts with the slogan, “Save our Rochester Police Department.” Over the next couple of weeks, signs were popping up in the majority of Rochester’s local business and shops with the saying, “We support the Rochester Police.”

Detroit’s major newspapers sent reporters and all three television stations sent

camera crews and filmed interviews at the meeting. As usual, Chief Ted Glynn was nowhere to be found. The City Council started the meeting by announcing that it was no longer considering using the Oakland County Sheriff’s Department for community policing. That brought cheers and applause from everyone in the audience. That relief would soon turn to anger as Mayor Katulic later admitted that his actions were an effort to give the City an advantage when contract negotiations with police department employees begin in 2007.

Community activists and residents view the whole situation as a deplorable mess and are preparing a petition to recall the mayor and other council members. Somehow Chief Glynn has survived.

Shortly afterward, Chief Glynn initiated an internal criminal investigation to determine whether his own police officers illegally used the police database in several traffic stops that led to the eventual arrest of the mayor. Glynn blamed his failure in the ensuing investigation on his officers’ unwillingness to cooperate and asked the Oakland County Prosecutor’s Office to finish his dog and pony show. The officers faced possible misdemeanor charges if they were found to have used the network to target the mayor in an ongoing rift between police officers and city leadership, or if they shared the information with non-law enforcement personnel. The Prosecutor’s Office cleared all six officers of any wrongdoing in the case.

Deborah Carley, the County’s Chief Deputy Prosecutor, dismissed the complaint by saying, “they did not at any time use it for personal gain, nor did they disclose to anybody else that was not in a law enforcement capacity. This case is done.”

Glynn’s retaliation was obvious and it has refocused the spotlight on his policies and procedures. The Detroit News and Free Press have written extensively about ticket quotas in several other cities besides Rochester and the resulting tax on residents and visitors to the community. The media has come to the realization that ticket quotas have nothing to do with keeping communities safe from bad drivers and have everything to do with filling city coffers. The same reasons for banning ticket quotas by the legislature over a decade ago still exist in performance-based quotas that deserve the same fate.

The City is now in the process of hiring a consulting firm to analyze labor relations between the Administration and its officers. We don’t need any bigshots from Mt. Pilot to tell us what this town needs. Roscoe P. Coltrane has more leadership skills than the current Chief of Police and Sam Drucker would be a more competent mayor. □



Rochester POA President Keith Harper was interviewed by all three television stations prior to the City Council meeting on disbanding the police department, effectively communicating his members’ opinion on the subject.

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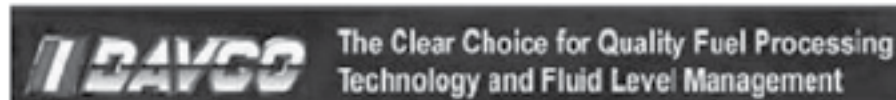
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CALHOUN AND VAN BUREN COUNTIES, CONT. FROM COVER

majority working in the Calhoun County Jail in downtown Battle Creek. The road patrol office is located 15 miles away in historic downtown Marshall. POAM already represents command officers employed by the Calhoun County Sheriff's Department. POAM President Jim Tignanelli and Member Services Director Ed Jacques convinced the local DSA's Executive Board that POAM not only offered a viable alternative, but solutions to some of the group's major concerns. Subsequent meetings were held with members and attended by POAM Business Agent Wayne Beerbower and Staff Attorney Douglas Gutscher to explain first-hand the entire scope of programs and services available to their unit.

The elections in Van Buren County could not come soon enough. Members were so anxious to talk about changing unions that they insisted on an informational meeting nine months before they were even eligible to vote on the issue. In fact, members conducted their own internal election before allowing POAM to file a petition on representation. POAM scored nearly unanimous victories but were still months away from an official election conducted by the Michigan Employment Relations Commission (MERC). Nevertheless, POAM Business Agent Jim DeVries and Attorney Douglas Gutscher both met with members to give sound advice on critical issues.

At the group's request, POAM filed a separate petition on behalf of all employees in the dispatch classification. These folks had previously been included with the corrections group and both parties agreed that the split would be beneficial. Dispatch, corrections and road patrol in Van Buren County constitute nearly 60 new POAM members. "I've never been so anxious to have an election" said POAM's Gary Pushee. "Jacques and DeVries have been in constant communication with the group for nearly a year. The group was anxious to join and very patient in waiting for the appropriate filing period and subsequent election."

The Van Buren County Sheriff's Department is located in Paw Paw, in the heart of Michigan's wine country. When local Paw Paw police officers found out that the deputies were switching to POAM, their leadership asked for an informational meeting. They subsequently signed interest cards and their election will be conducted next month.

"Now the real work begins," said POAM Business Manager Bill Birdseye. "We have an obligation to deliver on every commitment we have made to these new groups. They deserve it and that is the only way we are going to continue our tradition of improving service and developing more programs for every member." □

POAM PROTESTS CIRCUIT COURT'S BAN ON GUNS

By: Ed Jacques, LEJ Editor

Recently, regulations prohibiting police officers from carrying their handguns into the Washtenaw County Circuit Court were implemented, sparking a controversy among officers and a strong reaction from the Police Officers Association of Michigan.

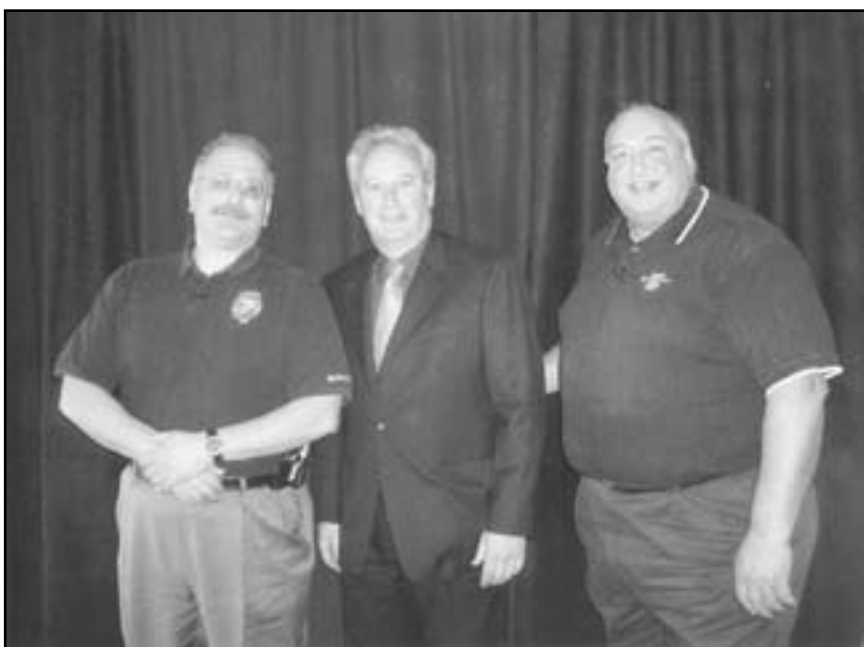
POAM and the Ann Arbor Police Officers Association filed letters with the Michigan Supreme Court seeking intervention on rules that render officers defenseless and severely hamper their ability to protect the public in an armed conflict. POAM represents Washtenaw County Deputies, Ann Arbor Command Officers, Ypsilanti Police and other local officers affected by this policy.

In October, 2006, Chief Circuit Judge Archie Brown and Court Administrator Dan Dwyer issued an administrative order prohibiting plain clothed and uniformed law enforcement officials from entering the facility without locking their handguns in the security office. And, beginning on December 18, all law enforcement officials, including prisoner transport officers, will



Ann Arbor Court Administrators prefer flower power over fire power.

West Bloomfield 911



Right: Sgt. Tom Keilman. Left: Officer Rick Tiabulsy from the West Bloomfield Police Department's Crime Prevention Unit interviewed POAM President Jim Tignanelli for their cable tv show "West Bloomfield 911." Tignanelli commented on the state of today's labor unions and how POAM continues to add members in the face of impending police layoffs.

be restricted from entering the facility without a high security holster. The regulations are the most stringent of any circuit court in the state.

"It's absurd, insulting and stupid," said Kenneth E. Grabowski, Legislative Director for the POAM and Business Agent for the Washtenaw County DSA and Ann Arbor Command Officers. "You're taking guns away from expertly trained personnel who are the most physically fit employees in the building."

A spokesperson for the executive agency of the Supreme Court stated that Chief Justice Clifford Taylor was aware of the concerns expressed by the officers and was encouraging the trial court and law enforcement officers to work together.

"I can understand why any unarmed, uniformed or plain-clothed officer would be uncomfortable in that setting," said POAM Training Specialist Wayne Beerbower. Saline Police Chief Paul Bunten categorized those officers as "targets" of perpetrators because they would have to be neutralized first because of their potential threat.

Grabowski hopes that the State Supreme Court will issue a directive mandating a more common sense solution. He does not expect the decision to impact the high security holster policy from taking effect on December 18. Beerbower chimed in on that subject as well, stating, "Without getting too technical, people lose their finite motor skills in pressure situations. Security holsters have two or three stages that require additional training, to build in muscle memory and improve reaction time. Both issues should have been discussed with the union prior to implementation." □

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LOOKING FOR SPEEDERS AND CHEERING THEM ON

By Ed Jacques, LEJ Editor

It is a warm, hazy, late summer Sunday afternoon and Craig Flocken (a Sergeant with the Ann Arbor Police Department) is focusing his gaze down the road upon a group of vehicles approaching his location. The cars (apparently oblivious to his presence) follow one another around the distant corner into a stretch of blacktop leading directly to where Craig is sitting off to the side of the roadway. As they get closer, the sound of roaring engines fills the air. He can tell they are traveling at speeds well above any posted limit in the State of Michigan. Flocken gets ready and picks out the leader of this speeding pack. They roar by his position without him lifting a finger or a radar gun. Instead, Craig and his partner, Chad Swan (a former Ann Arbor Police Officer), stand up, cheer, and yell encouraging words to this group of road warriors as they speed away towards another curve farther down the roadway.

Before you judge their actions, though, realize that Flocken and Swan are at this location on official business. Not police business, mind you, but their small business. After all, this is legalized speeding and they are enjoying the sights, sounds, and action of NASCAR racing just like the hundred plus thousand fans around them.

NASCAR travel packages are what bring these two law enforcement backgrounds to various speedways several weekends between March and October each year. It is a joint venture between two companies founded by POAM/COAM members. Flocken owns Blueheat Racing Tours (based in Washtenaw County's Dexter Village) and Swan runs Banana Joe's Transportation Company (based in Jackson County's Grass Lake).

Banana Joe's was formed in April 2003 by Swan following a 10 year career in Law Enforcement (three years at Pittsfield Township PD and 7 at Ann Arbor PD). The premise of this company was to provide customers in the Detroit Metropolitan region a form of luxury transportation to events (sporting, weddings, day-trip tours, etc.) in a relaxed and fun atmosphere. Chad started with 1 bus and with hard work has increased his fleet to four motorcoaches.

During the seven years Chad was at Ann Arbor PD, he and Craig became friends as a result of their interactions on the street and in headquarters. Even after Chad left policework, Craig kept in touch with Chad, getting updates on how things were going in his new career as a business owner.

While watching NASCAR's 2006 Daytona 500, Chad was looking at his parked motorcoaches and thinking "Why is it that there are over 150,000 people at these racing events and I have an empty motorcoach sitting here?" It was then that the idea of Nascar travel packages came together. The customer base was already present, the destinations were within a reasonable distance, and he had the means to transport the fans to the tracks. Unfortunately, though, Chad was busy with the day-to-day operations of Banana Joe's. Knowing how time-intensive putting together travel packages could be, Chad realized he couldn't pull this off alone. Then, he remembered that he knew of someone who would be a perfect fit for this type of business... Flocken. Besides being one of the biggest Nascar fans Chad knew, Craig was highly detailed and organized. So the phone call was made, the idea discussed, and two days later, Blueheat Racing Tours, LLC was registered with the State of Michigan.

Blueheat Racing Tours is Flocken's business. Over his 19 years in Law Enforcement (2 years in Fairfield, CT and 17 years with Ann Arbor PD), Craig has held various positions and assignments, all of which have been in the uniformed patrol division. With the end of his career in sight, Flocken had already begun to think about life after policework. So when Chad called and presented his idea, given Craig's interest in Nascar, it was a done deal.

2006 was the first year running travel packages to Nascar events. Chad and Craig ran a limited schedule but learned much from their experience. Now with a few races under their belts, they are expanding the number of races they attend to 13. Both are excited with how the business has transformed and the ideas which have arisen that will provide the Nascar fan with an excellent weekend.

The premise for Blueheat Racing Tours is to provide Nascar fans in the mid-Great Lakes Region (Michigan, Northern Ohio, Northern Indiana, and southwestern Ontario Canada) a complete travel package. The pricing not only includes lodging for the weekend and tickets to all Nascar events being held at the venue, but transportation is also provided by Banana Joe's luxury motorcoach the entire trip. All of this plus other extras such as snacks and pop provided on the motorcoach, games on the trip, giveaways, and much more make the weekend a most memorable experience. In addition, the fact that these Nascar trips are put together by Nascar fans make for a premiere experience of Nascar racing.

Now don't let those Nascar stereotypes fool you. This isn't the old, repainted school bus with a number on the side and a wooden platform attached to the roof. Chad's 55-seat luxury motorcoach is one of comfort and relaxation. It is GPS equipped, has overhead storage, reclining seats, six video monitors along with a DVD player, and Sirius Satellite Radio to keep passengers updated on the latest Nascar news.

These trips provide not only a luxury mode of travel, they provide peace of mind as the fan doesn't have to worry about the driving, the traffic, or finding a parking space.

Chad and Craig have taken their lessons learned over the years in policework of dealing with persons to realize that customer service and satisfaction is first and foremost. Both realize that in order to have a successful business, it is all about the customer. Therefore, their goal is to provide the Nascar fan with such a great time, they want to not only come back, but bring friends with them. This is accomplished by providing great tickets to the racing events (as near to the start-finish line as possible and as high up as possible), providing tickets to multiple events (each race event occurring over the weekend), providing tickets to fan hospitality tents (where food, drinks, tours, gifts, and driver appearances are included), and finding lodging at nice, comfortable hotels (usually of the Inn & Suites genre). All of this adds up to a business with unlimited potential.

Both Flocken and Swan know what it is like to chase down speeders on the streets of Michigan. Now they want fellow police officers who are Nascar fans to join them in cheering on speeders at race tracks around America. If you are interested in a Nascar travel package, see the Blueheat Racing Tours ad on the previous page or surf to www.poam.net and click on "Preferred Vendors". □



Indianapolis Motor Speedway and the Brickyard 400 are just one Blueheat Racing Tour's stops.



Chad Swan (left) and Craig Flocken (right) turned their friendship into a successful business partnership.

DETECTIVE OR DIRECTOR?

Livonia Sergeant plays a leading role in true life drama

By Ed Jacques, LEJ Editor

In 2002, Patrick Moug, a filmmaker and a Livonia police sergeant, was approached to direct a movie about a 23 year-old college co-ed who had been killed, doused in gasoline and set on fire. The victim's brother had written a screenplay about his sister's unsolved homicide. Upon reading certain elements in the script, Patrick, a detective with experience in the Sex Crimes Unit, became suspicious that the author might actually be his sister's killer.

Over the next four years, Sgt. Patrick Moug, assisted by fellow detectives, FBI agents, criminal profilers and a criminal psychologist, attempted to gain evidence that would convince the detective with jurisdiction that the victim's brother should be a suspect. While on camera, the brother gave conflicting accounts of his whereabouts at the time of the homicide, stated things about the crime scene that only the perpetrator would know and has given a graveside, tacit confession. Still, the case's detective refused to question the brother even though several law enforcement officials agreed that he is the prime suspect. In addition to stonewalling the investigation, the detective, against all rules of ethical police conduct, tipped off the brother that the FBI was requesting copies of the original reports – possibly compromising the safety of Sgt. Patrick Moug and his family.

After trying every channel of law enforcement, Sgt. Moug, in order to gain justice for a murdered girl, is now going forward as a filmmaker. His movie, "Bold as a Lion" contains interviews of the suspect at the murder scene and then at his victim's grave a hidden camera capturing Patrick Moug's confrontation of the suspect about causing his sister's death... during which he admits to lying in regard to where he lived, worked and his location on the day of the murder the suspect revealing how the sister was killed – 2 years BEFORE the medical examiner, upon reviewing the autopsy, came to the same conclusion similar to the cryptic letters of the BTK Killer, the suspect's screenplay contains hidden clues to what actually happened to the victim having cracked the code of the brother's script, BOLD AS A LION presents evidence that the suspect's father, fearing his son would receive the death penalty, may have orchestrated the arson to destroy evidence, including his own daughter's body

In 2005 the suspect's script made it on to the big screen, touring film festivals and pointing a finger at an innocent man/college student whose only crime was meeting a girl with a jealous brother.

Incident: Homicide/Arson

Date occurred: Nov.9, 1994

Victim: Jennifer Morgan

Arrests: none

crime scene photo - 11/9/94



When a 23 year old girl is murdered and set on fire...who would "feel fortunate that no one was arrested?"



Bold As A Lion

conversations with a murder suspect

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Heather J. Tuzinowski
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Dennis Tuzinowski, President of Algonac Police Officers Association

Now, with the help of his partner and Director of Photography Lon Stratton and Film Editor Ian Bonner, Moug is releasing his documentary. It comes after taking over forty days of leave time, thousands of personal hours and at least six road trips to North Carolina. It has become Moug's personal mission to see Jennifer Morgan's homicide solved.

Pat has spent ten years at the Purple Rose Theater in Chelsea, Michigan training as an actor and director. He was an understudy in Jeff Daniel's play "Norm and Wanda" at the Gem Theater in Detroit. He also had roles in Jeff's movie Super Sucker and Chasing Sleep as well as directing a film entitled "The Ugly One." Pat has submitted the documentary to many film festivals across the country and has promised a local premier sometime in the Spring of 2007. □

Editor's note:

For more information, you can e-mail your request to:

Patrickmoug@boldasalion.org

A Conversation with Genesee County Sheriff Robert J. Pickell

By Ed Jacques, LEJ Editor

Sheriff Pickell has over 35 years of experience in the law enforcement and criminal justice system. Early in his career, Bob was a teacher at Holy Redeemer High School. From 1965 to 1967 he was a City of Flint Police Officer on special assignment to the Genesee County Prosecutor's Office. He retired from the Prosecuting Attorney's Office in 1989 and moved to Langley, Virginia, to work for the Central Intelligence Agency. He was selected by the CIA to attend the Advanced Studies Program sponsored by the FBI at the University of Virginia. He returned to Genesee County in 1994 and established Pickell Investigations and Polygraph Services in Flint, Michigan. He owned and operated the company until he was appointed Sheriff in January of 1999.

While in the CIA, Pickell exposed a New York State Police corruption case involving numerous officers which was profiled on "60 Minutes" and was the subject of a book, Good Cop, Bad Cop. Pickell also worked many high profile cases for the CIA all over the world, including the 1993 World Trade Center bombing.

Sheriff Pickell has served on the Michigan Commission on Law Enforcement Standards (MCOLES) and as chairman of the Law Enforcement Officers Regional Training Commission. He was a member of the National Sheriff's Association, Michigan Sheriff's Association, and the Genesee County Police Chief's Association.

Q: How has 9/11 changed your department?

A: It has changed the amount and type of training exercises we engage in. Many of those sessions now include our emergency medical service personnel to truly reflect how we would respond in a catastrophe. Even though I know as a state, Michigan is down over 1,500 officers since 9/11, additional grant money has been available from the federal government to assist us in the purchase of new and innovative equipment. For instance, we recently purchased and implemented an 800 MHz system to communicate with all 28 local police departments in Genesee County. We have also fully equipped a command center that will benefit all of our municipalities.

Q: Genesee County corrections officers and road deputies are still in the same bargaining unit. In many departments there has been a split. Can you tell us why you think the unit has stayed intact?

A: First of all, we were able to avoid arbitration in our most recent contract negotiations with POAM. I was

not interested in splitting issues between the groups simply because one had compulsory arbitration privileges and the other did not. The bargaining unit has been very clear that they want to remain together. I respect that.

Q: Speaking about negotiations, what was your experience in the contract that was recently settled?

A: We met often and knocked heads more than we would have liked. Gary Pushee from POAM is a tough negotiator. I know he got us to give up some things that we wanted to hold on to, but in turn, the Administration got some things that we needed as well. They say when both parties grumble, it must be a fair deal. Mr. Pushee did a great job representing the group and I found him to be a reasonable and responsible advocate. I also want to commend the Deputies Association president, Rob Nuckolls, and our Human Resources Director, Jack Witt, who both brought a lot to the table. The key ingredient in our sessions was that all of the participants displayed a mutual trust and respect for the other side.



Genesee County Sheriff Robert J. Pickell combines law enforcement, business and political skills to be an effective Administrator.

Q: Is the Genesee County Jail currently experiencing overcrowding?

A: No, but only because our Administration and correction officers communicate and are proactive on non-threatening, non-violent inmates that qualify as reasonable candidates for early release. We've got a great relationship with our court system and the circuit court judges have a lot of faith in our employees' recommendations. It has helped our county jail avoid any type of emergency releases over the past eight years.

Q: Every four years you have to run a campaign to keep your job. Do you enjoy politics?

A: When you think about it, just about everything in life is political. The sheriff in a county is the "people's police officer" and they hire or fire him every four years. It's not like an appointed position where your only responsibility is to stroke the five people that put you in your job. Having to be re-elected forces every sheriff to be responsible to his or her constituents. Besides, I am a "people person." It's not my job to shoot people or arrest drunks. I am a people manager who has over 250 employees and a \$25 million budget to look over.

Q: What could be done to make your county seat, Flint, Michigan, a safer place to live and work?

"You can train a monkey to write a ticket. I want professionals on the road that exert good judgment and know the difference between a mistake and criminal activity."

A: We are already doing something. In conjunction with the FBI, State Police, ATF and Flint police, the Genesee County Sheriff's Department has people working on the Safe Streets Task Force and the Posse which are the gang, drug and anti-violent crime teams in the city. They are going to be making some significant arrests and cripple these thugs. You can't have your police force cut from 350 officers to 240 without a criminal element taking root in a city. In Flint's case, it was organized gangs and the violent crime that is associated with their activity. The City is no longer in receivership and hopefully will keep its most loyal officers while hiring new qualified candidates.

Q: Let's talk about implementing discipline.

A: I look at discipline as an opportunity to correct behavior rather than punish any certain act. I guess I can relate it to issuing a traffic ticket to correct one's driving performance, but if a verbal warning accomplishes that same goal, I'm all for it. We have a lot of young people working for us that have families and I want to afford them every opportunity to become more effective at work combined with a positive attitude. Most of the time, I believe in warnings or reprimands and in the most severe cases, a last chance agreement.

Q: Is the amount of tickets your road deputies write part of their evaluation performance?

A: Not at all. You can train a monkey to write a ticket. I want professionals on the road that exert good judgment and know the difference between a mistake and criminal activity. We can't stand for any drunk drivers, but when a mother is driving her three kids to school in a 9-year-old car and forgets to use her turn signal, a warning is the appropriate action. Having ticket quotas eliminates officers' judgment and jeopardizes the rational performance of their duties.

Q: What is the toughest part of your job?

A: Managing the jail. Every day my staff has to deal with overcrowding concerns, segregating violent inmates and dealing with injuries to our own employees. Sheriffs have to provide medical, mental, dental and prescriptive services to all inmates. We are warehousing many of the mentally ill in our county jails. The issues are many and they arise every day. That's why I'm in here early, late, and on many Saturdays because the problems are never ending.

Q: Do you ever take a relaxing vacation?

A: I do. But it's hard to totally relax when you are a workaholic and your cell phone has to be on to talk to staff, judges or the media. Extended vacations are out of the question.

"... our Administration and correction officers communicate and are proactive on non-threatening, non-violent inmates that qualify as reasonable candidates for early release."

Genesee County Sheriff, cont.

Q: Is the Genesee County Sheriff interested in bidding on road patrols in rural communities to replace smaller police departments?

A: I have never solicited, nor will I ever solicit, a bid from a local department. I have a responsibility to provide that bid, but I would never do it if I thought that my department was being used as a device to thwart or impact contract negotiations with any city, village or township's police officers.

Q: Flint and Genesee County have a long history of being union towns. How has that affected your mentality on labor relations?

A: I'll bet you didn't know that I was president and chief steward of our AFSCME union when I worked in the Prosecutor's Office. I've always tried to treat employees fairly and believe in everyone's right to the collective bargaining process. As a matter of fact, when the Board of Commissioners recently decided to privatize the County Jail's kitchen, POAM's business agent, Gary Pushee, and I began talks to offer future positions as corrections officers to the people that qualified.

Q: What are your budget concerns in 2007 and beyond?

A: Continued state revenue sharing cuts, the elimination or reduction of 416 money for secondary road patrols in the county, and decreased BURN grants from the federal government for drug enforcement.



Undersheriff Jim Gage is an experienced and decorated officer who now helps run an efficient Department.

Q: What are the keys to running a thorough department?

A: The first thing you have to do is surround yourself with good management people. I believe I have the best operations guy in the whole state in my undersheriff, Jim Gage. I've got captains that are young, innovative and creative, as well as guys that have decades of practical experience and the respect of everyone they work with. We have a reputation for conducting the most thorough investigations and presenting the strongest cases in our judicial system. I consult with all command officers, from sergeant on up, before making any promotion. The biggest mistake I could possibly make would be not listening to these qualified leaders.

Q: For \$5.00 a month, POAM currently offers a program to its members that covers all of the attorney fees relating from a criminal charge, whether one is on duty or off, work related or not. If you were a patrol or corrections officer, would you take advantage of such a comprehensive plan?

A: How could I not? That's the cheapest insurance policy I'd ever have to buy. □

Editor's Note:

As reported in the last Law Enforcement Journal, the Genesee County DSA overwhelmingly ratified a four-year agreement with the County. POAM Business Agent Gary Pushee and the negotiating team of Rob Nuckolls, Leon Lloyd and Dave Lammon worked hard over 25 bargaining sessions to get the deal done.

"It took a while to get some momentum going, but once both sides got over some obstacles and developed a working relationship, we knew that we could reach an agreement," said Push-ee. "I really appreciated working with professionals like Undersheriff Jim Gage and Human Resource Director Jack Witt through the whole process."

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By Frank Borelli

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Pistol not at the Top in Weapon Options

It occurs to me that in today's litigious society, police executives and administrators are often concerned about what types of firearms their officers should be authorized to carry. In my experience, that decision is sometimes based upon how the public will perceive the weapon as much as it is upon the effectiveness and reliability of the weapon. The reason I bring this up is because it seems a little odd to me that an agency would spend great amounts of money selecting a handgun but then not pay attention to long guns to include carbines, rifles and shotguns.

Let's remember something: our law enforcement professionals today are warriors as much as the soldiers in our armed services. The "war" against crime is exactly that. In a war, we would never consider sending our troops to fight enemy troops without giving them proper weapons and (hopefully) adequate support. Why do so many agencies only offer their deputies / officers only a handgun and a shotgun?

Around the world the handgun is considered a secondary weapon. Its purpose is to fill a void if the primary weapon - a rifle, shotgun or subgun - goes out of service for whatever reason; OR, the handgun can be used to buy time until the primary firearm can be secured and brought into service. The handgun as a secondary weapon is not a common view in American Law Enforcement - unless you're on a SWAT team. The average patrol deputy / officer is sent onto the street with the following items:

- A uniform - because presence matters.
- A voice - because people are supposed to listen to and obey the police
- Their hands - because sometimes we actually have to help people along
- Their fists, elbows, feet and knees - because sometimes those people don't go along peacefully
- OC Spray - because it's a whole lot easier than fighting and results in less injury
- TASERS - same reasons as OC Spray
- Baton - as an option when fists, elbows, feet and knees aren't enough impact
- Handgun - As the final option when lethal force is justified

Now, of course, there are a host of options available to some that aren't listed such as less-lethal munitions like bean-bag rounds, pepperball guns, etc. Some things that also aren't included, but that perhaps should be are carbine (pistol caliber shoulder fired weapons), rifles, and shotguns.

Admittedly, many agencies give their officers access to these weapons either in a gun lock or in a trunk. And that's a good thing. But, as I stated above, it's been my experience that the weapons selection isn't always made for the right reasons. To make matters worse, policy and guidelines are also occasionally developed to help the agency put on a nice friendly nonaggressive image rather than supporting the officer's appropriate use of force without regard for public perception.

I understand that public perception certainly has to be taken into account. What I don't understand and probably never will (which is why I'm not a Chief of Police somewhere) is why MORE concern is shown about public perception than officer safety or weapon reliability. I'll give you an example. One agency I'm familiar with had decided to institute a carbine program. As stated above, a carbine was defined by them as a "pistol caliber shoulder fired weapon". Since they were carrying 9mm handguns at the time, it was further decided that they should get 9mm carbines so that they could use one type of ammo for both weapons. Made

sense. Then they started reviewing potential carbines. Among their choices were the Ruger PC-9 carbine; the Colt AR6450; and the Beretta Cx4 Storm.

Upon initial review of the three recommended choices, the executive officer (read "Chief") immediately dismissed consideration of the Colt AR style carbine because, "it looks too aggressive." So, without having fired the first round through any of them. Without comparing barrel lengths, magazine capacity, available accessories, transport options, etc. Without doing any research or study at all, one weapon was dismissed because of how it looked. Hmmm...

THAT is where some of us are in today's society. That very attitude us why some police agencies don't have carbines, rifles or even shotguns in their cruisers. That very attitude is why some agencies issue "rescue tools" that are in reality folding lock blade knives which the officers are prohibited from ever using as anything but a rescue tool. I'd hate to be the cop who used his RESCUE tool as a last option lethal force tool. I might live but for sure I'd have violated my General Orders - because someone up my chain of command worried about public perception and legal actions.

I fully understand that law enforcement nationwide needs to realistically consider liability when making weapons selections, use of force policy, carry guidelines, etc. What I feel we're doing wrong (at least some of us) is putting too much weight on public perception and insufficient weight on Officer Survival and enforcement effectiveness.

When I took an Active Shooter Instructor program, the question was asked, "How many agencies represented here authorize officers to carry rifles?" Many hands went up. Then the instructor clarified his question: "Not pistol caliber weapons, but true rifle caliber - .223 or .308 - weapons?" Only one hand was left up. The thought in the back of my mind was, "How many of those agencies who authorize ONLY pistol caliber carbines did so because they didn't want to be too aggressive? Too militaristic?"

This discussion is supposed to be about handguns and it actually is. All of the foregoing is meant to support this reality: Handguns today should be selected based on a collection of variables, but NONE of them should be appearance or public perception. To minimize the impact of executive concern regarding public perception, I submit that we need to reinforce the idea that the handgun is a SECONDARY weapon. It's convenient to carry on our hip and therefore available to us 24 / 7. But it is far from being an adequate combat weapon. The rifle, shotgun or carbine is far better suited to contemporary urban conflict. Rural conflict can take place over greater distances and a true rifle is required there.

I have to admit that we are getting better. More and more agencies (after the Columbine incident) recognized the need to arm their officers better to deal with active shooters. Since 9/11, other agencies have realized that we might indeed have to call upon our officers to combat armed terrorists or terrorist teams and have armed their officers with rifles and plenty of spare magazines. How many have taken a second look at their handguns to determine reliability, accuracy, impact, ammo count, etc?

Setting aside budget issues (which I know every administrator has to deal with) I submit that every law enforcement agency in the country should take a look at their weapon policies to insure a few things:

1) That an adequate long gun for their common environment is approved. If you're potential fight is within 50 yards 90% of the time, a carbine may be

plenty adequate. If it's closer to 100 yards or more, a rifle is required. Shotguns are fantastic weapons if proper ammo and training are available.

2) That all handguns should be identified as secondary weapons in the officer's inventory, but should be given no less consideration in selection, upgrades and maintenance than the long guns.

3) That every handgun policy be reviewed to insure that no wording exists that limits an officer's appropriate presentation and use of that weapon as circumstances warrant. No policy should exist that makes an officer afraid of administrative oversight. We simply cannot afford, in today's world, to have an officer on the street in a lethal force situation who knows he's completely justified in using lethal force and then hesitates to do so because of what his leadership might do.

4) That every departmental policy for handguns be reviewed to insure that no artificial political limits exist on ammo capacity, barrel length, etc. Now I'm not saying that a 54 shot pistol with a 10" barrel should be authorized (no such gun exists as far as I know). But the policy should NOT say things like, "A maximum magazine capacity of ten rounds is authorized."

Administrators, please do your officers a favor: take a look at what weapons are authorized. Make sure that they are adequate for what MIGHT happen (terrorist battle) and not what HAS happened (Columbine). Make sure that the weapons issued or authorized aren't limited by potential public perception. Give your officers the tools they need to do the job without worrying about how your Chairman Commissioner or Mayor is going to feel about it. Yes, I know. It's easier said than done. But one of the duties of every executive officer on a law enforcement agency is to make sure that the officers have all the equipment they need to do the job and survive it. THAT should be the priority over keeping a politician happy.

If the handgun HAS to be the primary weapon, make it all that it can be. Pick a handgun that carries AT LEAST 15 rounds in the magazine. Make sure it has a 5" barrel. Make sure it has night sights. Make sure the officers are all issued two extra magazines and the equipment to carry them. Authorize them to carry MORE extra magazines at their own expense if necessary. Find the training dollars to get them on the range at least twice each year - three or four times if you can manage it. Make sure that their body armor, holsters and weapon retention training are all up to date. Don't allow some politician or BS liability concern allow you to restrict your officers from carrying XYZ caliber simply because one newspaper writer somewhere called it a "cop killer caliber" at the behest of Handgun Control Inc.

New guns are still coming out every year. The FN Five-seveN 5.7mm pistol has proven to be an excellent gun. The caliber is a RIFLE caliber in a handgun package - 21 rounds worth with a single magazine plus one in the chamber. .45ACP, 9mm, 10mm, .40S&W, .357Sig and now the .45GAP rounds have all proven themselves as reliable stoppers (although some perform better than others). Don't force your officers to carry a six-shot .38 Special revolver out of some misguided attempt to appear less aggressive. All you succeed in doing is appearing less contemporary and therefore less professional, while you increase the risk to your officers. Quit worrying about what the public will think of your handguns. Take the next step: get your officers proper long guns and the handguns become less of a news item. ■

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POAM FORCES CLINTON TOWNSHIP TO PROMOTE NEW CHIEF

By Ed Jacques, LEJ Editor

On October 30, 2006, Macomb County Circuit Judge Peter J. Maceroni ruled in POAM's favor on a landmark case against the Township of Clinton after the Police Officers Labor Council (POLC) decided that any grievance would have no merit and declined the opportunity to correct a clear violation of its own members' contract. POLC represents the Clinton Township Command.

The complaint alleged that in July 2001, current Chief of Police, Alexander Ernst, entered into a contract with Clinton Township through July 31, 2006. The employment contract provided that effective August 1, 2001, the Chief would be eligible to participate in a Deferred Retirement Option Plan (DROP). The Drop Plan provided that participant would continue with full employment status and his benefits credited to an account established within the defined benefit plan of the Clinton Township Fire and Police Retirement System. Once the DROP Plan expired, the Chief would retire. However, the Township cut a secret deal with the Chief, and allowed the DROP to expire, and rehired the Chief in the same position, a violation of Act 78. POAM asserted that participation in DROP is irrevocable once commenced. Once maximum participation is reached, the Chief must have stopped employment with the Clinton Township Police department.

POAM also contended that the Firefighters and Police Officers Civil Service System Act ("Act 78") provides that vacancies and positions above the rank of police officer shall be competitive and shall be filled by promotions from employees holding the next lower rank. POAM Attorney, Martha Champine, also ar-

gued that the Act provides that whoever makes an appointment contrary to the provisions of the Act shall be deemed guilty of a misdemeanor.

POAM contended that Clinton Township Police bargaining units have adopted Act 78 as controlling for the selection process for promotion to all police positions above the rank of police officer. Champine asserted that Clinton Township violated Act 78 by entering into an agreement with Chief Ernst to retire from the police department, make application to the retirement board, while at the same time be immediately reemployed as a contract employee. She maintained that the employment contract between Ernst and the Township was void because it was in direct violation of Michigan law. "Once the contract was renegotiated, Ernst had, in fact, retired," said Champine. "He should have been exempt from his duties immediately," she added.

Sergeant James Hurley was named as a Plaintiff along with POAM in this suit even though his union affiliation is with the Police Officers Labor Council (POLC). POLC decided not to act in this case. Local President Brian Majur brought the facts of this case to POAM. Majur worked many hours investigating rumors and allegations to come up with the facts. Without Brian's work none of this would be possible. POAM Business Agent, Kenneth E. Grabowski, saw the injustice to every member of the Clinton Township Police Department. Grabowski knew that if no other individual in a higher rank sought the Chief's position, any sergeant would be a proper party to apply for the position. That would create a sergeant's position avail-

able to the POAM bargaining unit, which are all non-supervisory police officers. "Until a position is posted and the application and promotional process begun, it is impossible to know how far down the ranks we would need to go to fill that position and appropriately follow the rules of Act 78," asserted Grabowski.

In his ruling Judge Maceroni stated that "the private contract between the Township and a third party cannot, then, be found to supercede the previously negotiated contract between the Township and the POAM whenever convenience dictates, leaving the adverse party without recourse. Both the POAM and Township, as signatories to this agreement pursuant to PERA, are bound by its provisions – regardless of convenience." Maceroni also ordered the Township to post the position for Chief of Police in accordance with the procedures described in Act 78 within 30 days of his Opinion and Order.

This is the right ruling, not only for the police but for Clinton Township residents and tax payers," said Grabowski. "We have nothing against the Police Chief and do not blame him for getting the best deal he can. But he cannot be on this gravy train. Further, this decision affects everyone, right down to the rookie patrolman."

Clinton Township officials voted 6 to 1 at its December meeting not to appeal Judge Maceroni's decision and not to rehire Chief Ernst.

Editor's Note: POLC Executives may describe this kind of activity as "frivolous," but in this case, their Clinton Township members disagree. □

MUTUAL AGREEMENT MUST TAKE PLACE TO CHANGE WORK SCHEDULE

By Ed. Jacques, LEJ Editor

This case was a contract interpretation dispute arising as a result of a change in work schedule. POAM contended that the Employer violated the Collective Bargaining Agreement when it changed the Grievants work schedules without their agreement. The Administration countered that a past practice had existed whereby schedules have been changed in order to allow an officer to attend training without payment of overtime.

Three police officers' schedules were changed so that they could attend training. The training was scheduled on their day off and, therefore, the officers in question were entitled overtime pay to attend. The officers informed the Chief that they did not agree to any schedule change before attending the training, but had no objections to attending the subject training. The officers in question had attended training previously after their schedule had been posted but those were situations where they had agreed to a change in their work schedule. Overtime pay had been issued previously to officers that attended training on their days off.

The Flat Rock Police Chief is a 30 year member of the department and stated that it was a common occurrence to change a work schedule in order to avoid the payment of overtime for the purpose of attending training. Both Parties stipulated that schedules had been changed once posted. The Union contended that if no grievance was filed, the affected Officer agreed to the change. The Employer asserted that it has changed schedules in the past without first obtaining agreement from the affected parties.

The Employer argued that, in most cases, it does not

become aware of training opportunities within 60 days of the training date and this almost always requires a change in an employees schedule or days off after the establishment of an employee's shift. The Employer contended that a past practice existed whereby it may alter an officer's schedule to facilitate training to avoid the payment of overtime. They further argued that the past practice amounts to an amendment of the contract language. The Employer also argued that even if a violation of the Agreement is found, payment of overtime should be denied because the Grievants did not work in excess of 84 hours during the course of the pay period.

POAM denied a past practice existed as described by the Employer and stated:

The true practice is most employees have been able to be accommodated with schedule changes by the department. Once one party notifies the other party of its intent to enforce language, that practice is nonexistent.

In this case, the Parties are bound by the four corners of the Contract and the Union requested that the Grievants be paid the overtime rate of time and one-half for each day they attended training on what would have been their normal day off.

The aggrieved contract language is clear and unambiguous. Past practice is often utilized as a means to clarify ambiguous language and in some cases used to modify or amend clear and unambiguous contract language.

Both Parties stipulated that work schedules have been changed to allow officers to attend training without payment of overtime. But, in all of those situations,

none of the officers complained about the schedule change. In this case the officers informed the Police Chief that they did not agree to the work schedule change. The complaint was made before the officers were sent to training, making the facts in this case different from the earlier situations. The following provisions of the Agreement were referenced:

ARTICLE XXX

SHIFTS

30.1: Shift Bids.

A. Shifts will be posted by the Chief of Police every three months. Shifts to be worked, including days off, will be posted every sixty days prior to the actual starting date. Shifts and consecutive days off (officers must be allowed at least two consecutive days off per week, unless the City and Union mutually agree to a different pick) will be selected by seniority by officers who have successfully completed their probationary period. Once the bidding process is completed, shifts and/or days off will not be changed except by mutual agreements between the Union and the Employer.

APPENDIX B 12 HOUR SHIFTS

9. There will be no changes allowed in the schedule once the schedule is put in place without both the City and the affected employee agreeing to the change. Shifts will not be split without the employee's approval.

Arbitrator Joseph P. Girolamo granted the grievance and awarded the officers time and one-half for the days they were assigned to attend training when they had objected to their posted schedule being changed. The arbitration case was presented by POAM Business Agent, Kenneth E. Grabowski. □

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Agreements gain vital benefits for POAM members

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

Negotiated

Saginaw Township POA

Wage Increases:

2006	3%
2007	3%
2008	3%
2009	3%

Bringing top pay to \$58,013.

- Shift premiums increased .20 + .30 per hour
- Paid holidays increased from 9 to 10
- Cash in lieu of health insurance increased to \$300 per month
- Effective in 2010, employees must pay \$50 per month to defray the premium cost of any dependent
- Retired employees may now modify their health care benefit and/or take their health care out of state without penalty
- Employees hired after ratification of this agreement will be required to contribute 5% of their pre-tax wages to the Saginaw Township Police Officers Health Care Retiree Fund

Bargaining Team consisted of President Bill Federspiel, V.P. Diane Darby, Secretary Chad Brooks and Sergeant of Arms Adam Nothelfer who were assisted by POAM Business Agent Ken Grabowski.

LINDEN POA FIGHTS FOR INAUGURAL CONTRACT

By: Ed Jacques, LEJ Editor

When was the last time your negotiating committee had to bargain over establishing a grievance procedure, recognition clause, holiday pay, or uniform allowance? In every collective bargaining contract, these things are taken for granted. Imagine building a contract from scratch with an unwilling employer in today's marketplace, and you will begin to understand what the Linden POA and POAM Business Agent Mark Zacks recently accomplished.

Linden is located in the southwest corner of Genesee County where the organized labor movement was forged in the 1930s and 1940s by the UAW Flint sit-down strike as the Big Three pumped out cars that the whole world wanted. Many residents and their families were benefactors of union affiliation. One would think that those circumstances would lead to mutual respect and good faith bargaining, but that was not the case. The Linden POA and POAM were thrown into a time warp and used some modern day strategies to prevail in the process.

POAM is the only union representing public employees in Linden. Misinformation and rumors permeated the community as the Linden POA tried to schedule negotiations with the City. The growing, financially secure City of Linden Administration was crying broke before the first meeting! Although wages in the police department were below the state average, the focus of organizing the group was to provide officers' families with the security of a collective bargaining agreement. Somehow the City of Linden was able to scratch out the money to fly in a labor negotiator from North Carolina to represent their interest in subsequent meetings. After eight months and approximately eight meetings, a tentative agreement was reached between the appointed representatives and the proposal forwarded to both parties for final approval. The Linden City Council unanimously rejected their negotiator's recommended settlement, citing a desire to change health care at any time during the contract.

That's when things got ugly. The Linden City Council contacted the Genesee County Sheriff and asked their office to provide a bid for contracted police service. When Mark Zacks and local leaders found out about the council's reckless move, they jumped immediately into action. Members started a website called savelindenpolice.com and within a week that slogan was on every local business's marquee or front window and printed on t-shirts for many of the nearly 300 people who crashed the

Act 312 Award

Livonia POA

After 10 unproductive negotiation and assorted mediation sessions, and an additional exhausting number of internal negotiations, the Union was forced to arbitration. After 8 days of hearing and remand to mediation, Arbitrator Thomas J. Barnes issued his final award.

Contract terms were for the period beginning December 1, 2003 and ending November 30, 2006. The Livonia POA was the last union within the City whose contract had not been settled, the arbitrator accepted the majority pattern of settlement agreed to by the other unions:

- Wages effective 12-1-03 a 2% across-the-board increase
- Wages effective 12-1-04 a 1% across-the-board increase
- Wages effective 12-1-05 a 3% across-the-board increase
- The top pay of Police Officer II is \$56,237 and senior police officer is \$59,105. The Employer's argument of no retroactivity was rejected.
- Bereavement: the Employer's request to reduce the amount of bereavement leave used by the union was rejected by the Arbitrator.
- Dispatch furlough shift and leave day selection: the Employer's attempt to severely limit the selection of shifts and leave days by dispatchers was rejected by the Arbitrator.
- Longevity: the Union's attempt to improve longevity was rejected by the Arbitrator.
- Health care prescription drug co-pay: the Union and City's last offers were identical. Prescription co-pays were increased to \$10.00 generic/\$20.00 formulary, \$30.00 non-formulary.
- Health care insurance plan: the Union and Employer's last offers were identical. Both agree to go to Blue Cross/Blue Shield Community Blue PPO Option II.
- Health care office visit co-pay: the Employer's request to increase co-pay was rejected by the Arbitrator.
- Health care emergency room co-pay: the Employer's request to increase co-pay to \$25.00 for emergency room visits was accepted by the Arbitrator.
- Health care premium sharing co-pay: the Employer's request to add premium sharing co-pay was rejected by the Arbitrator.
- Health care future premium sharing formula: the Arbitrator also rejected the Employer's position for a very aggressive future premium sharing formula.
- 12-hour shifts: during the process lengthy discussions and hearings were held regarding the implementation of 12-hour shifts. The Employer adamantly opposed 12-hour shifts. The Arbitrator found that 12-hour shifts would work in the City of Livonia and that while some of the comparable communities had adopted 12-hour schedules, the Arbitrator was reluctant to impose a 12-hour schedule on the Employer. The Arbitrator believed that parties needed to mutually negotiate this type of change.

The bargaining committee consisted of President Tom Funke; Vice-President Tim Larion; Treasurer Brian Duffany; Negotiation Committee, Brad Guerro, Denise Bennett and Brian DeWan who were assisted by Kenneth E. Grabowski. 312 Arbitration Team consisted of William Birdseye, Marvin Dudzinski and John Barr.

next council meeting to voice their disapproval. Television crews and newspaper reporters were there to document the event and get both sides of the story. POA President Wayne Jewell also contacted regional leaders from the UAW to let them know that the City Council's motivation was to bust the union. The initiative died quickly but the local politicians then claimed that a millage increase would be necessary to meet the demands of this new greedy union.

Jewell knew better. Officials were trying to blame the police union for a financial shortfall that did not exist. On top of that, they were using the issue to raise taxes without language in the millage proposal calling for exclusive use of the funds for public safety. Jewell then met with reporters and conducted radio interviews telling the public that the Linden POA did not support a tax increase. In fact, the City had more than enough money to accommodate the association's reasonable request. The millage failed miserably by a 2 to 1 margin. The local union obviously had credibility and was now wielding some of its clout.

Mark Zacks welcomed the arrival of an appointed mediator to the negotiation process. The mediator pointed out to the City the unreasonableness of their demand. Financial issues were hammered out and after a few more meetings an inaugural contract for the Linden POA was overwhelmingly ratified.

"When we first talked to Member Services Director Ed Jacques, about forming a union, he promised us the same quality of representation that some of the larger units received," said Dwayne Jewell. "I can't believe the amount of work and dedication that Mark Zacks put into our group. I knew the big boys from Redford would join the fray, if invited." Zacks is appreciative of Jewell's leadership and the unity and strength of this small, but tough unit. "The group made a smart move when they elected Dwayne Jewell as their president. Dwayne had extensive organized labor training as an employee at General Motors," commented Zacks. "His savvy and determination were the key ingredients in hammering out this contract."

About 95% of Michigan's police departments are protected

by a collective bargaining agreement and over 99% of our state's law enforcement officers belong to a union. When recruiting non-unionized employees, POAM notifies them that the process is a long and arduous task. Coincidentally, the final agreement was reached exactly one year after both parties met for the first time. The Linden POA is comfortable in their new role and anxious about what the future holds for their career. "I was surprised when no politicians stood up and supported our organizing effort," said Jewell. "And even more disappointed that every one of them ran unopposed in the last election. I guarantee you things are going to improve as our group becomes politically involved. We have poured a solid foundation for our future."

Jewell was encouraged by his members' solidarity through the entire ordeal but even more excited as they all are asking the same question. "What are we going to do next?" □

Negotiated

Blackman Township POA

Wage increases:

2006	4%
2007	3%
2008	3%
2009	3%

Bringing top pay to \$54,274.

- Health Insurance is Blue Cross POS Plan 4 with a \$10/\$40 Rx co-pay
- Health Insurance Premium Cost Share is \$30 per pay period in 2006 and raises to \$61 in 2009
- Employees eligible for Retiree Health Care after 20 years of service.

Bargaining Team consisted of President Scott Grajewski, Jerry Bryant, V.P., Tom Brewer, Secretary, Trustees Pat England and Bryan French.

Don't Renovate Without Remodeling Your Homeowner's Insurance

By Sue Hall and Anne Donnelly, ALCOS

You've finally done it. That old kitchen of yours is history. You've dreamed and schemed and know exactly what you want to do to replace it. You've chosen the cabinets, flooring, countertops and appliances which will make your kitchen both functional and fabulous, and have worked out every detail in your mind, even the fabric for the window treatments which will create a warm and inviting environment to welcome your family and friends.

You've also chosen a reputable contractor to do the work and have discussed the project in detail, so you have a basic understanding of what to expect. Before the first sledgehammer swings, however, you also need to think about whether your contractors are licensed, bonded and have proper liability insurance coverages.

Your contractors need to hold liability coverages which protect them from worksite accidents and worker's compensation issues. Remember also that just because the contractor carries liability coverages, sub-contractors he hires may not be covered under his policy. Ensure that sub-contractors have their own liability and worker's compensation coverages and ask to see the policies before allowing them to work on your home. If sub-contractors are not properly protected, they may seek damages from you if an accident or injury occurs.

If your kitchen renovation will significantly impact your home's value, and any large project like this probably will, you also want to make sure your homeowner's insurance policy reflects the home's newly increased value. Most policies will replace your home at up to 125% of its current value; some policies offer a little more, but

almost all have a limit on what will be replaced in the event of a loss. To ensure there are no gaps in your coverages, call your insurance agent and ask for a New Replacement Cost Estimate, so that your home is adequately covered during renovation and afterward.

Another thing to consider during remodeling is whether your homeowner's policy offers adequate liability coverage for accidents and injuries that you could be held responsible for, and which won't be covered under a contractor's policy. For example, if your child leaves a roller skate in the hallway and one of your painters trips over it, falls down and injures his back and neck, he could hold you liable for his medical costs and lost wages.

If your dream is not replacing your kitchen, but changing your basement into a beautiful living and entertaining space, you still need to consider whether your coverages really meet your needs. After investing thousands of dollars and countless hours of planning into your project, it would be unconscionable to discover your new family room isn't covered for loss after recent heavy downpours flooded your newly finished basement. Not all homeowner's policies offer sewer back up coverage as a standard feature. You also should consider coverages for new furniture, exercise equipment and electronics that you have purchased.

No matter what your renovation plans are, if they will significantly change the value of your home, call your insurance agent and ask for recommendations that will protect your investment and give you peace of mind. □

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SAFETY FIRST: Remember These Tips When Remodeling

- Make sure the jobsite is secure when the contractors go home. Some ideas include installing motion-sensitive lighting, gates in front of driveways, and fences around the building's perimeter.
- Keep portable fire extinguishers handy. Ensure each floor of the home has at least one portable fire extinguisher.
- Make sure your burglar and smoke alarms are not disconnected. Even though drywall and other construction dusts can trigger the alarm's sensors, do not allow them to be disconnected. Instead cover them with plastic bags or manufactured tops, which can be removed at night. Many construction fires occur in the evening; make sure you're protected.
- Make sure the site is cleaned up each day after the work is finished. Many commonly used construction materials are flammable, so make sure excess cardboard, wood shavings and other materials are removed to avoid fires.
- Post emergency telephone numbers in a convenient and easily-accessible location. Not having to search for police and fire phone numbers will mean help you can get help faster.



By JIM DeVRIES, MCOLES Board Member



PSOB Fund Has a Zero Balance

As of this writing, no Michigan law enforcement officers have died in the line of duty since our last publication. It is through administration of the Public Safety Officer Benefits Act (PSOB) that MCOLES monitors law enforcement and other public safety personnel who have perished in duty related incidents. Under PSOB, MCOLES distributes a one-time benefit to survivors and also to those who become permanently and totally disabled in duty-related incidents.

Since the inception of the PSOB program, the funds MCOLES is authorized to distribute have run perilously close to exhaustion by the close of each fiscal year. MCOLES actually reached the end of the 2006 fiscal year, September 30, with a negative balance of PSOB funds in relation to claims awarded. The appropriation of \$150,000 for the current fiscal year, beginning October 1, 2006, was offset by payment of claims that could not be awarded earlier, due to lack of funds. This has again left the PSOB fund with a zero balance. As a result, new claims prior to October 1, 2007 could be delayed. Currently, there are no claims waiting for replenishment of the fund, and MCOLES has sought a supplemental appropriation to get through the remainder of fiscal year 2007. I am confident there will be a positive response from the legislature.

That said, I am compelled to point out that this is probably not the most favorable environment to be requesting additional dollars. The most recent revenue projections for Michigan predict another decline. These estimates pose state gov-

ernment with a structural deficit of approximately \$500,000 that must be addressed immediately.

This news comes on the heels of tax restructuring as a result of the impending expiration of the single business tax (SBT). In the past, the SBT has accounted for approximately \$1.9 billion in state revenue. A reconfigured tax model is not expected to replace the total amount of lost revenue. Consequently, state agencies may face serious fiscal challenges in 2007.

We remain hopeful, however, that MCOLES efforts in concert with those of the public safety funding coalition will gain traction as part of a larger solution. While it is too early to predict success, this initiative has broad political support. Soon the coalition will publish a white paper detailing its philosophy and needs.

On another front, MCOLES has submitted suggested drafts for legislation to enable implementation of HR 218 in Michigan. This will enable MCOLES to administer its in-service firearm standard to retirees and provide them access to federal carry privileges. The standard is in the pilot-testing phase of development and should be ready for the field by the time that the enabling legislation is passed. Representative Rick Jones, himself a retired law enforcement officer and POAM's Legislator of the Year for 2006, has agreed to usher this legislation through.

In closing, I wish each of you a happy and safe new year. □

WELCOME NEW MEMBERS

JULY 1, 2006 THROUGH DECEMBER 31, 2006

CALHOUN COUNTY DSA

Previous Affiliation Police Officers Labor Council

SPARTA POA

Previous Affiliation Police Officers Labor Council

VAN BUREN COUNTY DSA

Previous Affiliation Police Officers Labor Council

HARPER WOODS COMMAND

Previous Affiliation Police Officers Labor Council

VAN BUREN COUNTY CORRECTIONS

Previous Affiliation Police Officers Labor Council

FOLWERVILLE POA

Previous Affiliation None

VAN BUREN COUNTY DISPATCH

Previous Affiliation Police Officers Labor Council

MACOMB SENIOR EMPLOYEES ASSN.

Previous Affiliation None

HIGHLAND PARK PSOA

Previous Affiliation Police Officers Labor Council

COLUMBIA TOWNSHIP POA

Previous Affiliation Teamsters

MUNISING POA

Previous Affiliation Police Officers Labor Council

MARYSVILLE PUBLIC EMPLOYEES ASSN.

Previous Affiliation Service Employees Intl. Union

SETTING THE RECORD STRAIGHT

DSAM vs. The Sheriffs Coordinating and Training Council

Many of you are aware that the Deputy Sheriffs' Association of Michigan (DSAM) filed a lawsuit in March of 2006 against the State of Michigan and the Sheriff's Coordinating and Training Council. The lawsuit alleged three counts:

- (I) A violation of the local correction officers training act; a violation of Act 125 of the Public Acts of 2003;
- (II) A violation of the State Administrative Procedure Act; and
- (III) A violation of the Open Meetings Act

The main emphasis of the lawsuit requests an injunction stopping the Sheriffs Coordinating and Training Council from releasing some \$300,000.00 in grants to local sheriffs departments.

The reason for the lawsuit was DSAM's interpretation of the local correction officers training act, which DSAM fought hard and long to have passed. The spirit of the act stated that local correction officers were to be certified, re-certified and ultimately under the rules established by the council, were to undergo twenty hours of in-service training on an annual basis.

The Sheriff's Coordinating and Training Council is funded by a booking fee which requires each inmate booked into the county jail to pay a booking fee of \$12. The sheriffs department was required to forward, at a minimum, \$2.00 of the \$12 booking fee to the council to pay for the council's staff, offices and reimburse the expenses of the members of the council for traveling to and from council meetings.

The local sheriffs could keep \$10 of the \$12 booking fee and use that money for training of sheriffs deputies assigned to the jail, or they could send the entire \$12 to the Sheriff's Coordinating and Training Council and then be eligible to receive grants from the Sheriff's Coordinating and Training Council to pay for in-service training.

As it turns out, all of the 83 county sheriffs departments who participated in the program sent \$2 to the Sheriff's Coordinating and Training Council and kept \$10 for their use in training local correction officers. As will be discussed below, this money has been widely misused by many of the sheriffs departments.

The State Treasurer, who has the responsibility of collecting the booking fees and holding them for use by the Sheriff's Coordinating and Training Council, published regulations which specifically spelled out how the money could be used. The Michigan Department of Treasury, in its bulleted "2004-1 Local Correction Officers Training Fund-Public Act 124 of 2003" specifically provided as follows:

"The act requires that \$2 of the booking fee go to the State of Michigan for deposit into a fund at the State level entitled the "local corrections officer's training fund" as created under PA 125 of 2003. The county maintains the balance of \$10.00 if the Sheriff's Coordinating and Training Council, established in Public Act 121 of 2003, certifies the county's training program. However, Section 15(3) of PA 125 of 2003 states that: "Only counties that forward 100% of the fees collected under Section 4b of 1846 RS 171, MCL 801.4b, are eligible to receive grants from the fund."

Nothing could be clearer, if you retained the \$10 you could not participate in the grants.

However, the Sheriff's Coordinating and Training Council, which is dominated by members of the Michigan Sheriffs Association, determined that it would hand out \$300,000.00 to the local sheriffs even though they were not eligible for the grants under the statutes and under the guidelines published by the Michigan Department of Treasury. This was a clear abuse of the training funds and a clear violation of the statute as seen by DSAM.

DSAM was successful in obtaining a temporary injunction to stop the Sheriff's Coordinating and Training Council from releasing the funds and we have been in litigation, including the taking of depositions, since March 17, 2006. Discovery is now over and the Sheriff's Coordinating and Training Council will be moving for an order to dissolve the injunction.

In Count II of DSAM's complaint, the association alleged that the Sheriff's Coordinating and Training Council was required to follow the provisions of the State Administrative Procedure Act in that they were required to promulgate rules and regulations and have said rules and regulations approved by the Legislature.

In Count III of DSAM's complaint, the association alleged that the Sheriff's Coordinating and Training Council was covered by the Open Meetings Act and that they have constantly violated the Act in the manner in which they have conducted their business, including going into closed or executive sessions.

A hearing was held on July 7, 2006 regarding the Sheriff's Coordinating and Training Council's Motion to dismiss the lawsuit brought by DSAM. The Court

found that the Sheriff's Coordinating and Training Council violated the Open Meetings Act and the Sheriff's Coordinating and Training Council has agreed to pay one third of DSAM's attorney fees as it relates to this clear violation of the Open Meetings Act.

The Court indicated from the bench that it would, in all probability, grant the Sheriff's Coordinating and Training Council's Motion as it relates to the alleged violation of the State Administrative Procedure Act and that issue is not being pursued at this point in time by DSAM.

The other issue decided by the Court, and the most important, was the fact that the Court denied the Sheriff's Coordinating and Training Council's Motion to Dismiss DSAM's lawsuit as it pertains to the awarding of grants. The Court then allowed the parties to have discovery through October 31, 2006, and instructed the Sheriff's Coordinating and Training Council to bring a motion at the close of discovery to dismiss.

As of the writing of this article, the Motion has not been filed nor has a date been set for any hearings to dismiss DSAM's lawsuit.

Over the past few weeks, DSAM Executive Director Larry Orłowski and I have personally received inquiries from several deputies across the state as to conversations they have had with their sheriffs wherein the sheriffs state that DSAM has lost the lawsuit and there has been no violation of the Open Meetings Act. This of course is not true as the Court has in fact found a clear violation of the Open Meetings Act by the Sheriff's Coordinating and Training Council and refused to dismiss the portion of DSAM's lawsuit dealing with the awarding of \$300,000 in grants to the sheriffs departments who have retained the \$10 portion of the \$12 booking fee.

In an attempt to ascertain the total number of deputy sheriffs throughout the State of Michigan my office, on behalf of DSAM, sent out Freedom of Information Act requests to the eighty-three county sheriffs and also requested for any and all communications or documents relating to the local sheriffs departments participating in Public Act 124 (payment and use of book-in fee) and Public Act 125 (Local Correction Officer Certification and Training Act) training requirements and requested how they are spending that money.

As it turns out, some of the sheriffs are using Act 125 funds to pay for their mileage, meals, hotel bills and registration fees for attending annual meetings of the Michigan Sheriffs Association. Other abuses appear to be the purchase of scout cars, equipment unrelated to the training of correction officers and the like.

I have been associated with DSAM from its inception in 1978 and have been either a deputy sheriff working for the Wayne County Sheriffs Department or an attorney representing deputy sheriffs for my entire adult life. Back in the early 1960s and continuing to today, there have been constant stories of sheriffs going after their deputies because they affiliated with a labor organization or an independent association dedicating to improving the professionalism of deputy sheriffs such as DSAM. Nothing has changed, the only real impediment to the 83 county Sheriff's reaching the highest professional standards is not the men and women who put their lives on the line each day come to work; but, rather the petty politics that is the mainstay, in many of the sheriff's departments across this state.

We will keep you posted as this litigation winds its way through the Courts. You can also check the current status of the lawsuit by visiting the DSAM website, www.dsam.org



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Perseverance Pays Off

Hard work by POAM attorney helps officer win epic battle with department

By: Ed Jacques, LEJ Editor
Reprinted from Fall, 2003 LEJ

With a brutal divorce case hovering over him, life was far from perfect for Clay Township Police Officer Brian Stone in May of 1996.

But life would only get worse in the coming days, months and years following a visit one night seven years ago from his next-door neighbor.

Due in large part to incredible legal work and perseverance by Police Officers Association of Michigan Attorney Marty Champine, the seven-year nightmare Stone had endured ended earlier this year when he was reinstated by the Clay Township Police Department with full back-pay. Below is a synopsis of the case and how the POAM assisted Stone.

Shocking revelation

Stone's neighbor, who owned a powerful band radio, informed Stone on that May evening that he had just overheard a disturbing conversation involving the officer's soon-to-be ex-wife. The woman was heard saying, "Brian will soon be taken out by a gang."

Fearing for Stone's safety, the neighbor told Stone he would tape future calls from Stone's wife's cordless phone in an effort to attempt to find out more information about the possible murder she was planning.

Stone told the neighbor, "Just keep heads up" on the situation.

Less than a year later, Stone was surprised when the neighbor came to his door and handed him a large shopping bag filled with tapes of his wife's conversations. Stone said he never listened to the tapes.

Felony warrant

In March of 1997, a little less than a year after Stone was first notified of his wife's threatening conversation, Stone and his neighbor were issued a felony warrant charging them with eavesdropping. Information regarding the tapes had somehow circulated throughout the small, tight-knit community of Clay Township and eventually to the federal authorities.

Later that month, Stone was hit by another bombshell when the Clay Township Police Department suspended him.

At this point, Champine, who was representing Stone on behalf of the POAM, started researching the case and began working to get Stone's suspension overturned on the basis that he wasn't eavesdropping on his wife and that he never listened to the tapes that were supplied to him by his neighbor.

In March of 1998, a Circuit Court judge dismissed the case against Stone.

"The judge ruled that you can't have eavesdropping when a cordless phone is involved because there is no expectation of privacy with a cordless phone," Champine explained.

With the eavesdropping charge behind him, Stone naturally applied for reinstatement with the Clay Township Police Department. However, the department refused his request, stating that the prosecutor was appealing the Circuit Court judge's decision.

The POAM argued that Clay Township was legally responsible to reinstate Stone because there were no longer any charges pending against him.

The case eventually went before Arbitrator Tom Barnes, who ruled that Stone should retain his job after a one-year suspension, but with no back-pay.

Bad decision

Stone was back to work when the case took another bizarre twist in February of 1999 when the Michigan Court of Appeals overturned the Circuit Court's decision, stating that the eavesdropping charge was legitimate.

One month later, the eavesdropping charges were reinstated against Stone and he was suspended again by the Clay Township Chief of Police, even though he had a spotless record since his previous suspension.

The POAM countered the second suspension by filing a grievance against the Clay Township Police Department.

"We argued that Brian had already been punished with a suspension for whatever role he played in this and that it would be equivalent to double jeopardy to suspend him again," Champine said.

From the time Stone was suspended



Martha Champine

"Due in large part to incredible legal work and perseverance by POAM Attorney Martha Champine the 10 year nightmare Officer Stone had endured ended after he was reinstated by the Clay Township Police Department and an arbitrator granted him his full back-pay."

a second time in March of 1999 until December of 2000, Clay Township administrators did everything in their power to stall the inevitable arbitration hearing. Because of these stall tactics, Stone's case did not go before an arbitrator until December of 2000, 21 months after the suspension.

In February of 2001, Arbitrator Ray Buratto ruled that the Township had a right to suspend Stone while the second set of eavesdropping charges were pending.

A short time later, Stone received more bad news: the Michigan Supreme Court upheld the Court of Appeals decision that said Stone could be charged with eavesdropping, so the criminal charge against Stone was upheld.

Finally an acquittal

In June of 2001, over five years after Stone's neighbor alerted him of his wife's threats against his life, the eavesdropping case went to trial. Stone was acquitted of all charges.

Incredibly, despite the acquittal, Clay Township refused to give Stone his old job back.

"Instead, they made him put himself through the re-certification school," Champine revealed. "Once he was re-certified as a police officer, he returned to work, but they refused to give him his back-pay for the time he was off on the second suspension. So we filed another grievance."

Ex-wife cashes in

While Stone endured this agonizing seven-year ordeal, his ex-wife found a way to profit from the situation. She filed a civil lawsuit against the Township, which

Continued on next page

Continued from previous page

agreed to pay her \$300,000. This transpired prior to Stone's acquittal.

"We think the fact that the Township paid this money to Brian's ex-wife made them extra mad at Brian, which is why they gave him such a hard time," Champine said.

Fight for back-pay continues

Stone's battle for back-pay for the time he was off on his second suspension met more opposition from the Township, which fought the arbitration hearing "every step of the way," Champine said. "We literally had to force MERC to appoint an arbitrator for the case," Champine said.

On July 15, 2003, the back-pay case was heard by Arbitrator Charles Amneson, who ruled on August 8, 2003, that Stone should be given backpay for the time he was suspended by the Township because he never committed a crime.

"Brian was awarded approximately \$130,000, which included roughly two-and-a-half years of back-pay and benefits," Champine said.

Not giving up, the Township filed a complaint to vacate the decision in St. Clair County Circuit Court.

The POAM filed a counter complaint to enforce the arbitrator's award.

"The arbitrator's decision was very thoughtfully written and was not vague at all," said Champine, who is confident Stone will soon get his much-deserved back-pay following seven grueling years of court battles, arbitration hearings and mistreatment from the Township he served so diligently throughout his law enforcement career.

EDITOR'S NOTE- There will be a follow-up article on Officer Stone's case in an upcoming issue of the *Law Enforcement Journal* updating the status of the Clay Township complaint to vacate the decision.

And the saga carries on...

On May 25, 2004, the Circuit Court for the County of St. Clair issued an opinion affirming the arbitration award. The Court's decision was affirmed by the Michigan Court of Appeals on January 10, 2006 and on May 30, 2006 the Michigan Supreme Court denied Clay Township's Application for Leave to Appeal the Decision of the Court of Appeals. The 31st Judicial Circuit Court heard a Motion for Entry of Money Judgment on July 17, 2006 and ordered a second evidentiary hearing be held. That hearing was held on August 11, 2006 and at its conclusion, the Court informed both parties that it would entertain briefs. Both parties submitted briefs for the Court's consideration and on October 10, 2006 the Honorable Daniel J. Kelley ruled on the issues of sick pay, interest and the amount of back pay.

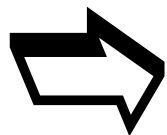
The first issue the Court decided is whether Brian Stone was entitled to sick pay as part of the August 8, 2003 arbitration award. The award provided that Stone "shall be made whole for all back pay and benefits from March 3, 1999 to October 2, 2001, less any interim earnings between those dates." POAM and Stone requested payment for unutilized sick days accrued during the period described in the award. The Employer argued that prior to his suspension, Stone regularly used all of his available sick days and argued that Stone should not recover any sick pay because he probably would have used those sick days had he been employed. The Court ruled that whether or not Stone might have used his sick days had he been employed, was not relevant. Stone was not employed, he did not have the opportunity to utilize his sick days. The Court ruled that Stone must be compensated for his unutilized sick days under the terms of the arbitration award which awarded compensation for "all back pay and benefits."

The August 8, 2003 award notes that Stone should be made whole "less any interim earnings." Clay Township alleged that Stone had not disclosed all of his interim earnings prior to the August 11, 2006 hearing, but provided no proof of any undisclosed interim earnings. Judge Kelley was satisfied that no further interim earnings could be proven and enforcement of the award is appropriate.

The final issue argued by POAM attorney Martha Champine before the Court was whether Brian Stone was entitled to prejudgment interest. Champine noted that under MCL 600.6013 interest is allowed on a money judgment recovered in a civil action. That statute does provide for different manners of figuring interest depending on the nature of the civil action. The Court ruled that interest is allowed under this statute and its language clearly does not grant the Court discretion where none existed before. An award of interest was mandatory, and consequently, Stone was awarded interest pursuant to MCL 600.60-13.

Brian has promised to let us know when the final check is issued and clears his bank. It has taken over 10 years to finally secure a full resolution to this case and POAM attorney Martha Champine was brilliant, stubborn and patient in her dogged presentation of this case.

Three years later. . .



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EFFECTIVE TOOL GETS BAD RAP



By Barry Sherman

As we enter the 21st century era of policing, department after department is being equipped with probably the most important tool ever developed to reduce injury to officers and to those they are arresting. That tool is the "TASER." Actually, TASER is a registered trademark for their brand of Electronic Control Device. However, TASER has risen to the ranks of Kleenex and Xerox, where brand names have become

generic for the product.

When I entered police work in the early 1970s, not much of a variety of weapons were issued to officers to protect themselves. As a matter of fact, there were only two; a nightstick and a .357 magnum revolver. Officers would bring additional items to work such as blackjacks and other assorted impact weapons for protection. When it came time to subdue the belligerent drunk, the person high on drugs, the mentally ill individual or just that person who didn't want to go to jail, it became a real challenge to remain uninjured and subdue the arrest with minimal injury. You jumped on the pile and rode the bull until you got the cuffs on. The aftermath was usually time spent in the emergency room getting the arrest stitched up or the officer being x-rayed for injuries sustained during the scuffle. The injuries to officers could and in some cases did lead to long term pain and suffering. Many officers never regained their levels of productivity and were assigned to light duty or retired on a disability. The tangible and intangible losses to the officer and the department were monumental.

Some advances were made during the 1980s and 1990s in giving officers additional training and tools to minimize injury to themselves and the arrested person. As we all know it depended on the pain tolerance of the person you were trying to get under control. Not so with the TASER. This tool gains involuntary compliance through neuromuscular incapacitation.

Unfortunately, the media has portrayed the TASER unfairly in some accounts of its use and sporadic deaths of suspects after it was deployed. The negative coverage along with organizations such as Amnesty International and the American Civil Liberties Union taking positions not favorable to the TASER have led to a bad rap for a good and effective tool. It doesn't take a brain surgeon to know that many people who resist the police have high levels of drugs and/or alcohol in their system or other pre-existing conditions that can contribute to their death. Others show signs of excited delirium, a condition often exasperated by drug use or mental illness in which the heart races uncontrollably and then stops.

The following statistics (as of 10/20/06) supplied by TASER International is testimony to the success of its product based on use of force reports. Conservative estimates by the company indicate they receive only one of ten reports by law enforcement agencies deploying TASER technology.

- Estimated uses on 114,750 human subjects in actual law enforcement field deployments:

- 11,475 documented use reports in database
- Estimated only 1 in 10 reports submitted to the database
(10 x 11,475 = 114,750)
- Over 109,000 human volunteer exposures

Of 11,475 incidents entered into their database 11,201 indicated a "Level" of TASER device use with over 90% success rates throughout:

Success Rate

- | | |
|---|--------|
| • "Probes deployed" in 6,831 incidents. | 92.76% |
| • "Drive stun" in 2,571 incidents. | 95.79% |
| • "Laser only" in 1,558 incidents. | 98.13% |
| • "Spark demo" in 241 incidents. | 97.51% |
| • Overall success rate in database: | 94.37% |

Equally impressive are the statistics of injuries to subjects:

11,475 total incidents reported as of 10/20/06

None: 91%

(Or not indicated)

Minor: 8%

(Puncture wounds from probes, abrasions)

Moderate: 0.3%

(Abrasions, skinned knee, carpet burn, testicle shot, penis shot, cut to mouth, cuts from falling onto glass)

Severe: 0.034%

Departments who use the device have reported dramatic decreases in injuries to their officers. Here are several of the many who have reported:

RATE OF INJURY DECREASE

Putnam Co. FL	86%
Cape Coral FL	83%
Orange Co. FL	80%
Cincinnati OH	70%
Phoenix AZ	67%
South Bend IN	66%

Another testimony to the use of the TASER is in the reduction of fatal force used by departments. In 2003 the Seattle Police Department did not have a single fatal shooting for the first time in 15 years. The police chief credited TASER as a major reason for that reduction. Also in 2003, the Phoenix Police Department reported that officer involved shootings dropped 54% from the previous year.

You also cannot ignore the accountability factor with this tool. The built-in computer system records the date and time of each trigger pull. New technology takes this one step further with the actual recording of video and audio of the incident. The TASER X Cam starts recording from the time the safety switch is turned off. When you look at these facts it is unbelievable that organizations that promote the rights of the individual oppose the use of the TASER. One can only wonder what they will oppose next.

Departments can assist in the collection of statistical data by submitting their actual field uses to TASER International. The information requested is generic, brief and can be sent quickly online at www.taser.com. Click on the "Law Enforcement" link and "File a Use Report" in the left column. This field information provides a critical feedback loop to the company to enhance product development and improve training as well as to determine areas not to "fix."

Note: Information for this article was obtained from TASER International and Ron Dehne of Michigan TASER.

ABOUT THE AUTHOR

Barry Sherman retired from the Livonia Police Department as a Lieutenant after 28 years of service. He was a member of the POAM and is a past president of the Livonia Lieutenants and Sergeants Association. He earned his B.A. Degree from Madonna University and his M.A. in Criminal Justice from the University of Detroit. Barry taught part time at area colleges and universities while employed with Livonia. Upon his retirement he accepted a full time position with Madonna University where he is an Asst. Professor and Chairperson of the Criminal Justice Department. He is member of the Criminal Justice Advisory Boards for Livonia Public Schools and Henry Ford Community College. You can reach him at 734-432-5546 or bsherman@madonna.edu.

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There When You Need Them

From: Lt. Thomas P. Fett
Sent: Wednesday, November 15, 2006 1:35 AM
To: James Tignanelli
Subject:

Hello Jim.

Just a quick note.

We had another shooting tonight that involved a Sergeant and an officer. No officers or bad guys shot. Just the vehicle the bad guys were in.

Doug Gutscher came out to talk to the Sergeant involved and was fantastic. Once again I called and within 1 hour we had an attorney on site.

I can not tell you enough how lucky we are to have the POAM/COAM in our corner.

Thanks and I will talk to you soon.

Tom

Lieutenant Thomas P. Fett
Sterling Heights Police Department
Support Services Division
40333 Dodge Park Road
Sterling Heights, MI 48313-4143
Office: (586)446-2903
Fax: (586)276-4069

ROSEVILLE POLICE OFFICERS ASSOCIATION

November 15, 2006

Dear Jim:

The City of Roseville, like many other mature cities, was facing a budget crisis and asked the voters for approval of a 5 mil increase in its general operating budget. There were many skeptics saying a 5 mil increase was just too much to ask a community already suffering from high unemployment. I knew our officers had to get involved to help get this millage passed and to show the community that we supported our Mayor and City Council. Our officers attended millage planning committee meetings, City Council meetings, and local community events and worked door-to-door to get the word out. We also contacted Ed Jacques of the POAM. Ed was a tremendous help in facilitating a mass mailing of over 3,000 letters to targeted groups of voters. On Election Day, we had officers at the polls trying to sway those undecided voters. I am convinced that without the hard work of officers and the help of the POAM, this millage would not have passed. I think being politically involved in our community is crucial for our association to be successful in representing its members.

Thanks again for your assistance.

Sincerely,

John Pas
President, Roseville POA

Romulus
Police Officers Association
11165 Olive Street, Romulus, MI 48174
(734) 941-8400

TO: Kenneth Grabowski

FROM: RPOA

REFERENCE: Use of POAM attorney

On 09/05/06 an officer assigned to our Special Investigative Unit was involved in discharging his duty weapon. This action was to defend him and other officers on scene. Once this incident was secured, all officers involved returned back to the PD and a phone call was made to our representative (Ken Grabowski) who immediately advised union personnel on the DO'S and DON'TS and would be in contact shortly. Within a few minutes attorney George Mertz was in contact with our officers and advised them that he is in route to the PD for assistance. As George arrived at the PD not only did he advise our members, he spoke to the command officer that was also on scene involved in this incident.

We (RPOA) would like to thank Ken Grabowski and George Mertz how assuring it is to belong to an excellent organization and for the immediate action taken.

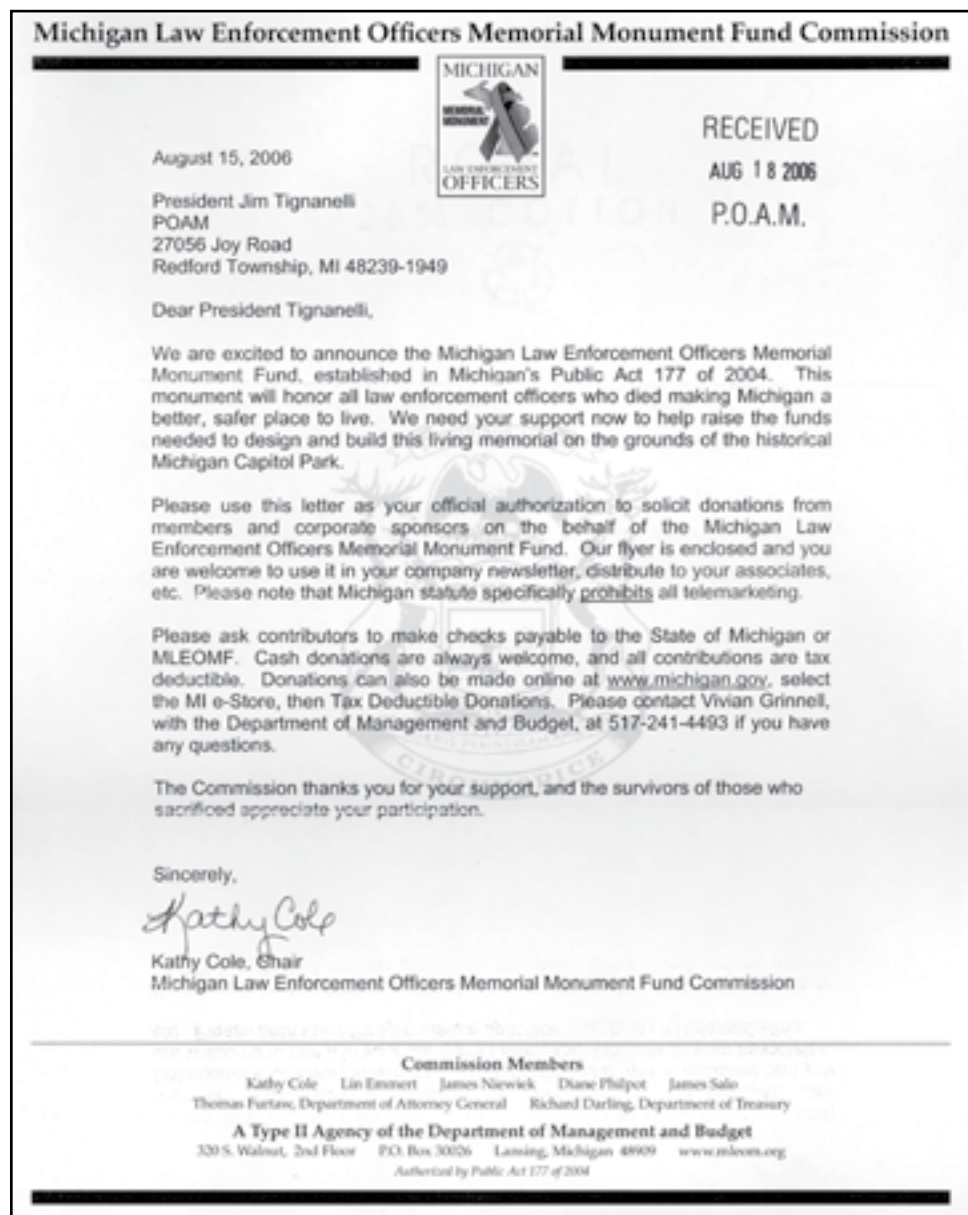
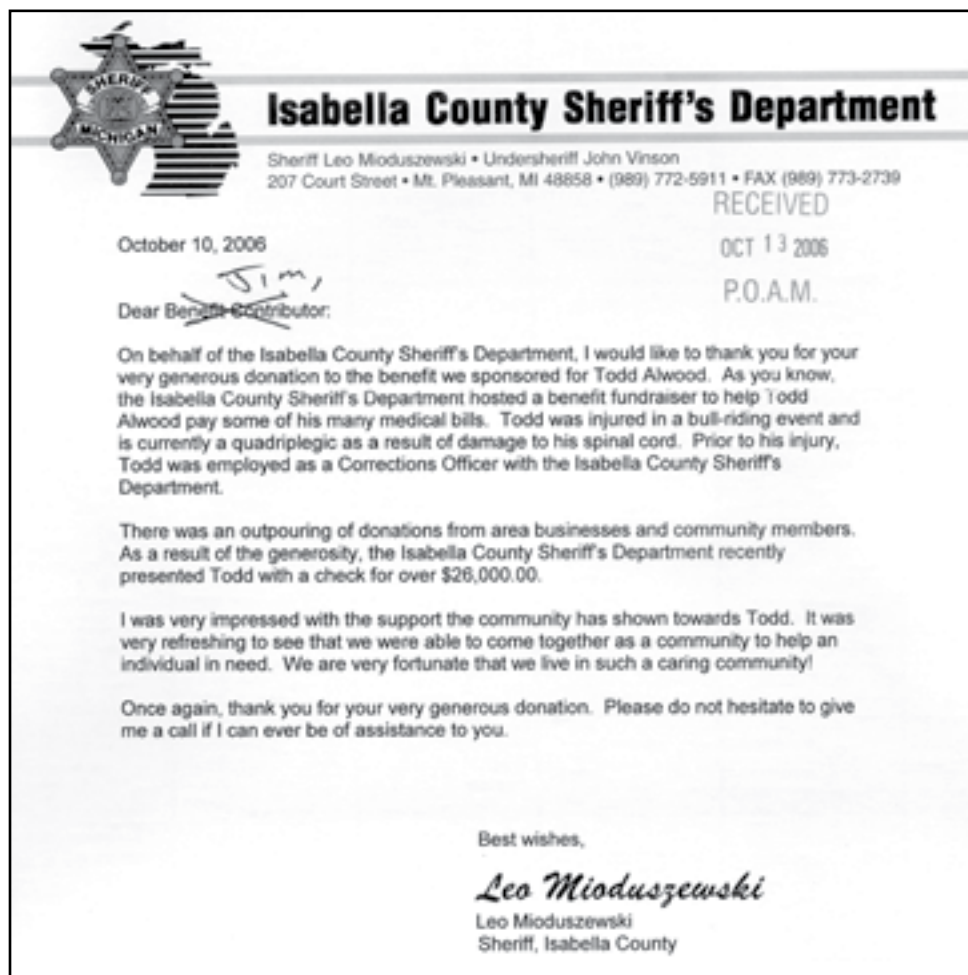
We also assure you that the command officer involved appreciated the comfort of attorney George Mertz's wisdom.

Thank you,

Romulus Police Officers Association
Local President Rick St. Andre

LETTERS, cont.

Helping Hand



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.



OAKLAND POLICE ACADEMY

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Revised September 2006 – Program Manager: Joe Marchetti – To register contact: 248.232.4220

TRAINING & INFORMATION BULLETIN

Information listed is tentative and is subject to change, verify before attending.
Seminars run January through June 2007

JANUARY

- 31 - Apr. 25 Reserve Police Academy
- 13..... MCOLES Pre-Employment Testing
- 16..... Intro. To Microsoft Excel
- 17-19 PPCT Ground (GAGE) Instructor
- 24-26 PPCT Spontaneous Knife Defense Instructor

FEBRUARY

- 1..... Legal Update
- 5..... Accident Invest. #4 - Perspective Grid Mapping of Evidence
- 5..... Domestic Violence (Dispatch)
- 6..... Suicide Intervention (Dispatch)
- 6-7 Accident Invest. #3 - Accident Photography
- 6-7 Intro. To Microsoft Access
- 6 & 21..... Basic Radar
- 7..... **NEW!** "Trains, Planes & Auto's" (Dispatch)
- 7-9 Standard Field Sobriety Testing (SFST)
- 8..... Accident Invest. #5 - Tire Dynamics
- 8..... Customer Service/911 Way (Dispatch)
- 9..... Accident Invest. #6 - Lamp Examination
- 10..... MCOLES Pre-Employment Testing
- 10 & 17..... Report Writing
- 12-13 Point Shooting Instructor Certification
- 14-15 Point Shooting Instructor Certification
- 12-16 Staying Alive in the World of Narcotics
- 16..... Arson Detection
- 19-20 Incident Command 200
- 19 - Mar. 2..... Evidence Technician School
- 20-21 Advanced Microsoft Excel
- 21-23 Emergency Medical Dispatch
- 22-23 **NEW!** Sniper – Cold Weather Training
- 26 - Mar. 2..... Accident Invest. #7 - Commercial Vehicle Accident Invest.

MARCH

- 2..... L.E. Interview & Interrogation
- 6..... Introduction to Microsoft Word
- 7-8 **NEW!** Incident Command 300
- 9..... Auto Theft Investigations
- 12..... Drug Asset Forfeiture
- 12-16 First Line Supervisor's School
- 13-14 Adv. Fire Service Dispatch
- 15..... Serology/DNA Update
- 16-17 Police Officer Survival Tactics (POST)
- 17..... MCOLES Pre-Employment Testing
- 19..... FTO Update
- 20-21 Adv. Microsoft Access
- 20-21 Disciplinary Interviews
- 20-21 911 Supervision
- 22-23 Police Leadership
- 26-30 Basic Detective/Investigator School
- 29-30 Administration of K-9 Units

APRIL

- TBA..... Patrol Dog Academies
- 2-4 **NEW!** Communication Training Supervisor (Disp)
- 2-4 Standard Field Sobriety Testing (SFST)
- 2-6 FTO School
- 9-11 Accident Invest. #8 - Motorcycle Accident Invest.
- 11..... 911 Liability
- 12-13 Copshock
- 14..... Laser Speed Measurement Device
- 14..... MCOLES Pre-Employment Testing
- 16 & 30..... Basic Radar
- 16-18 Emergency Medical Dispatch
- 17-18 Advanced Microsoft Word
- 17-20 Simunition FX Instructor Course
- 19..... **NEW!** Accident Invest. #24 - School Bus Crash Dynamics
- 20..... Linguistic Interviewing
- 23-25 Simunition Low-Light Instructor Course
- 23-27 Emergency Telecommunicator Course
- 24-25 Police Record System Operations
- 25..... **NEW!** Non Emergency Call Handling (Disp)
- 26..... Legal Update
- 26..... Promotional Oral Interviews
- 27..... Risk Management – Getting and Keeping Good People
- 30 - May 2 Crime Scene Photography & Special Photo Methods

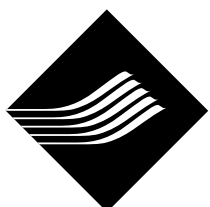
MAY

- 1-3 Communication Training Officer
- 3..... Superglue Workshop
- 4..... Adv. Superglue & Field Fuming Workshop
- 7-9 Emergency Fire Dispatch
- 8-9 Promotional Assessment Centers
- 10-11 Objective Pre-Employment Interviewing
- 12..... MCOLES Pre-Employment Testing
- 14-18 Accident Invest. #1 - Initial Investigations
- 14-18 Basic Police Counter Sniper School
- 21-25 Firearms Instructor School
- 22..... Alternate Light Sources
- 23..... Fingerprinting Difficult Services
- 24..... Chemical Processing of Fingerprints

JUNE

- 4-8 Basic Police Mountain Bike School
- 5..... Legal Update
- 6-8 Standard Field Sobriety Testing (SFST) (2 - 10 pm)
- 9..... MCOLES Pre-Employment Testing
- 11-12 Forensic Science and Grave Excavation
- 11-12 **NEW!** Crisis/Hostage Negotiations for Patrol and Tactical Officers
- 11-15 Accident Invest. #2 - Follow-up Investigations

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



OAKLAND
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TRAINING SCHEDULE



Dennis McGrann

The Federal Perspective

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

The recent midterm Congressional elections will usher in new Democratic majorities in both the U.S. House of Representatives and Senate. The transition will bring with it new or changing priorities and opportunities in the 110th Congress that will convene in January. The state of Michigan will be significantly affected by these changes as many Members of the Congressional Delegation will be assuming new positions of influence.

Though committee assignments are not yet final, the Michigan Delegation is poised to gain significant clout as several members assume powerful new positions. Most significantly for law enforcement, Congressman John Conyers (CD14-Detroit) will lead the House Judiciary Committee overseeing criminal justice issues. Congressman John Dingell (CD15-Dearborn), the Dean of the House of Representatives, will head the Energy and Commerce Committee covering topics including telecommunications, health care, and energy and environmental policy. Senator Carl Levin will also receive a committee chair, leading the Senate Armed Services Committee with oversight of military operations. Senator Debbie Stabenow will be taking a seat on the powerful Senate Finance Committee, which controls tax policy, Social Security, and federal health programs.

Other House Members may also gain new and important positions as Committee and Subcommittee positions are finalized. Members who may be in line to gain leadership positions include: Congressman Sander Levin (CD12-Roseville), third-ranking Democrat on the House Ways and Means Committee, and may lead the Trade Subcommittee; Congressman Dale Kildee (CD5-Flint), the number two Democrat on the House Committee on Education and the Workforce, may chair any of several subcommittees; and Congressman Bart Stupak (CD1-Alpena) may assume the lead of the House Energy & Commerce Subcommittee on Oversight and Investigations. Michigan will also maintain a majority seat on the important House Appropriations Committee with Congresswoman Carolyn Cheeks Kilpatrick (CD13-Detroit).

Members of the Delegation will also gain influence through leadership positions within each party. Congressman Thaddeus McCotter's (CD11-Livonia) election as Chair of the House Policy Committee gives him the fourth-highest Republican leadership post in the House of Representatives. Senator Stabenow's appointment as Chair of the Democratic Steering and Outreach Committee also places her in a high-ranking leadership position. The Steering Committee is dedicated to fostering dialogue between Senate Democrats and labor and community leaders from across the nation.

Though Congress is looking ahead to next year, much of the critical appropriations work from this year remains incomplete. As of the end of November, only two of the critical fiscal year 2007 funding bills have been completed. The bills funding the Departments of Homeland Security and Defense were approved before Congress recessed for the midterm elections. As this issue went to print, Congress

was set to convene for the second "lame-duck" session of the year. During this session, Congress was expected to approve a "continuing resolution" extending minimal funding for the unfinished bills through early 2007, including the Department of Justice. The new Congress will need to consider these items early in the next year, along with an expected supplemental military funding bill and the following year's (fiscal year 2008) budget.

With the end of the 109th Congress, the bill (H.R. 4424) introduced by Congressman Stupak to extend federal survivor benefits to the families of officers killed in the line of duty will also expire. Congressional contacts have indicated that Congressman Stupak, chair of the Congressional Law Enforcement Caucus, is committed to reintroducing legislation in the 110th Congress.

While financial support for law enforcement programs is currently stalled in Congress, the Department of Justice (DOJ) continues to distribute previously approved funds. In October, DOJ awarded critical federal funding to assist Michigan law-enforcement agencies with purchasing bulletproof vests. Nearly \$746,000 was received by Michigan law-enforcement agencies and will allow for the purchase of over 7,500 new bulletproof vests for officers. For more specific detail and local information, visit <http://vests.ojp.gov>.

Senators Levin and Stabenow recently announced that the Department of Justice has awarded \$780,000 for several Michigan community and neighborhood law enforcement programs. Eight Michigan communities will receive over \$388,000 to enhance security at local schools through the Secure Our Schools (SOS) Initiative, a part of the Community Orientated Policing Service (COPS) Program. These grants will cover up to 50 percent of the cost of security enhancements including the installation of metal detectors, locks, security lighting, training and coordination with local law enforcement. The Detroit Community Justice Partnership program will receive \$241,000 to support its efforts to reduce violent crime and gun violence through increased community education, surveillance of offenders and home visitation with parolees and probationers. The United Way of Genesee County will receive \$200,000 to implement the Flint Eastside Weed and Seed Partnership. The project will emphasize surveillance of small-time drug dealers and users in an efforts to locate those higher in the supply chain. The nation-wide Weed and Seed program helps to reduce violent crime, robberies and domestic violence.

Congressman Fred Upton (CD6-Kalamazoo) also announced that Benton Harbor, MI will receive \$100,000 in Drug Free Communities grant monies for the Community Alliance Against Substance Abuse (CAASA). One of only 107 grants nationwide, the federal funding will be used by local community organizations working to prevent and reduce drug, and alcohol and tobacco abuse among youth.

As the current Congress concludes and the 110th Congress convenes and starts considering critical Justice funding and other legislation, the POAM Washington office will continue to work fervently on behalf of Michigan's law enforcement officers. If you have any questions please do not hesitate to contact me in Washington, DC at (202) 544-9840.

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Signed and Sealed

Agreements gain vital benefits for POAM members

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



Negotiated Isabella County 911

Duration: 10/01/2005 – 09/31/2008

Wage Increases:

2005	2%
2006	2%
2007	3%

- Eliminated health insurance co-pay for BC/BS Community Blue #4
- Employees may upgrade to BC/BS Plan 1 or 2 by paying additional premium
- Employees permitted to upgrade from their current B-2 MERS pension plan to the B-3 by paying additional cost

Bargaining team consisted of Sharon Powell and Dana Humphrey who were assisted by POAM Business Agent Jim DeVries.

Negotiated Ionia County Corrections

Duration: 01/01/2004 – 12/31/2007

Wage Increases:

2004	1.5%
2005	1.5%
2006	3.0%
2007	2.5%

- Health care co-pay is currently at 10% and will increase to 11% on 1/1/2007
- \$700 reimbursement for out of pocket medical, dental and vision expenses
- Employees now bid shifts by seniority
- Option to sell back 40 hours vacation time

Bargaining team consisted of Robert Rickert and John Baar who were assisted by POAM Business Agent Tim Lewis.

Negotiated Birch Run POA

Duration: 01/01/2006 – 12/31/2009

Wage Increases:

2006	2.5%
2007	2.5%
2008	2.5%
2009	2.5%

Bringing top pay to \$50,002.

- Two additional paid holidays

Bargaining team consisted of James Leidel who was assisted by POAM Business Agent Dan Kuhn.

Negotiated Oak Park PSOA

Duration: 07/01/2006 – 06/30/2010

Wage Increases:

2006	3%
2007	3%

- Wage re-opener in 2008, 2009
- Blue Cross option 1 with prescription co-pay to 15/30
- Non duty disability capped at three years
- Employees hired after ratification will have pension contribution raised from 5 to 7 ½ %

Bargaining team consisted of President Eric Sanders and Frank Rehling who were assisted by POAM Business Agent Ken Grabowski.

Negotiated Algonac POA

Duration: 07/01/2006 – 06/30/2009

Wage Increases:

2006	3.5%
2007	3.5%
2008	3.25%

- Easter added as a compensation holiday
- Court time compensated for 3 hours @ time and one-half
- BC/BS Community Blue 10 with \$10/\$20 drug rider
- MERS Medical Reimbursement Account initiated
- Employees can assume cost of B-4 pension improvement

Bargaining team consisted of Dennis Tuznowski and Mark Spencer who were assisted by POAM Business Agent Jim Tignanelli.

Negotiated Plymouth POA

Duration: 07/01/2006 – 06/30/2010

Wage Increases:

2006	3%
2007	3%
2008	3%
2009	3%

- Health care to BC/BS Community Blue
- Higher health care deductible to establish a flexible spending account of \$1800 annually
- Raised cap on short term and long term disability to a full 66.6%

Bargaining team consisted of President Jennifer Dergis, Matt Stoops, Jeff Jones and Chris Lantinen who were assisted by POAM Business Agent Jerry Radovic.

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PURCHASING or REFINANCING

To my colleagues in law enforcement, my name is Joe Bunting and I am a police officer in Michigan. I am assisting my wife, Jennifer, an FIMC Loan Representative, to educate my fellow officers and their families and friends on how to purchase a mortgage without paying all the extra and unnecessary fees. Whether you are going through FIMC or not, allow FIMC to educate you on the correct fees to pay before you commit to a mortgage. The FIMC philosophy is to educate clients on every aspect of the mortgage process.

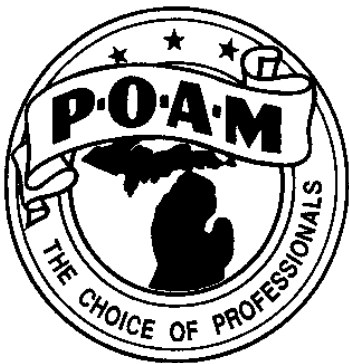
Only pay the following invoiced fees to process a mortgage:

- ✓ Appraisal
- ✓ Credit Report
- ✓ Underwriting fees (i.e. bank charges)
- ✓ Title Closing & Misc. Fees
- ✓ Title Insurance
- ✓ Recording Fee

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for the past 14 years!*

Loan Services Provided:

- ✓ Fixed Rates – 40, 30, 20, 15 yr.
- ✓ Adjustable Rate Mtgs. 1, 3, 5 yr.
- ✓ No Cost Loans
- ✓ Equity Line / Second Mortgages
- ✓ Investment Properties
- ✓ Second Homes
- ✓ Cash Out / Debt Consolidation
- ✓ Interest Only Loans
- ✓ Pay Off Delinquent Taxes



Never pay an Application Fee, Origination Fee, or Doc Prep Fee.

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