



**The BPPA
Commemorates the
90th Anniversary
of the Boston
Police Strike**

pages A12 & A13

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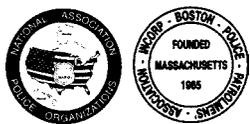
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PAX CENTURION

**Boston Police Patrolmen's Association, Inc.
Boston Emergency Medical Technicians**



Governor's "flagman cost-savings" again proven false

\$52.47 per hour is proposal for Mass. Ave. construction...

from N.H.-based flagman company!

By James W. Carnell, Pax Editor

Although the bought-and-sold editorialists and reporters from the *Globe* and *Herald* will undoubtedly ignore it, the BPPA has once again discovered the cold, hard facts associated with **Governor Deval Patrick's** false claims of "cost-savings" associated with the use of flagmen instead of police details. The facts, provided by the New Hampshire-based company's **own proposal** to a Boston area construction company, show that the rate to be charged for a flagman's services would be \$52.47 per hour, **excluding** the markedly higher overtime, night, weekend and holiday rates which would be earned by the out-of-state company. By comparison, a Boston police officer earns only \$33.00 or \$37.00 per hour, depending on the traffic-impact location of the street, a rate which never increases regardless of the length of the detail, night, weekend, holiday or any other factor. (Actual copy of the proposal obtained from American Flagging and Traffic Control Co. of Salem, N.H. is printed inside on page A11).

Obviously, the Governor's desire to replace officers
(continued on page A11)

Commissioner Ed Davis' lying policy: Cops seek protection from false accusations

By James W. Carnell, Pax Editor

Recently, BPD Commissioner **Ed Davis** announced through his media consorts a new "zero-tolerance, anti-lying policy". The policy was immediately hailed by the editorial board writers, who hob-nob with the department's elite at wine-and cheese socials, as "groundbreaking".

The rank-and-file, however, view Comm. Davis' new assault on the BPD for what it is: a feather-in-the-cap to pad the resume of a man who will soon be departing for a federal job where he can impress himself looking in the mirror and regale his media acolytes with tales of his brave exploits as Boston's police commissioner. In practical effect, what the Commissioner has done is to put every cop's credibility in doubt. It is already difficult enough to walk into court and testify without being accused of "lying" by every scumbag defendant and their scumbag attorneys. In fact, it is practically par-for-the-course that most defendants and their attorneys will accuse the police of "lying" in order to bolster their case.

It has been a long-established department rule that officers must testify truthfully in court cases and departmental matters. Officers who do otherwise already risk suspension or termination under current rules and regulations. So the Commissioner's "No lying" policy is nothing new at all, other than the threat of immediate termination if the BPD's own Internal Affairs Unit, (a Kangaroo Court if ever there was one) determines that an officer "lied". The IAD, of course, is instructed what to do and how to decide a particular case by the BPD's legal adviser, Amy Ambarik, who often returns cases to IAD for "further review" (translation: change the decision or else) when she disagrees with the outcome.

So Davis' "new, improved, groundbreaking policy", announced with much pre-arranged media fanfare, has done absolutely nothing except further damage the reputa-



BPD Commissioner Edward F. Davis

tion, veracity and credibility of an already beleaguered police department. Defense Attorneys now have another tool to attack officers testifying on the stand, provided to them courtesy of the (current) Boston Police Commissioner. All a defendant has to do, *and without any concern about the pains and penalties of perjury*, is to accuse the officer of "lying", and then let his/her attorney take it from there: Defense Attorney: "Officer, you told us you testified truthfully, but isn't it true that my client has filed a complaint against you in the Internal Affairs Unit accusing you of lying?" Officer: "Well, yes, but..." Defense Attorney: "And Officer, hasn't your own police commissioner publicly expressed his concern about officers lying in court?" Officer: "Well, yes, but..."

So you see where this thing goes from here, don't you? Each and every time an officer testifies, he's immediately subjected to allegations of "lying". The defense makes the accusation without fear of recrimination, and with the Commissioner's own words backing them up. So what if the charges are completely baseless and without merit? There's no penalty for ruining a police officer's reputation. We're fair game for baseless, false accusations, and we have no recourse. "The truth" is relative to what each party experienced, observed and recalls. Our version of what occurred is almost always diametrically opposed to what the defendant and his attorney say happened. And since we're the only ones actually required to testify under the pains and penalties of perjury and under threat of immediate termination, the officer is always in the most precarious position. How do we prove ourselves innocent? How can we prove a negative?

Ironically, our pure-as-the-driven-snow Commis-
(continued on page A6)

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From the President: **Thomas J. Nee**



Due diligence / due process

Recently, we learned through the media in an exclusive *Boston Herald* report that the Boston Police Commissioner plans on terminating the employment of our members, subsequently denying them their livelihood after only an investigation by an appointed Internal Affairs Division.

Now this shouldn't be mistaken as a personal attack on the IAD as I believe that there are many good investigators assigned there, but over the years I have seen and had mixed experiences upon the conclusion of many investigations.

My opinion is my own and obviously differs from the Police Commissioner's. With that said, within the same newspaper article, the commissioner went on to say and I am paraphrasing, that with this new policy he wanted to bring some sort of legitimacy to the department.

For the record, we work in a very legitimate nationally recognized, police department, staffed by legitimate, well-trained and committed professionals who put up with a lot of nonsense in their efforts to deliver the mission of this department, but in doing so did not take an oath of second-class citizenship.

Shame on the Commissioner for his choice of words and characterization that serve no legitimate purpose, other than to enable and empower those that oppose our efforts.

What I find more troubling than his grandstanding is that he fails to even mention an officer's due process rights that are secured within the collective bargaining agreement. I don't recall categorically waiving the membership's just cause or due process rights. Maybe it's the department's interpretation of that section is - just cause

Our willingness to work with (the Commissioner's) administration should not be mistaken as a weakness, enough said. With all the incoming assaults facing our profession and livelihood the last thing we need is a police commissioner who expects us to follow his direction to direct us under the bus.

they said so - in any event it is well-known and clearly understood by us that the courts have held, that after careful review of the facts, by an independent, third-party fact-finder who is free and clear of partisan poli-

tics and public pressure that an officer is determined to be untruthful or lying then it is certainly within the scope of the Commissioner's authority to recommend discipline up to and including termination of an employee, it is simply a recitation of what the courts have already said.

So why was it necessary to announce in an apparently pre-arranged media interview, this public claim of a new zero-tolerance, anti-lying policy?

Why was it necessary to deliver the message through an exclusive newspaper report on the front page of the *Boston Herald* Sunday edition? When I directly asked why, the answers were not truthful.

To those that have suggested to me that somehow the commissioner was trying to deliver a message to the department, I say

For the record, we work in a very legitimate nationally recognized, police department, staffed by legitimate, well-trained and committed professionals who put up with a lot of nonsense in their efforts to deliver the mission of this department, but in doing so did not take an oath of second-class citizenship.

next time he should use the department email, in-service training or roll-call.

Where will this go from here, well I'll tell you where the BPPA is on this issue. Certainly we understand the Commissioner is going to do what he is going to do and we will defend our members' rights with our last breath. We are under no obligation, nor will we ever categorically waive our members' right to due process. If the police commissioner attempts to terminate an of-

ficer without with engaging the proper process and the law, he will find out that this is not Kansas anymore.

Our willingness to work with his administration should not be mistaken as a weakness, enough said. With all the incoming assaults facing our profession and livelihood the last thing we need is a police commissioner who expects us to follow his direction to direct us under the bus.

As always, be safe in your duties and understand we are

still in the grips of very difficult times. Your efforts and dedication are what keep us strong. In unity, there is strength, from that strength comes our honor.

Stay together out there.



"One strike and you're out"

The Commissioner has always had the option to terminate at will. This is not some new "bright line policy" or "hard process to implement" as advertised in the Commissioner's "kick-off" interview with the *Boston Herald*. It will be interesting to see if the Commissioner will be as committed when "truthfulness" hits closer to home regarding testimony under oath. The re-stating of the obvious, that perjury is a felony and that an officer can not remain on the force as a convicted felon has been clear. There have been a couple of older BPPA cases that the department brought forward that are well defined and on-point. The promotion of the policy seems more appropriate for a resume or a prospective job interview in which the firing of officers for integrity issues could be fully expressed. There is already a "just cause" provision in our contract titled "Discipline and Discharge" that is used quite frequently by the Department.

Sending a written mandate to bargain the impact of a terminable offense, i.e. truthfulness which was already in the Department's toolbox as the saying goes, sends a clear message. Buckle your chinstraps, the legal advisor's office is back at full strength and will be adding this charge to a "conduct unbecoming" or a "respectful treatment" with much more regularity. If anyone is on "frequent flyer" status with IAD, or is on a first name basis with the legal advisor personnel, you are on notice. Trivial cases that have been open for years without resolution will be stacked and wrapped. Additional hearing officers have been given robes and encoded instructions from legal outlining the future disposition of cases weeks in advance.

A Commissioner does not go to the press on the front page and tell them he is going to fire officers for truthfulness to have the press come back three years from now to comment on the amazing turnaround in the overall officers' veracity because of the lack of officers terminated. One thing that will change will be the department's strike zone which will double in size with truthfulness included in most of the initial settlement offers dealing with credibility issues. An offense that might have five day standing in front of an arbitrator goes to a five month suspension without "truthfulness" in play... if the officer refuses the department terminates with "truthfulness" back in play. Anyone that is in the department's on-deck circle should be on the straight and narrow.

Supreme Court promotional decision

As the entire country deals with the promotional conundrum, we find that most competitive testing issues are indistinguishable in that the Chief or Commissioner of Police or Fire along with the Mayor in most cities would love to promote based on non-competitive criteria. This is

an extremely sensitive issue that the Supreme Court continues to deal with on an individual basis. For the short term a decision has been rendered that gives some clarity and direction but does not address "whether a legitimate fear of disparate impact is ever sufficient to justify discriminatory treatment under the Constitution."

The LRIS (Labor Relations Information System) recently reported on a Supreme Court decision dealing with a Civil Service promotional examination in which the City of New Haven, Connecticut decided to discard the test results for a Fire Department test given in 2003. Here is the crux of the article. The Mayor's reasoning in not supporting the certification of the test results stemmed from "the statistical disparity based on race - i.e., how minority candidates had performed when compared to white candidates. The article is locally significant in that Boston will begin promoting in the near future and faces similar concerns as those dealt with in New Haven regarding the pool of candidates.

In New Haven, eight lieutenant positions were vacant at the time of the exam. As the rule of 3 operated, this meant that the top 10 candidates were eligible for promotion. All were white. Seven captain positions were vacant... under the rule of 3, nine candidates were eligible for promotion to the rank of captain. Seven were white and two were Hispanic. The Civil Service Board did not certify the results... ensuring litigation based on adverse employment actions because of an individual's race. No doubt, the

City would have been sued by the minority firefighters had the Mayor certified the list and appointed according to test results.

The statistical disparity in the testing in contrast to the city's racial makeup... 40% African-American and more than 20% Hispanic, allowed the Mayor to choose the lesser of two political nightmares. As **Supreme Court Justice Samuel Alito** commented independently to the majority decision, "City officials worked behind the scenes to sabotage the promotional examinations because they knew that, were the exams certified, the Mayor would incur the wrath of [a prominent African-American minister] and other influential leaders of New Haven's African American community.

The City argued that it could be liable for disparate-impact discrimination if the examination was found to be... **not job related and consistent with business necessity, or if there existed an equally valid, less-discriminatory alternative that served the city's needs but that the city refused to adopt.** The City's assertions were found to be baseless. The City insisted that an equally valid, less discriminatory test existed... weighing the written and oral scores 30-70 as opposed to the 60-40 which was the formula that was the result of the union-negotiated collective bargaining agreement. The BPPA has a similar contractual requirement for the police officer-detective test that calls for 60% of the examination score to come from the written portion (training, education and experience make up the rest) with appointments to be

made **only** by rank of final mark.

The City of New Haven contended that this change would have allowed consideration of black candidates. The majority of the Supreme Court disagreed. The state court had prohibited banding based on a matter of municipal law under the charter, so banding was not an option. Banding under different circumstances appears to be an acceptable alternative to the court. The court decided 5-4 that "without some other justification, race-based decision making violates Title VII of the Civil Rights Act's command that employers cannot take adverse employment actions because of an individual's race.

Side note

Newly-appointed **Supreme Court Justice Sonia Sotomayor** was the Appeals Court judge that ruled on this New Haven case that was reversed by the Supreme Court just prior to her appointment. At the time of the Supreme Court's decision, **Justice Ruth Bader Ginsburg** wrote a dissenting opinion looking towards the possibility that the court's composition might change in the future: "The court's order and opinion, I anticipate, will not have staying power." LRIS did an excellent piece of work in covering this case.

Best 4th floor *rumor* in the last couple of months has the Commissioner lobbying for 100% scoring for the oral portion in future tests.

New BPPA Contest: Identify major intersections in Boston without bums stemming for handouts

By **James W. Carnell**, *Pax Editor*

The BPPA is sponsoring a new contest to identify major intersections in Boston that are **NOT** infested with legions of bums shaking coffee cops demanding alms from commuters. It goes without saying that, since the solons of the Massachusetts Supreme Judicial Court (*NOTE: none of whom reside in Boston*) decided that begging is a "protected form of free speech", most major intersections in Boston are inhabited by tag-teams of bums competing for the right to aggravate and harass motorists who are stupid enough to hand over dollar bills and spare change to these mendicant sloths. Whether it be Mass Ave./Cass Blvd., Morrissey Blvd./Freeport St., Albany St./Herald St., Kneeland/Atlantic Ave., armies of bums are present most of the day and night, smearing mucus and H1N1 microbes all over motorist's car windows as they seek to supplement the monthly allotments to their state-issued crazy checks, food stamps, "disability" checks and other assorted government handouts.

It is particularly galling to see three and

four bums competing for space at intersections which are literally a stone's throw from free-food shelters such as Pine St. Inn or St. Francis House. These bums usually hold signs indicating that they are "hungry and homeless". (No, they are lazy pigs seeking funds to buy booze, cigarettes and drugs from idiot suburban morons who are stupid enough to give them anything, but why let the truth get in the way of a bleeding heart liberal's need to empathize with the poor and downtrodden (none of whom he/she wants around their own homes, by the way)? While most of us who work for a living don't have the luxury of eating three meals a day (one, maybe two?), these bums are within crawling distance of shelters filled with naïve liberal volunteers who fawn all over them and provide breakfast, lunch and dinner for the army of mendicant sloths. Many an officer has observed the nitwit who carries a voluminous sign wailing about his alleged maladies (the "torn meniscus" one has worn thin, stupid) at Congress and Sudbury who alternates his leg brace from right to left leg depending on the day of the

week, or the idiot who literally falls asleep standing up at Causeway and North Washington begging for funds outside the Veteran's office.

It is nothing short of amazing that the major media, which relished blaming evil Republicans for the plight of the homeless, don't even associate **President Obama** or liberal Democrats with the burgeoning homeless population. In a recent article in the *Globe* (10-08-09, "Tent City raises issue about use of public parks"), reporter **Megan Irons** wrung her journalistic hands about the virtual takeover of public parks in Cambridge by armies of professional bums. She reported that one bum claimed he was homeless "for 35 years", even while he expropriated public lands for his bookselling scam-business. According to the article "The Cambridge area has seen its homeless population increase by 33%, from 487 in 2008 to 651 in 2009...". Geez, but I thought this was the era of "hope and change"? How can that be? Obama is in charge now. Wouldn't we be blaming

(continued on page A6)



New lying and truthfulness policy not so new

As always, I open with a customary, I hope all is well. The first order of business is the new **LYING AND TRUTHFULNESS POLICY** that was announced

witness in order to get his or her client a "not guilty." We, as police officers are evidence against their client.

As a police officer and a member of your

to the media. I love it when the Department makes a major announcement to the media before they make it to the men and women who work for the Department.

The "new" policy is not so "new" because the Department has always had the ability to fire or reprimand someone if they caught him or her being less than truthful. The Department needs to have the evidence to back up the charge. Truthfulness is written into the Department's rules and regulations and has been there for quite some time. This "new" policy is just ink for the media. I think most of us know the difference between right and wrong.

The "new" policy is not so "new" because the Department has always had the ability to fire or reprimand someone if they caught him or her being less than truthful. The Department needs to have the evidence to back up the charge. Truthfulness is written into the Department's rules and regulations and has been there for quite some time. This "new" policy is just ink for the media. I think most of us know the difference between right and wrong.

Do mistakes and slip-ups happen? Absolutely, but the difference here is malice and hurtfulness. Malice makes the lie, a lie. Because of being under stress and badgering from a defense attorney, things can be said and words can be turned around and a mistake can happen. The job of a defense attorney is to discredit the evidence and the

leadership team, I cannot condone anyone **KNOWINGLY** trying to avert the truth, in either a court proceeding or departmental administrative hearing.

A question that I have for the department is if I sign a police report and raise my right hand in a court of law to tell the truth under the pains and penalties of perjury, then why

when a potential complainant walks into internal affairs, makes a complaint, it is investigated and then found to be a lie, that is the end of it. There is no outrage from anyone, not Northeastern University professors, clergy, judges and neighborhood activists and you, the Department, our employer. **NO** ramifications at all.

The point I am trying to make, is that grandstanding for the media and creating a perceived problem is not exactly a morale boost for the rank and file troops. Headlines in the paper give the public the perception that the problem is running rampant in a city entity that has thousands of employees. The so-called problem is a very, very

small percentage of its employees, if any.

The headlines do give future jurors, judges and critics the notion that a problem does exist, where one does not. Juries are tainted from the beginning due to the misconceptions brought on by movies and television shows that boast technologies that are not even yet invented to prove or disprove a defendant's innocence. The word of a crack-head or an authority-hating liberal do-gooder is taken over that of a police officer.

Sometimes the truth is stranger than fiction. People who judge us should realize

(continued on page A5)

Will you be making the most of your City of Boston Pension income? Think about it . . . Retirement is for a long time! And a lot of money!

What is important to you?

- Is it important that you receive the **maximum pension**?
- How much pension income will you **choose to forfeit** to provide for a spouse or other beneficiary?
- Would you benefit by **owning and controlling** the sizeable dollars involved?
- Would you like to have **any remainder income** to pass to children, grandchildren, or charity, rather than revert to the retirement system?

Retirement Options (and Survivor Benefits)

The City of Boston's pension plan provides excellent retirement income. Their benefits are calculated using current, state-of-the-art methods and assumptions. And yet, *they may come up short* when you seek to accommodate larger personal financial interests – interests which may vary over two or three or more decades of retirement!

The two pension options that retiree's most frequently select include:

- Maximum income – provides the highest monthly payment to the retiree only,
- Joint & survivor – provides equal payments to the retiree and spouse, as long as either lives.

To provide survivor retirement income to your spouse (in the event of your death), you must accept a reduced income during your lifetime!

This cost, the reduction of pension income for as long as you live, may be an **expensive way to provide a survivor benefit** on your death. This cost increases with each Cost-of-Living Allowance, and offers no opportunity for recovery. If your spouse predeceases you, the loss is completely forfeited.

Here lies the problem for many retirees! Unless the retiree and spouse live to or through their life expectancies, they risk "**leaving dollars on the table**". The amount frequently is well into six figures!

Managed Insurance Solutions is able to provide an individualized approach to pension planning.

With an individualized approach, we plan for you to receive the maximum monthly retirement payment through a specially constructed life insurance approach. This is done in conjunction with the retirement plan, and builds on its strengths.

The objective is not, initially, to have greater monthly cash flow (though you may). The objectives usually reflect your answers to the questions in "What Is Important to You?", above.

The long-term result converts your **pension survivor benefit costs into equity** in the form of life insurance cash values, or **into asset perpetuation** when the equivalent value of the retirement pension is paid in the form of a life insurance benefit. In this way, "you and yours" receive value equal to or greater than your retirement system's promise to pay.

By acting now you can have an alternative to the smaller income at retirement!

Contact Jim Boyle, brother of Officer Tom and Bob Boyle at 508-333-4336 or by e-mail at jboyle@ManagedInsurancesolutions.com for a **complementary no obligation** consultation.

Taking back your control

One of the biggest financial mistakes most people make is dependence. Dependence on factors like credit cards and installment loans allows many people to be controlled. The secret to financial literacy is to learn the things that you can control.

You may not be able to control Social Security, but you can control your cash for retirement and you may not be able to control taxes, but you can control the ways to reduce taxes. Below are a few ways that you can learn how to take back your control for you and you family....

Pay Yourself First - Deposit a set amount every month into an investment program. Most people need 3 basic types of accounts:

A. **Emergency Fund** - Set a goal of having three to six months salary set aside.

B. **Short Term Savings** - It's better to pay cash than to get stuck paying high interest credit card rates so save up for things like vacations, down payment for a home/car and big ticket items.

C. **Long Term Savings/Investments** - These include retirement, college and other long term goals.

Make Extra Money - Getting a part time job is an alternative if overtime isn't available. This extra money can be the money to start your investment program.

Adjust Your Priorities - Before you pull out that cash or "plastic money" ask yourself is it a "need" or "want." An easy way to make conscious decisions is to develop a budget and stick to it.

Avoid The Credit Trap - Be careful of "plastic money!" Work towards paying down your debt or pay off your charges at the end of each month to avoid double digit finance charges.

Low Interest Savings - Move money from a low interest savings into a vehicle that has potential for higher returns.

With these few financial tips and some discipline, anyone can overcome obstacles or anxieties that may try to come between you and your families goals of financial security. But nobody else can make it happen; it's up to you!

For more information regarding the tips in this article or other questions please contact Michelle Brathwaite 1-888-205-2108 or go to www.primerica.com/mlbrathwaite



Let me ask you this...

Let me ask you this... why would the Police Commissioner, come out in the press, and issue a mandate that already exists? Why would he create a policy that has been in place forever? Why would he have people believe that there is a widespread problem throughout the department when there isn't one? Furthermore, why would he insinuate that the unions are the reasons that this "issue" hasn't been addressed before his arrival? The new department policy about truthfulness isn't about Police Officers not telling the truth. This new policy is about **Ed Davis** being perceived as a reformer. Frankly, this new policy is a slap in the face to every Boston Police Officer who goes out, day in and day out, and does their job with incredible bravery and integrity. Unfortunately, it will also be the cannon-fodder for every person we arrest and for every attorney that represents them to use against us.

process that every other American citizen enjoys. Should we be held to a higher standard? Yes; we should. Should we be subject to kangaroo courts and bow to unwarranted pressure from special interests? No; we shouldn't. I don't have an issue with terminating Police Officers who have been

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Rule 102 Section 23 deals with truthfulness in department reports. We have a Public Integrity Policy and a Canon of Ethics both of which are clear and direct about the need for Police Officers to be truthful and the consequences suffered on those occasions that they are found to have been not truthful. The Rules of the Department state those consequences can result in termination. So why re-invent the wheel?

As far as the insinuation that the unions somehow endorse untruthfulness and as such have been an obstacle to "reform" is insulting in and of itself. I challenge anyone to find an incident that a union representative suggested that a member not tell the truth. What the unions do is protect their members from the knee-jerk reactions and/or half-ass investigations that are sometimes conducted when issues are raised. The job of the BPPA (and the other unions) is to ensure that our members' rights are protected and they are entitled to the same due

clearly caught lying. Those who do so, only make it harder on the rest of us. We have, unfortunately, come to expect a certain level of distrust from some citizens. It's an inherent consequence of policing in a modern day society but for the Commissioner to walk around and sound off about how the City has seen its biggest decrease in crime in the last 40 years and, in almost the same breath, essentially say that he's worried about his cops lying, is despicable and shameless. Does he really think that he's the reason that crime is down? Does he not realize that crime is down because of the work of his cops? Cops who are working with less resources than they have in the past! It's about time that this Commissioner started promoting the thousands of examples of the great police work done by Boston Police Officers as opposed to pointing at isolated incidents and making it sound like an epidemic. Too bad we got rid of the Mounted Unit, looks like we need a white

horse for someone.

On October 7th, 2009, the BPPA held its annual open meeting of the membership. It was the first time that anyone can remember that there were enough members in attendance to meet the quorum, which are 30 members in good standing. First off, I want to thank everyone who took the time to come down and listen to the leadership and offer ideas about the overall state of the BPPA. After a number of committee reports were made, the topic most important to everyone was discussed. That topic was the proposed changes regarding the distribution of details. The proposed changes were offered by the BPPA Detail and Overtime Committee. As you can imagine a lengthy discussion ensued with some excellent points made and some questions answered. As a result of that discussion, the Committee was asked to clarify some language in the proposal and submit

the proposal, with those changes, back to the House of Reps for further consideration. I am sure that your Shift Reps will have made you aware of updated proposal by the time that you're reading this article.

While on the topic of Paid Details, as many of you have heard, the BPPA is in the process of formulating a media campaign that will clearly show that the use of Flagmen, in the City of Boston, will not result in any savings to taxpayer. In fact, the data collected by the BPPA so far, shows that the actual cost of a

We, as a union, will only be successful in stopping this attack on details if we continue to do them in the most professional manner possible. To not do so, while spending considerable resources, makes no sense.

Flagman in the City will be higher than the cost of a trained, professional Police Officer. At the September House of Reps meeting, the BPPA was authorized to allocate \$50,000 towards this campaign. We are working extremely hard to craft a message that will demonstrate why having Police Officers performing Paid Details is so important to the public's safety. But at the end

of the day, any message we craft or visual we present will be completely overshadowed by that front page photo in the local newspaper of the cop talking on his phone or the cop standing inside the traffic cones with their hands in their pocket. We, as a union, will only be successful in stopping this attack on details if we continue to do them in the most professional manner possible. To not do so, while spending considerable resources, makes no sense. It's up to each of us to hold our fellow Officers up to level of professionalism that we have come to expect. You wouldn't let someone break into your locker and steal your wallet. Don't let them ruin a system that benefits your family.

In closing, I want to urge all of our members to be sure to cast a vote in the upcoming elections. The BPPA has endorsed four (4) candidates for the Citywide Boston City Council race. They are **Andrew Kenneally**, **Felix Arroyo, Jr.**, **Steve Murphy**, and **Ayanna Pressley**. The BPPA has also endorsed two (2) candidates in the Boston City Council District races. They are District 3 - **Maureen Feeney** and District 6 - **John Tobin**. Those endorsements were made after the careful consideration of their ques-

tionnaires in which they addressed a number of issues very important to the membership of the BPPA. As of the writing this article, the BPPA is waiting on the questionnaires from the

candidates in the City of Boston Mayor's race, as well as those candidates in the United States Senate race. When and if, any endorsements are made in those races, we will let you know immediately but regardless of whom you support, please vote and let these elected officials know that we are paying attention.

As always, stay safe.

New lying and truthfulness policy not so new

(continued from page A4)

the human factor and that all things are not black and white and our jobs do not end after sixty minutes and when the credits stop rolling.

Next on the agenda, once again, details. As you all know, **Governor Deval Patrick** is trying to ram flagmen down the City of Boston's throat for so-called state-funded construction jobs. The money they are using for these jobs is federal stimulus money, but because the state is the entity that disperses the resources they are saying the projects are state-funded.

Basically, the Governor wants to implement flagmen regardless of what the Mayor wants and the City of Boston's need. **Superintendent William Evans** and **Traffic Commissioner Thomas Tinlin** have met with the state and debated the pros of having a detail on these construction sites. But

the state, being the state (the Governor) **WANTS** flagmen even though they will be paid \$53 dollars an hour, \$16 dollars more than a patrolman. The Mayor has sent a home-rule petition up to the State House to fix a gap in the new detail regulations.

Hopefully, it will be signed but I would not hold my breath waiting. As I said in my last *Pax* article, we might have to go to the mattresses sooner, than later to keep the benefits we have. So please, be attentive while performing a paid detail whether it is a construction job, bar or sporting event. Be there on your toes, our enemies are out there waiting for us to slip up.

In closing, I would just like to say keep your guard up and watch each other's backs and if you have a problem or concern, call someone and get involved. Debate and questions keep me honest.

Christmas Packages for the Troops

In the next few weeks, we will be asking all police officers to make a donation of \$5.00 per person. We will be collecting this money, to pay for shipping costs, so that we can send Christmas packages to the Boston police officers currently serving in Iraq and Afghanistan. Last year's effort was such a huge success, we are hoping that with a little more planning and collecting, we will be able to send over the gift packs by the end of November. In advance, thank you for your generosity and support for our fellow officers.

Rita Foley

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Commissioner Ed Davis' lying policy: Cops seek protection from false accusations

(continued from page A1)

sioner was himself the subject of "accusations" that an investigation he headed back in the 1980's as a Lowell police detective resulted in a man being imprisoned for 19 years for a rape he did not commit. Dennis Maher spent 19 years in prison and was finally freed in 2003 after DNA evidence exonerated him. He settled a lawsuit against Davis and the City of Lowell for \$160,000.00. According to a published report in the *Boston Globe* (reporter Shelly Murphy, Nov. 7th, 2006): "In court documents, Maher's lawyer, Robert Feldman, alleges that Davis and another officer...falsified a police report, misstating the time of the Lowell rape as part of a plan to undermine Maher's alibi." Hmmm. How could that be? Oh, I get it! Police Commissioners and their political favorites make "misstatements" or "errors in judgement". But the rest of

us "lie". Oh, so that's how it works!

Naturally, police officers will respond in a most predictable and expected manner to the Commissioner's latest assault. Some officers may minimize the opportunities for interaction with the general public, and therefore reduce the possibility of being charged with false accusations. Or, by simply referring opposing parties to court and writing a report instead of resorting to arrests, officers may reduce the occasions for being charged with excessive force or illegal arrest. The bottom line is that police officers will do whatever is necessary to protect themselves, their home and their families from false allegations and the possibility of losing their jobs. The Commissioner's policy has hurt the reputations and credibility of our members and only served to embolden our enemies and adversaries.

Letter to the *Boston Globe*

Re: BPD Commissioner Ed Davis' allegedly groundbreaking "anti-lying" policy

Dear Editor,

Every time a police officer makes an arrest or issues a ticket, he opens himself to accusations of "lying" by the defendant, as there are always two views of an incident from different perspectives. The difference is that we sign documents under the pains and penalties of perjury. Defense attorneys, however, can make baseless, scurrilous charges about the police without fear of legal recriminations.

Undoubtedly, police officers will react to this new policy, which places us squarely behind the termination 8-ball with no recourse, in predictable fashion. Some officers may be reluctant to make arrests, from a legitimate fear of false accusations. Other officers may simply minimize the opportunities for negative

interactions with the public (i.e.: traffic tickets, etc.) which often result in these false allegations.

Before our members can begin to protect the public, we must ensure that our families, homes and livelihoods are protected against this subjective, arbitrary "immediate termination" policy. Once accused, how do we prove ourselves innocent, especially before the management-controlled Internal Affairs Unit, which has been appointed by Davis as the final arbiter of truth? And appealing to the toothless civil-service commission could take years, a prospect most of us simply can't afford.

— James W. Carnell

Boston Police Patrolmen's Association
Area A-1 representative

New BPPA Contest: Identify major intersections in Boston without bums stemming for handouts

(continued from page A3)

George W. Bush for this dramatic increase in homelessness if he were still in the White House?

May I propose a cure for the legions of homeless bums occupying our Boston intersections? How about if each concerned suburban liberal were to pick up an assigned bum (or bums) in their Saab or Volvo at a pre-designated intersection and bring them home to Newton, Wellesley, Dover or Lincoln every night? The concerned liberal could feed and bathe them, allow the bum to sleep in their children's rooms and regale them with tales of urban bummery, and then drop them at Coolidge Corner or Lexington Common in the morning so they could enjoy the fresh air and have a

Starbucks latté before the obligatory lunchtime jug of "Tango" or "Night Train". Then, after the bum urinates and vomits on himself, the Volvo-driving liberal could pick up their personal homeless bum on their way home at night, and that way, homelessness would be solved! There would be no need for the concerned liberal friends of the homeless to seek out a photo-op every Thanksgiving or Christmas at a local homeless shelter ladling out turkey and gravy because each concerned liberal would own the rights to their own personal bum! What a great solution! Please forward the names of concerned liberal volunteers for the "Adopt-a-bum" program to me here at the *Pax Centurion*.

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Cape officers protest civilian flaggers

By Karen Jeffrey, Cape Cod Times

About half a dozen off-duty police officers stood along Route 6A yesterday with signs seeking public support for "local police" as a road crew with a civilian flagger worked nearby.

The officers, who represent a variety of patrol officers around the state, were part of a peaceful protest against the use of civilian flaggers at roadwork sites, said Barnstable Sgt. Thomas Twomey.

The off-duty officers, part of a group called MassCops, notified the police department ahead of time that they intended to stand at the Route 6A site with placards that read "Support local police," according to Twomey.

The group has been holding similar demonstrations at roadwork sites statewide, Twomey said.

An off-duty member of the Barnstable patrolman's union was at the site and kept the police department informed of what was happening throughout the day. Twomey said

the off-duty officers told Barnstable police their objective was a peaceful, informational picket.

For much of their time at the site, the officers did not hold the placards but instead rested them against a stone wall.

In addition to the civilian flagger yesterday, there was a uniformed Barnstable officer at the site, as required by the change in regulations issued by Gov. Deval Patrick last year.

The new rules set up a three-tiered classification system for work sites.

Roads with speed limits of less than 45 mph are the most likely to have civilian flaggers assigned to them.

Some work sites require one police officer if civilian flaggers are going to be used.

Flaggers are paid anywhere from \$15 to \$26 per hour, while police officers receive an estimated \$30 to \$42 per hour, according to the state.

(Reprinted from the Cape Cod Times, October 6, 2009.)



...and our factual response

Dear Karen,

As a police officer in Boston, I read your article entitled "Cape officers protest civilian flaggers," dated Oct. 6th, 2009. Once again, I am shocked by the level of absolute disregard for the truth which characterizes what passes for modern-day journalism. Karen, you reported that "flaggers are paid anywhere from \$15.00 to \$26.00 per hour, while police officers receive an estimated \$30-\$42 per hour, according to the state." Karen, do you occasionally check your sources, or are you simply another bought-and-sold media drone regurgitating misinformation supplied to you from Governor Patrick's bureau of propaganda? In fact, Karen, official state-awarded contracts that have been obtained by the Boston Police Patrolmen's Association clearly indicate that under the prevailing wage law, flaggers employed on projects paid by the state are paid upwards of \$52.00 per hour. We have printed these contractual facts in our *Pax Centurion* newspaper, which is easily obtainable on-line at www.bppa.org, and we have another issue forthcoming which will once again expose the Patrick administration for the utter frauds that they are in regards to this issue. Flaggers cost **MORE** than police officers, Karen, and remove a uniformed officer from the streets. A flagger can do **ONE** thing, and one thing only, Karen: call the police in the event of an accident, incident or emergency. In Boston, our rate is \$33.-\$37.00 per hour, depending on the location of the detail. A state-sponsored flagman costs almost \$20.00 more per hour. Could you, or your fellow agenda-driven, cop-hating journalists kindly explain to me where the "cost-savings" are in this scenario?

If you would like me to fax you some **FACTS** from actual state-awarded contracts regarding how much flagmen are really paid, please forward to me a contact number. The flagman himself, Karen, might be earning \$26.00 per hour, but the company employing him is tacking on insurance, liability and profit costs. Ask a few questions before you write, Karen. It used to be called "journalism." Please call me at 617-438-3263 (cell) or at the BPPA office at 617-989-2772 if you truly desire a few facts about this issue.

— James W. Carnell
Boston Police
Patrolmen's Association
Area A-1 representative

Little girl on a plane

A stranger was seated next to a little girl on the airplane when the stranger turned to her and said, 'Let's talk. I've heard that flights go quicker if you strike up a conversation with your fellow passenger.'

The little girl, who had just opened her book, closed it slowly and said to the stranger, 'What would you like to talk about?'

'Oh, I don't know,' said the stranger. 'How about nuclear power?' and he smiles.

'OK,' she said. 'That could be an interesting topic. But let me ask you a question first. A horse, a cow, and a deer all eat the same stuff - grass - yet a deer excretes little pellets, while a cow turns out a flat patty, and a horse produces clumps of dried grass. Why do you suppose that is?'

The stranger, visibly surprised by the little girl's intelligence, thinks about it and says, 'Hmmm, I have no idea.' To which the little girl replies, 'Do you really feel qualified to discuss nuclear power when you don't know shit? She then opened her book.

Similar conversations have been held between Patrolmen of the BPD and Superior Officers on a daily basis!

It's all in the family

Three members of the McGrath family proudly served the BPD



George McGrath
One of many that were fired during
the Police Strike of 1919.
Grandfather of
George and Jerry McGrath
(both retired).



George McGrath
Served 1968-2002
District 10, District 2, District 11



Gerald (Jerry) McGrath
Served 1969-2002
District 10, District 2, T.P.F..
Special Operations, Harbor Patrol,
Hackney Division
— Special thanks to Jerry McGrath, BPD (retired)

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Mayoral Candidates Respond to Questions from BPPA

Michael Flaherty

1. Do you support the educational incentive for police officers known as the Quinn Bill? Will you actively support the BPPA's efforts to fully fund the State's portion of Quinn (even if that included funding the state's portion by the City)?

I have always been a strong supporter of the Quinn Bill and believe in a highly educated workforce. While the BPPA can always count on me to serve as a voice to advocate for state funding for the Quinn Bill, allocating city dollars to fund this program - or any other program, for that matter - will only be made possible if a performance review and real-time data can demonstrate that this is the most efficient use of our resources at a time of economic uncertainty.



2. Do you believe in residency requirements for police officers and other City workers?

I support residency requirements for city workers because I believe that Boston is a stronger city when our committed and hard working city employees are also our residents. However, I certainly can understand the pressures and factors that workers consider when weighing a decision to stay or move out of the city, as we don't have enough affordable housing options and our public school options are abysmal. As Mayor, I would pursue affordable housing strategies and a complete overhaul of our public schools so that all of our city workers want to stay in Boston and will not have to pursue exemptions, grandfather clauses or completely different job options.

3. Over half the property in the City of Boston is owned by tax exempt entities. Do you support taxing or seeking payment in lieu of tax from these tax exempt entities in the City of Boston? How would you do so?

As a member of the City Council, I have long been an advocate of re-evaluating the "Payment In Lieu Of Taxes" program that currently exists within the City of Boston. Five years ago I created a special committee to bring about PILOT reform and received no support from the Mayor. Now in year 16 Mayor Menino wants to implement a study. We do not need another study, we need political leadership. Currently the PILOT agreements are not uniform or standardized. Perhaps even worse, because the agreements are based on voluntary payments, little sanctions can be imposed for nonpayment. In the end, PILOT agreements are not a reliable or predictable means of generating money for the city. That's why I have repeatedly called on the city to partner with the state Legislature to modify the state tax status of these institutions so that they can begin to pay their fair share of property taxes, which - unlike PILOT's voluntary and arbitrary payments - will provide a reliable source of revenue for the city. Pursuing this kind of strategy will inevitably help lessen the financial hardship endured by individual homeowners who have historically shouldered a disproportionate share of the city's tax burden.

In addition, the city needs to improve its revenue collection abilities through better management and seize the \$66 million it is currently owed in unpaid parking tickets. At the same time as we identify untapped sources of revenue, we must be vigilant in efforts to expunge wasteful spending from our city budget by conducting annual performance reviews that evaluate programs, services and employees by measured results. These annual reviews, in concert with the adoption of CitiStat and its tracking of real-time data, will determine which programs and services need to be improved, consolidated or eliminated. Savings will be redirected to other areas in greatest need and should help avoid any unnecessary layoffs. My administration will be committed to ushering in a new form of leadership and management that achieves government efficiency and transparency.

4. Do you support traffic cameras for capturing pictures of traffic violations and issuing citations? Please explain.

No, however, a Flaherty administration will always embrace new and innovative technology that will make Boston's government more efficient with its resources and dollars. Relying on technology to identify problems on our streets will allow more police officers to redirect their attention to the other public safety matters - namely youth and gang violence - that plague many of our neighborhoods.

5. Do you support the call for a formal study of and recommendations on police jurisdictional overlap within the City of Boston?

Having a master plan for the Boston Police Department (BPD) that articulates responsibilities and functions will clearly strengthen the efficiency of our police efforts and improve coordination and communication among various government entities. My only concern about the proposal to call for a formal study is that so many of our taxpayer-funded studies - and their recommendations - have ended up on a shelf collecting dust over the last 16 years. If a study is the only mechanism for determining jurisdictional overlaps, I would take proactive steps to ensure that the city does its part to implement those recommendations in the timeliest manner possible.

(continued on page A15)

Thomas Menino

1. Do you support the educational incentive for police officers known as the Quinn Bill? Will you actively support the BPPA's efforts to fully fund the State's portion of Quinn (even if that included funding the state's portion by the City)?

I strongly support the Quinn Bill, because it offers incentives for additional education that can provide both professional development for police officers and a safer city for residents. We will continue to advocate for state funding of this important incentive. Whether or not the City can fund any shortfall in the State's appropriation, however, is subject to the City's own financial position and the collective bargaining process.



2. Do you believe in residency requirements for police officers and other City workers?

Yes. I support the agreement we reached with many unions - including the BPPA - to have a residency requirement for 10 years from a person's start date. This provision strikes a fair balance between the interests of the City, its residents, and union members and leadership.

3. Over half the property in the City of Boston is owned by tax exempt entities. Do you support taxing or seeking payment in lieu of tax from these tax exempt entities in the City of Boston? How would you do so?

To increase tax equity and lighten the property tax burden on Boston residents and businesses, we have created one of the most successful Payment in Lieu of Taxes (PILOT) programs in the country. The City will collect over \$30 million in PILOT payments in FY 2010, in addition to other benefits for Boston residents such as scholarships for youth and job training opportunities for adults.

However, we are continuously working to improve the PILOT system, creating one that is even more beneficial for residents and more equitable across institutions. I recently created a task force to take the next step in improving our PILOT system: determining a consistent basis for PILOT payments. This group of leaders, which comprises representatives from the public, the business community, and the institutions themselves, will release a report on their findings this fall. While there are some exemplary partnerships in our existing PILOT agreements, there are certainly institutions that can contribute more, both in payments and in-kind services. The task force will make recommendations to create an equitable structure for future agreements.

4. Do you support traffic cameras for capturing pictures of traffic violations and issuing citations? Please explain.

Recognizing that police officers cannot be in all places at all times, I do support the use of traffic cameras in specific situations to help deter unsafe driving behavior. Those situations include at key red light intersections and in school zones. In our pilot deployment of this technology, we identified a significant improvement in traffic safety. In its implementation citywide, we expect all citations to have final approval from Boston Police officers.

5. Do you support the call for a formal study of and recommendations on police jurisdictional overlap within the City of Boston?

Yes. Clear lines of jurisdiction will only strengthen coordination between public safety organizations, providing for an even safer city. I have filed a home rule petition in order to ensure that the Boston Police Department has concurrent jurisdiction on all Massachusetts Port Authority property. This legislation is an important part of our effort to improve coordination among all public safety agencies.

6. Do you support the use of Boston Police details at roadside construction sites? Please explain.

Yes, I strongly support the use of police details. Not only do details make work sites safer, they also put more officers on the street. I have filed legislation to ensure that there are police details on Massachusetts Highway controlled projects within the City of Boston, including projects that take place on low-speed, high volume roads.

7. Do you believe that the Boston Police Department should have primary jurisdiction over all 911 calls within the City of Boston?

Because of the size and skill of the Boston police force, I believe the Boston Police Department is best equipped to respond to 911 calls citywide.

8. Do you believe private college security forces should have the power to stop motor vehicles on public ways?

The safety of Boston's public roads should be maintained by Boston's police officers.

(continued on page A15)

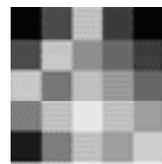
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Governor's "flagman cost-savings" again proven false

(continued from page A1)

with flagman has nothing to do with fictitious "taxpayer savings" and everything to do with the Governor's lifelong animus towards law enforcement. Governor Patrick was formerly an Assistant Attorney General in President Clinton's Justice Department, assigned to the civil rights division, where he worked tirelessly to attack the motives of law enforcement officers and protect the "rights" of criminals. Apparently, that animus towards police officers extends to his total disregard for the facts surrounding the police detail issue while kowtowing to his close friends at the newspaper editorial boards. Under the prevailing wage law, flagmen are actually about \$20.00 more per hour than a Boston police officer, and that's just taking into account base wage comparisons.

The Governor is unlikely to attack the prevailing wage law itself, as that would mean coming into conflict with Massachusetts' unionized building trades. Therefore, the myth of the "\$12.-\$15 per hour flagman" is just that: a myth. And the fact that the company soliciting bids is from New Hampshire is a double-disgrace for a Governor whose mismanagement has resulted in police layoffs and cuts in our own pay and benefits. Despite the facts, the local editorial boards continue to ignore the facts related to this issue, as they don't comport with their anti-detail agenda. The BPPA has begun talks with a communications and research firm to explore ways in which the truth about this issue can be brought to the public's attention.

Flagman proposal from the N.H.-based American Flagging & Traffic Control Co.



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CASE: Officer sought free legal consultation and pursued claims against the vehicle operator and owner - and under his personal auto policy - for lost detail and overtime pay, and compensation for pain and suffering.

OUTCOME: Officer received gross recovery of: \$8,000 in Personal Injury Protection and \$10,000 in additional medical payment benefits, \$20,000 insurance policy limits for the defendant operator and owner, and \$80,000 in Underinsured Motorist benefits.

ATTORNEY: Scott Goldberg

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The BPPA Commemorates the 90th Anniversary of the Boston Police Strike



The Foley family.

On Wednesday September 9th, the Boston Police Patrolmen's Association unveiled a plaque commemorating the 90th anniversary of the Boston Police Strike.

The plaque was affixed to the wall of J.J. Foley's Café on East Berkeley Street, which was the location of Fay Hall. It was here that the proud members of the Boston Social Club took their historic vote to strike after their leaders were fired for attempting to form a union. The Police Officers who left their posts on September 9th, 1919 were never rehired.

It was a great evening that was started by an outstanding performance by the Boston Police Gaelic Column. Boston City Councilor **Bill Linehan** sang the National Anthem and department Chaplain **Fr. Sean Connor** offered the blessing. Former Attorney General **Robert Quinn** and former Mayor **Ray Flynn** unveiled the plaque. Following the unveiling of the plaque, BPPA Shift Rep. **Jim Carnell** explained the history surrounding the Police Strike. BPPA President **Tom Nee** then spoke about the courage of those men who took a stand and did what was right and how 90 years later we still need to stand up for what is right and fair.

A reception followed at J.J. Foley's, courtesy of Jerry and the entire Foley family. We were joined there by many fellow BPPA members, their families, friends, leaders of local unions, and elected officials.

A special thanks to **Melissa Ostrow** who generously allowed her photos of the event to be used for the *Pax*.



Former Attorney General Robert Quinn and former Mayor of Boston Ray Flynn unveil the plaque.



BPPA Rep. Jim Carnell explaining the history of the 1919 Police Strike.

Photos courtesy of

MELOPHOTO

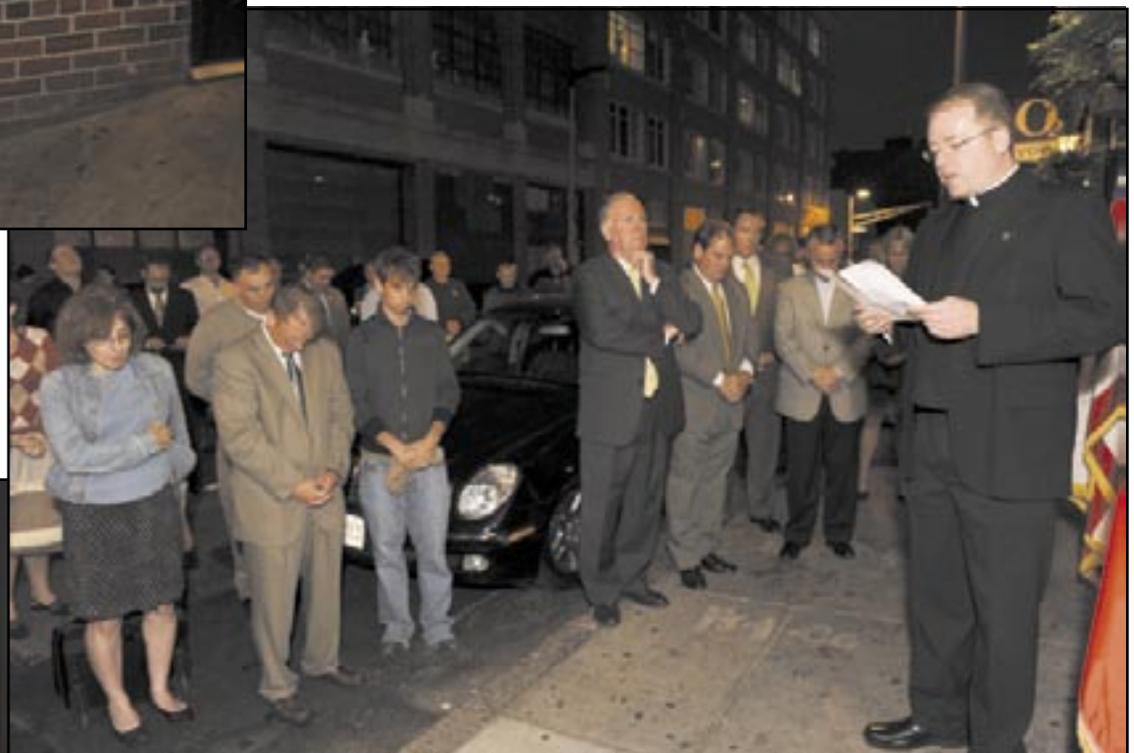
Melissa Ostrow
www.melophoto.net
 Boston based editorial photographer,
 specializing in events, food, interiors, and portraits.



BPPA President Tom Nee spoke of the courage of the 1919 Boston Police force.



Boston City Councillor Bill Linehan singing the National Anthem.



BPD Chaplain Fr. Sean Connor delivers the blessing.



Former Attorney General Robert Quinn - author of the "Quinn Bill."



The Boston Police Gaelic Column performing outside J.J. Foley's.

**“IF PROTECTION
IS THE ISSUE...**



**GLOCK PERFECTION
IS THE ANSWER!”**

Mayoral Candidates Respond to Questions from BPPA

Michael Flaherty

(continued from page A9)

6. Do you support the use of Boston Police details at roadside construction sites? Please explain.

Yes. As a former assistant DA I seen first the impact that police details have on reducing crime. Our city and its neighborhoods are safer any time we can have more police on the streets. Regretfully, for some of our neighborhoods, police working details are the only police that residents see in their community. In a Flaherty administration, a comprehensive deployment plan will be developed and implemented to ensure that all of our neighborhoods are properly and equally protected by the BPD and that each of our district stations are armed with a crime plan that specifically addresses the crime and violence problems unique to each neighborhood.

7. Do you believe that the Boston Police Department should have primary jurisdiction over all 911 calls within the City of Boston?

Yes. No one understands the city and the neighborhood crime problems better than the BPD.

8. Do you believe private college security forces should have the power to stop motor vehicles on public ways?

No, Under a Flaherty administration, the Boston Police Department would have the sole authority to stop motor vehicles on public roadways.

9. Have you ever crossed a BPPA or any union / labor picket line? Please explain.

I have never crossed a picket line unlike my opponent who has crossed on several occasions. In fact, as a former Teamster I have stood with labor on the line and I will continue to stand with labor in the future.

10. Do you support civil service system for testing police candidates for entry or promotion? Do you support the banding of test scores in promotional exams?

No, I believe that the Civil Service test does not accurately reflect a person's potential and performance as a Boston Police Officer. In fact, we need to strike a balance between proficiency on the test and actual job performance. Police officers should be rewarded through assignment and/or promotion for their hard work and dedication to service, not for their political work and connections. I do not support the current banding of test scores for promotion.

11. Since the early 1990's the Massachusetts State Police has significantly grown into one of the largest law enforcement agencies in the state. This growth has come at the expense of local police departments. Do you support the use of Mass. State troopers policing inside the neighborhoods of Boston?

I understand that there are jurisdictional disputes that flare up from time to time, but as a former DA who has worked with both organizations and respect the work they do, we cannot afford to have a us verses them mentality when it comes to keeping our residents safe. We need to identify ways to communicate better and work together in an effort to reduce crime and violence in the City.

12. Do you support the City's employees joining the Group Insurance Commission?

Yes. Our health care costs are bankrupting the city, rising 92% between FY01 and FY07. Fortunately, the state Legislature and Governor Patrick has paved the way for us to trim this enormous personnel cost. We already know that joining the GIC has saved the city of Springfield more than \$19 million. And recent data from the Governor's office shows us that other cities that have joined the GIC are achieving meaningful savings that can be redirected toward their classrooms, their police force and other critical services that have been compromised by funding cuts. For example, the city of Quincy has already saved \$10 million.

If negotiated well, city workers could get a better deal by joining the GIC in this time of economic uncertainty. Taxpayers will no longer have to foot the city's expensive health care bills and city employees will have access to quality health insurance. However, I believe that we must be able to revisit the issue of health care when it stops making economical sense for the residents of Boston.

13. Do you support collective bargaining to any changes to the City's health plan?

Yes. I believe only through fair and open negotiations with union workers will we be able to achieve meaningful reforms and savings that will benefit everyone.

14. Do you think impact bargaining is sufficient when changes are being made to the health plans offered by the City?

Impact bargaining is not sufficient when changes are made after contracts have been signed by unions. It would only give unions the ability to negotiate the effect of a change and not the subject matter itself. Under a Flaherty Administration, if we felt the need to make a change, we would work with the labor unions and have them at the table with us rather than trying to dictate the terms.

Thomas Menino

(continued from page A9)

While private college security forces should be able to stop motor vehicles on private ways within campuses, the public ways should be the domain of the Boston police.

9. Have you ever crossed a BPPA or any union / labor picket line? Please explain.

During a prior round of negotiations, I attended a number of events for which I was the lead speaker and at which the BPPA was protesting. These circumstances were among the most difficult of my mayoral tenure, which is why I was particularly pleased that the City and the BPPA were able to voluntarily enter into the most recent contract agreement. I have a long history of being a strong supporter of labor unions and their efforts for fair wages and working conditions.

10. Do you support civil service system for testing police candidates for entry or promotion? Do you support the banding of test scores in promotional exams?

I support the civil service system for testing police candidates for entry or promotion. I also believe that limited banding is an important tool to provide management with some discretion when making promotions.

11. Since the early 1990's the Massachusetts State Police has significantly grown into one of the largest law enforcement agencies in the state. This growth has come at the expense of local police departments. Do you support the use of Mass. State troopers policing inside the neighborhoods of Boston?

Boston police officers should always be the primary policing force in neighborhoods. While the State Police may have a limited role (i.e. policing State property), it is our force that has the presence, the knowledge and the relationships to best protect our constituents.

12. Do you support the City's employees joining the Group Insurance Commission?

No. While the GIC has slowed the increase in healthcare expenditures for the state, I am fighting for city-controlled solutions. Please see response to question 13 for more detail.

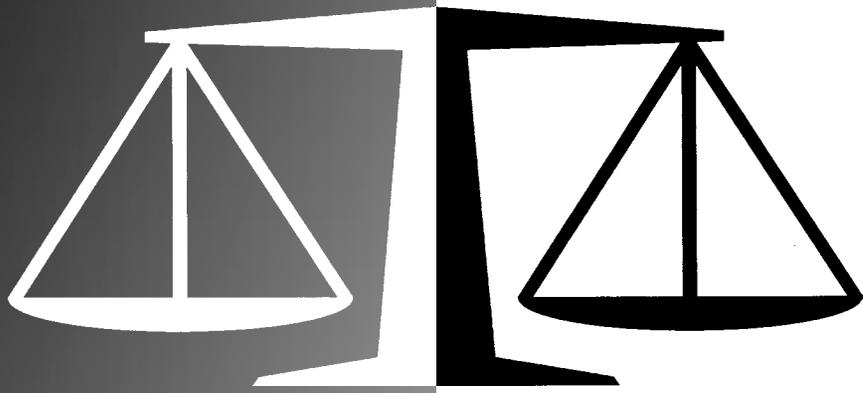
13. Do you support collective bargaining to any changes to the City's health plan?

The City needs to have some ability to take modest steps to control the annual increases in health insurance. The current collective bargaining requirements have proven to be too restrictive to achieve this. While I don't support forcing employees into the GIC, I do believe that the City needs tools similar to those the State already has.

14. Do you think impact bargaining is sufficient when changes are being made to the health plans offered by the City?

The sufficiency of impact bargaining depends on the scope of the changes and whether those changes were initiated solely by the health insurance provider or in collaboration with the employer.





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BPPA Retired Patrolmen's Division News

Pension Reform in Need of Reform



Directors of the
Retired
Patrolmen's
Division of the
BPPA:
John Murphy
David Mackin
Joe Vannelli
Joe O'Malley
Billy Flippin

By Leigh A. Panettiere and
Kenneth A. Grace, Sandulli Grace, P.C.

As most police officers are aware, the Massachusetts Legislature passed a bill this summer amending the pension law to exclude certain salary items from the retirement benefit calculation, and to change the period during which disability pension benefits are calculated. On July 1, 2009, Senate bill 2079, "An Act Providing Responsible Reforms In The Pension System" (Chapter 21 of the Acts of 2009) took effect. The text of this law can be found on our firm's web site, www.sandulligrace.com.

Commonly called "pension reform," the legislation expressly excludes a number of public employee benefits from regular compensation for the purpose of making pension calculations, such as clothing allowances paid directly to the employee, hous-

ing, lodging, car usage and travel. If any of these benefits are covered by a collective bargaining agreement and have been subject to pension deductions, the legislation further provides that they will still count toward the retirement calculation, but only for the duration of the contract, and in no event later than June 30, 2012.

Of the specifically named benefits, the one having the most potential to impact retiring Massachusetts police officers is clothing allowance. A number of police contracts across the state pay clothing allowances by stipend rather than by voucher. Where those payments have had retirement deductions, they will still count toward the retirement calculation, but only for the duration of the contract and not later than June 30, 2012. This gives police unions the opportunity to roll such allowances into the base pay in their

next contract negotiations if they want this money to be pensionable in the future.

Although the legislation was very clear about the pension status of some benefits, other parts of the law were poorly drafted and therefore have been subject to different interpretations. Generally at stake is the exclusion from the retirement calculation of such benefits as longevity, hazardous duty pay, specialist stipends and shift differentials even though retirement contributions may have been made from these benefits throughout an officer's career. As of this writing, significant questions still remain unanswered about the level of benefits police officers across the Commonwealth will receive when they retire. Even under the worst case interpretation, however, "pension reform" should have little or no impact on the BPPA membership. Fortunately, your collective bargaining agreement has been negotiated to protect the inclusion of current benefits as part of your base pay for retirement.

lic comment and legislative review. Until then, the following is a breakdown of the pensionable benefits in the BPPA contract and how we expect them to be treated under the new law.

1. Uniform Allowance.

As discussed above, the new law expressly excludes uniform allowance from regular compensation. Prior to pension reform, some retirement boards included clothing allowances in pension calculations and some, like Boston, did not. If a police officer is receiving a cash uniform allowance that previously had pension deductions, that benefit will be pensionable for a limited time in the future, but only under a current collective bargaining agreement which provides the clothing allowance payment, and no later than June 30, 2012. For BPPA members, while the clothing allowance has been paid in cash, it has not been previously subject to retirement deductions. Consequently, there will be no impact on a Boston police officer's retirement. If we want to count the clothing allowance for retirement in the future, we will have the opportunity to roll the stipend into the base pay as part of the upcoming contract negotiations.

2. Longevity.

There is ongoing debate within PERAC about the inclusion of separate longevity payments as part of the pension calculation. If paid as a lump sum once a year, the longevity benefit is "regular and recurring", but some maintain that such payments are not part of an officer's "base salary". For a number of police contracts, the treatment of longevity as a pensionable benefit will be a concern - at least until PERAC issues its regulations. In the case of the BPPA, however, we already have contractual protection which provides that longevity will be paid weekly as part of an officer's "base pay" and that longevity pay will be considered "regular compensation for pension/retirement purposes".

3. Stipends.

PERAC posted a "frequently asked question" and answer on its website in July stating that EMT, Hazardous Material, Defibrillator, Homeland Security, Stand-by payments, and "other similar payments" will only be included in regular compensation if they are "part of base pay," arguably excluding lump sum payments even if they are made regularly. We believe this opinion is inaccurate in light of the statutory language and comments that have been made by legislators. Senate President Therese Murray has stated that, "ALL other current benefits [except for the limited number specifically subject to the sunset clause] that are considered 'regular compensation' now will con-

(continued on page A22)

Retired Patrolmen's Division News Briefs

Retirees Granted 10% of the Vote

Not Yet! There is proposed legislation that would require municipalities with higher per-person health insurance costs than the state (Boston is higher) to enter into coalition bargaining. Coalition bargaining (section 19) grants retirees a seat at the bargaining table, along with active employees on health issues. The BPPA is ahead of the curve in that it established a Retirees Division over a year ago (reason number 1 for joining).

★★★★★

At September's meeting of the Retired Division, **John Murphy, David Mackin, Joe Vannelli, Joe O'Malley and Billy Flippin** were voted back for a three-year term as the Board of Directors. Bill Flippin will represent us at BPPA meetings.

★★★★★

Our next meeting is 1:00 pm on **November 5, 2009** at the offices of the BPPA. All retired patrolmen and patrolwomen are invited. The guest speaker will be **Ralph White**, president of the Retired State, County, and Municipal Employees Association of Massachusetts. Ralph is the most knowledgeable person in this state on our retirement issues. Please come with any and all questions.

★★★★★

BPPA Retired Division dues are \$24.00 per year. Please mail the application below and a check made payable to the BPPA if you have not done so already. The Board of Directors have voted that officers who joined before September 1, 2009 will have a renewal date of March 15, 2010. Those joining after September 1, 2009 will have a renewal date of March 15, 2011.

★★★★★

Members of the Retirement Division are entitled to enroll in the dental plan sponsored by the BPPA. Open Enrollment is in April. The BPPA also has passes to the Children's Museum, Aquarium and the Franklin Park Zoo (available upon request). To be placed on the mailing lists for the *Pax Centurion*, please contact the BPPA. Retirement and health updates from our Legislative Aide **James Barry**.

A. "Regular Compensation" Prior to Pension Reform

As most of you know, the amount of your retirement allowance is a function of three factors: (a) your age; (b) years of service; and (c) the amount of your "average salary". Your "average salary" is calculated by taking your three highest years of income (without overtime or details), or what is known as "regular compensation". Up until the passage of the new law, regular compensation included "salary, wages or other compensation in whatever form." Accordingly, monetary benefits that were paid on a regular basis such as longevity, hazardous duty pay, longevity and night shift differential were all considered part of "regular compensation" for the purpose of determining the amount of your retirement allowance.

B. Change in the Definition of "Regular Compensation" on July 1, 2009

The new definition of "regular compensation" now limits regular compensation to "wages" and defines wages as "base salary or any other base compensation paid to an employee." Payments that are permanent increases to base pay will continue to be considered regular compensation for retirement purposes. However, incidental or one-time payments which are "not regular or recurring" are excluded. The questions come with benefits which are not part of an employee's periodic paycheck but nevertheless are paid regularly on an annual basis by means of lump sum stipends. The Public Employee Retirement Administration Commission (PERAC), the state administrative agency that oversees pension calculation matters, has provided confusing guidance on how to treat "regular or recurring" benefits that might not be part of a regular paycheck. PERAC is in the process of drafting regulations for this and other parts of the pension reform law. Once drafted, the proposed regulations will be subject to open hearings, pub-

BPPA RETIRED PATROLMEN'S DIVISION MEMBERSHIP APPLICATION

Date: _____
Name: _____
Address: _____
City, State, Zip: _____
Home Phone: _____ Cell Phone: _____
Date of Appointment: _____ Date of Retirement: _____
Email: _____

Annual Dues are \$24.00. The year runs from March to March.

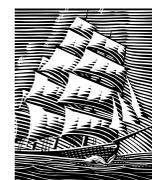
Please mail this application and \$24.00 annual dues to the:
BPPA Retired Patrolmen's Division
9-11 Shetland Street, Boston, MA 02119

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Killed in the Line of Duty: November 25, 1934

Boston Police Patrolman James Brickley

By Ray Melo

By November, 1934, bankers and law enforcement officials were breathing a little easier. The notorious gangster Pretty Boy Floyd was killed by the FBI, and Bonnie Parker and Clyde Barrow, A.K.A. Bonnie and Clyde, were shot and killed by Frank Hamer, and his posse. However, John Dillinger and a host of other gangsters still terrorize the land. Alcatraz, the inescapable prison in San Francisco Bay, just opened and started taking in guests. An unknown guy calling himself Adolf Hitler proclaimed himself Fuhrer of Germany, the Head of State.

It was a little after midnight, November 25, 1934, Thanksgiving Eve, when a nameless soul walked up Washington Street and crossed over Beech Street enjoying his cigarette. He leaned into his walk and strutted up Bellevue Hill, Boston's highest point towards the VFW Parkway. To his left was a local dump, and it stretched from Beech Street almost to the VFW Parkway. During the day it served as a playground for many children and at night the rats played.

The late night walker inhaled the last of his cigarette and then exhaled. His smoke raced out of his nostrils like a fire breathing dragon. He carelessly flicked his lit cigarette into the darkness and went on his merry way. The burning cigarette landed in an isolated corner of the dump. Leaves, brush, paper, plastic, wood, and other discarded household items were perfect for kindling. The lit cigarette smoldered and ignited the combustibles. The infant glow crescendoed into an open flame and it started to consume everything in its path. Nearby homes and businesses were now endangered.

Frederick Wagner was heading home to 109 Orange Street when he saw the flames. Standing guard at the corner of Beech and Washington Street was fire alarm box 2571. Mr. Wagner scurried over to the fire alarm box and pressed the fire alarm switch which in turn would cause a fateful chain reaction. Working like it should, the signal code raced through the cable and found its way into fire headquarters.

Patrolmen James Brickley, A.K.A.,

Jimmy, John Stripling, William Carroll, James O'Brien, Fleming, and Coleman gathered in the guardroom for their last half tour of duty 12:30 A.M. to 7:45 A.M. The men arrived early and talked about the upcoming Thanksgiving Holiday. This Thanksgiving was like the last three, quiet with less jubilee. The Great Depression still strangled the world and America was not exempt. The patrolmen knew they were fortunate because they had a job with a little money coming in.

Sergeant Frank Kelley entered the guardroom at 12:30 A.M. and the officers sprang to attention. "Patrolman Brickley and Stripling, you men have the radio car 17-R. Patrolman Fleming and Coleman, you guys have the 1700 ambulette."

"Patrolman Carroll and O'Brien, you men have your walking beats. Make sure you document any street lights out and double check those business door locks."

"Times are rough and we want to keep people honest. Patrolman Brickley, you and Stripling drop off Carroll and O'Brien at their walking beats." "Yes Sir, it will be my pleasure, Sarge!" Patrolman Brickley said.

A bell rang and the ticker tape machine at Boston Fire Headquarters started spitting out 2571...2571...2571. The fire dispatcher yelled out to his partner, "Hey Joe," I have alarm box 2571 coming in. Joe replied, "Which one is that?" "It's at Beech and Washington Street in Roslindale." "Alright, I'll call Engine Company 45. You call the police and let them know what we have." The dispatcher said, "I'm calling them right now. Hello Boston Police, this is fire headquarters and we have an alarm activation at box 2571 at Beech and Washington Street in Roslindale." "Ok, we'll send a car. Thanks!" Click.

The telephone rang at Engine Company 45 located at 4246 Washington Street in Roslindale Square. The fireman on duty wrote down the alarm address and hit the alarm bell. The fire alarm bell rang and shook the sleeping firefighters out of their cots. With bad breath and sleepy eyes, the firemen got dressed and slid down the Fire-

man's pole in record time. The driver pumped the gas pedal several times and turned the ignition. The cold engine of the American LaFrance Rescue Wagon came alive and clouds of black smoke billowed out of the exhaust quickly filling the garage. Another fireman quickly raised the garage door by yanking down on the chains.

The door opener jumped into the front passenger seat while five of his buddies jumped into the rear of the open truck. Engine 45 came racing out of the station like a horse out of the starting gate. The five men sat on two wooden benches and they leaned and rolled with each turn of the truck. Wooden ladders dangled from each side of the truck and they smacked into the side of the truck with a bang at each bump and turn.

Patrolman Brickley took control of the squad car as the other officers jumped in. As Patrolman Brickley drove away from the station, his squad car radio came alive, "Car 17-R, we have an alarm box activation at Beech and Washington Street. Go by and check it out." Patrolman Stripling grabbed the radio mic and said, "Car 17-R has that."

Officer Brickley whipped the squad car around and drove with urgency. As the officers approached Beech and Washington Street they saw the glow of the fire. The officers arrived first and Patrolman Brickley parked to the side of the road. The patrolmen exited the squad car and took strategic positions in the road to help guide the fire truck in and direct traffic.

The dump fire illuminated the area like a large bonfire. Residents Joseph Dashner, William Blake, John Johnson, William Hawking, and Frederick Wagner gathered on the sidewalk to watch the event. The big question in their mind was how did the fire start?

42 year old, Alex Marinakis, of West Roxbury was driving a friend's Dodge pickup truck home. He happened to be driving behind the responding fire truck as they headed up Washington Street. Marinakis saw the fire up ahead and it was late. The last thing he wanted was to be struck behind a fire truck while they fought a fire. He is short of patience and common sense and he started to plan his maneuver.

Patrolman Brickley stood in the middle of Washington Street and he directed the fire truck on its approach. Marinakis's eyes jumped back and forth between the blaze and the fire truck. He was not paying attention to the road and he made his move to pass. He increased his speed and abruptly swung his pickup truck out from behind the fire truck and into the path of Patrolman Brickley. The large headlights of the



Boston Patrolman James Brickley circa May 1926

pick up truck pounced on Officer Brickley and a loud thud rang out. His service cap spun out of control high in the midnight air. Patrolman Brickley's body was tackled by the heavy vehicle. The truck's front left headlight, fender, and hood caved in and the front windshield was shattered. In an instant the patrolman lay twisted, unconscious, and bleeding in the street.

"Jimmy!" Patrolmen Stripling and Carroll cried out. They were horrified and ran to his side and dropped to their knees. Patrolman O'Brien ran to the squad car and radioed the station. Three of the firefighters stayed with the patrolmen while the other firefighters doused out the fire. The bystanders gathered around the officers and held their breath.

Marinakis stopped and got out of the truck and he was grabbed by Patrolman Stripling. Patrolman Fleming and Coleman quickly arrived in the ambulette and the officers carefully picked up their mortally wounded brother and placed him in the division ambulette. They raced to Boston City Hospital and Patrolman Brickley was rushed into the emergency room. Nurses flocked to the wounded officer where he was examined by Doctor John Holleran. The Doctor nervously said, "What happened to him?" as he was quickly checking Officer Brickley's vital signs. Patrolman Fleming said with a quelling voice, "A God damn truck hit him." Patrolman Brickley had no vital signs and he was pronounced dead on arrival of a skull fracture. Patrolman Fleming immediately called Division 17. *Boston Police Officer James Brickley was killed in the line of duty serving and protecting the citizens of Boston.*

It was 1:45 A.M. when Lieutenant Fitzpatrick of Division 13 arrived at 137 School Street in Jamaica Plain, Officer
(continued on page A22)



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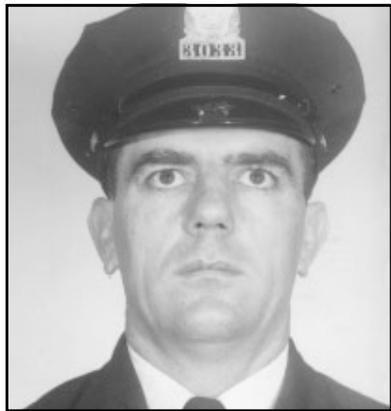
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In Memoriam

**They Served With
Dignity and Honor**

We Shall Not Forget Them



**Police Superintendent
John F. Geagan**
August 21, 2009



**Police Officer
Joseph B. Kelly**
August 22, 2009



**Police Detective
Edward J. Barrett**
August 26, 2009



**Police Officer
Richard J. McCormick**
September 12, 2009



**Police Officer
Philip A. O'Connell**
September 18, 2009



**Police Officer
Joseph J. Borkowski**
September 23, 2009



**Police Officer
William P. Hayes, Jr.**
September 25, 2009



**Police Officer
Lawrence Flanagan**
October 4, 2009

We apologize for any errors or omissions.

Killed in the Line of Duty: Boston Police Patrolman James Brickley

(continued from page A19)

Brickley's home. The house was quiet and peaceful when **Mrs. Edith Brickley** was awakened by a loud knock at the front door. She was startled and she jumped out of bed and looked out of the window. She saw a police car outside and she threw her robe on and hurried down stairs. She knew something was wrong. Why else would a police officer be banging on her door so late? Their 13 year old daughter, **Edith**, woke up too, and she stood at the top of the steps looking down at her mother. The parlor light went on and she peeked out the front window again and opened the front door. "Is there a problem officer?" "Are you Mrs. Brickley?" Fear and anxiety flooded her soul. Mrs. Brickley clinched the collar of her robe, and said, "Yes. Is there something wrong with Jimmy?" "Can I come in?" Tears flowed down her cheeks when she was told of her husband's fate. Their lives changed forever more. There would be no celebrating this holiday season and the Thanksgiving pie Mrs. Brickley made for her husband would never be eaten.

Sergeant Frank Kelley of Division 17 was on scene and he arrested Marinakis. He was taken to District 17 and a complaint of manslaughter and driving to endanger was filed. **Inspector Mullen** of the Registry of Motor Vehicles arrived and examined the automobile for defects and started his investigation. The witnesses were taken to the Bureau of Records at Police Headquarters and statements were taken in the presence of **Deputy Superintendent John Anderson** and **Captain John Hanrahan**. Bail was set at \$3500.00 dollars and a few days later Marinakis made bail and was released. The investigation continued and the department went forward with the charges against Marinakis.

Patrolman James Brickley's wake was

held at his house. A new American flag draped his casket and flowers filled the parlor. Family and friends gathered in the kitchen while hundreds of well wishers lined School Street waiting to pay their respects to Patrolman Brickley and his family. **Mrs. Edith Brickley Snow** recalled, "My father was a loving father, and a wonderful husband. He was a hard worker and he enjoyed his job. My father always made my younger sister and I giggle."

Command staff and patrolman from across the city and state stood in formation with many veteran groups. Hundreds saluted Patrolman James Brickley as the truck carrying his body passed by. The funeral zig-zagged through the back streets of Jamaica Plain to Mt. Hope Cemetery. The family priest praised Patrolman Brickley as a sailor, husband, father and a police officer. A Navy detachment from the Charlestown Naval Base gave a 21-gun salute. The bugler played "Taps" off in the distance.

When the investigation and court process was completed, Marinakis was found not guilty of manslaughter, and the incident was ruled a tragic accident. Marinakis was liable for operating to endanger and his license was revoked.

Patrolman James Brickley was born in Boston, MA on December 6, 1891. He was a World War I Veteran. At the age of 24, he enlisted in the United States Navy on June 6, 1916 and was stationed aboard the Destroyer tender, USS Dixie. Sailor Brickley was a Petty Officer 1st Class and had a specialty of Fireman/Coppersmith. He was Honorably Discharged on June 4, 1921.

Patrolman Brickley was appointed to the Boston Police Department on January 25, 1922. He worked in Division 1, 5, and 17. His hat badge number was 528. He was survived by his wife, **Edith**, and two daugh-

ters, **Edith** 13, and **Janet** 3 years of age. He is buried at Mt. Hope Cemetery in

Mattapan. **Patrolman James Brickley, you may be gone, but you are not forgotten.**

Pension Reform in Need of Reform

(continued from page A17)

tinue to be considered 'regular compensation.' Moreover, the Chairman of the Senate Ways and Means Committee Chairman, State Senator Steven Panagiotakos, has stated that the legislature "did not intend for such compensation ... to be excluded from pension calculations, only housing and travel allowances and annuities." We are lobbying for a clarification, but as yet there is no definitive answer as to how these benefits will be treated on a statewide basis.

For the BPPA, the agreement already has addressed the regular compensation/base pay question for each of the separate benefits negotiated with the City of Boston. For hazardous duty compensation, assignment pay, night and weekend differentials and response specialist pay, eligible officers are paid: 1) weekly; 2) as part of their "base pay"; and 3) as "regular compensation" for retirement and pension purposes. So, all of these payments should be pensionable under the new law, barring some unforeseen interpretation from PERAC.

4. Enhanced Longevity Payments.

This benefit has been eliminated not as a result of "pension reform," but by a regulation adopted by PERAC in 2006. The new reg excludes from regular compensation enhanced longevity, superlongevity, or other so-called "Lexington Plans" designed to trade sick leave buyback and other end-of-career payments for a three-year bump in salary. Any such payments made pursuant to a contract that was in effect prior to January 25, 2006 will still be included. The BPPA does not have enhanced longevity payments in its contract, so there is nothing to worry about here.

5. Quinn Bill.

Quinn Bill payments are expressly *included* in regular compensation, primarily because the Quinn Bill statute (M.G.L. chapter 41, section 108L) specifically calls for "base pay" increases. Moreover, PERAC has already stated that there is no question that Quinn Bill payments will count toward retirement calculations. We do not expect this to change.

C. Disability Retirement Benefits

The new legislation has also changed how the disability retirement pension is calculated, purportedly in an effort to crack down on employees who are injured in one rank then retire in a higher with a salary level they never earned as an active employee. Unfortunately, the statute is worded so that many more retirees will be impacted than supposedly intended. The problem is in Section 8 of the new law. Prior to the change in the law, an employee who was granted an accidental disability retirement received the 72% pension based either on a) the annual

rate of his regular compensation on the date of his injury, or b) the annual rate of his regular compensation for the 12-month period for which he received regular compensation immediately before the effective date of his retirement, whichever was greater. Since most officers are on full paid injury leave until they are approved for an accidental disability retirement, the latter 12-month calculation method normally has been used because it resulted in a higher base for the 72% calculation.

The new pension law added language for an individual injured while in a temporary or acting position that eliminated the 12-month language (immediately before the effective date of his retirement) and replaced it with the "annual rate of the individual's regular compensation during the previous 12-month period for which he last received regular compensation immediately preceding the date such injury was sustained...". This language appears to have been designed to remedy the problem of someone who previously got a higher 72% calculation based upon a temporary upgrade (the so-called "King for a day" abuse). However, the new law also eliminated the 12-month language as an alternative for calculating the ADR pension for others who were not in temporary or acting positions. As a result, all ADR pensions effective on and after July 1, 2009 will have the 72% benefit based on the officer's annual rate of compensation on the date the officer sustained his injury, which in many cases will mean years prior to their actual retirement dates.

We have been told that those drafting the pension reform bill did not mean to sweep all accidental disability cases back to the injury date, but that the intent was to only address the temporary/acting situations. The BPPA is currently lobbying to fix this problem, and we are hopeful that this effort will pay off in the immediate future.

D. What Happens Next?

PERAC will be issuing proposed regulations on the pension reform legislation this fall. It is the BPPA's position that any benefit that was pensionable in the past before pension reform should be pensionable in the future, unless specifically excluded by the legislative language. This is the easiest way to administer the law given the wide variety of benefits now available in collective bargaining contracts. As to the error on the date for calculating disability retirements, a change to the law has been drafted by the BPPA and has received favorable reaction. We believe that the problems of pension reform will be rectified through PERAC's administrative regulations and/or legislative amendment.

Thank you

I had the pleasure of talking with **Mrs. Edith Brickley Snow** in May of 2007. She sent me the nicest letter about my research on our fallen officers. I called Mrs. Snow and found her to be soft spoken and pleasant. We talked at length about her father, **Patrolman James Brickley**. She recalled, "My father was a gentle man who loved and cared for his family. He loved being a policeman and he had a lot of friends. He looked really good in his uniform too. It was tough during the Great Depression, but my father always provided for his family. It was a very sad day when my father died. It's a shame he was killed because of a small fire."

Mrs. Snow went on to tell me that her sister, **Janet**, married a Boston Police Officer, **Cornelius Murphy**, and that she married a Boston Police Officer, **Paul Snow**. Officer Paul Snow later became a Detective and his partner was **Detective George Holmes** who was killed in the line of duty in 1963. I thought that was an eerie coincidence. Sadly enough, **Mrs. Edith Brickley Snow** passed away in July of 2007 at 86 years of age. God bless you and rest in peace.

Thank you, **Officer Mike Kane** for sending Mrs. Snow to me. Thank you **Mrs. Deborah Snow Cannata**, daughter of Mrs. Edith Snow, for the conversation and the pictures. I am ecstatic to show the never seen before picture of your grandfather in his police uniform. Mrs. Cannata recalled, "My mother told me whenever Marinakis tried to get his license back, my grandmother would always go to the Registry and fight it." I hope she was always successful. Finally, thank you, **Mr. Jim Kelly**, of the West Roxbury District Court, for assisting in my research. The next time you pass by or receive a 911 call for the Washington-Beech housing projects remember the sacrifice that Patrolman James Brickley made in the street. The housing project is the site of the dump fire. If you would like to make a comment please go to www.Silvershield.org

— Ray Melo

See Pension Reform Phase II article by Attorney Ken Grace on page B13.

MORTGAGES

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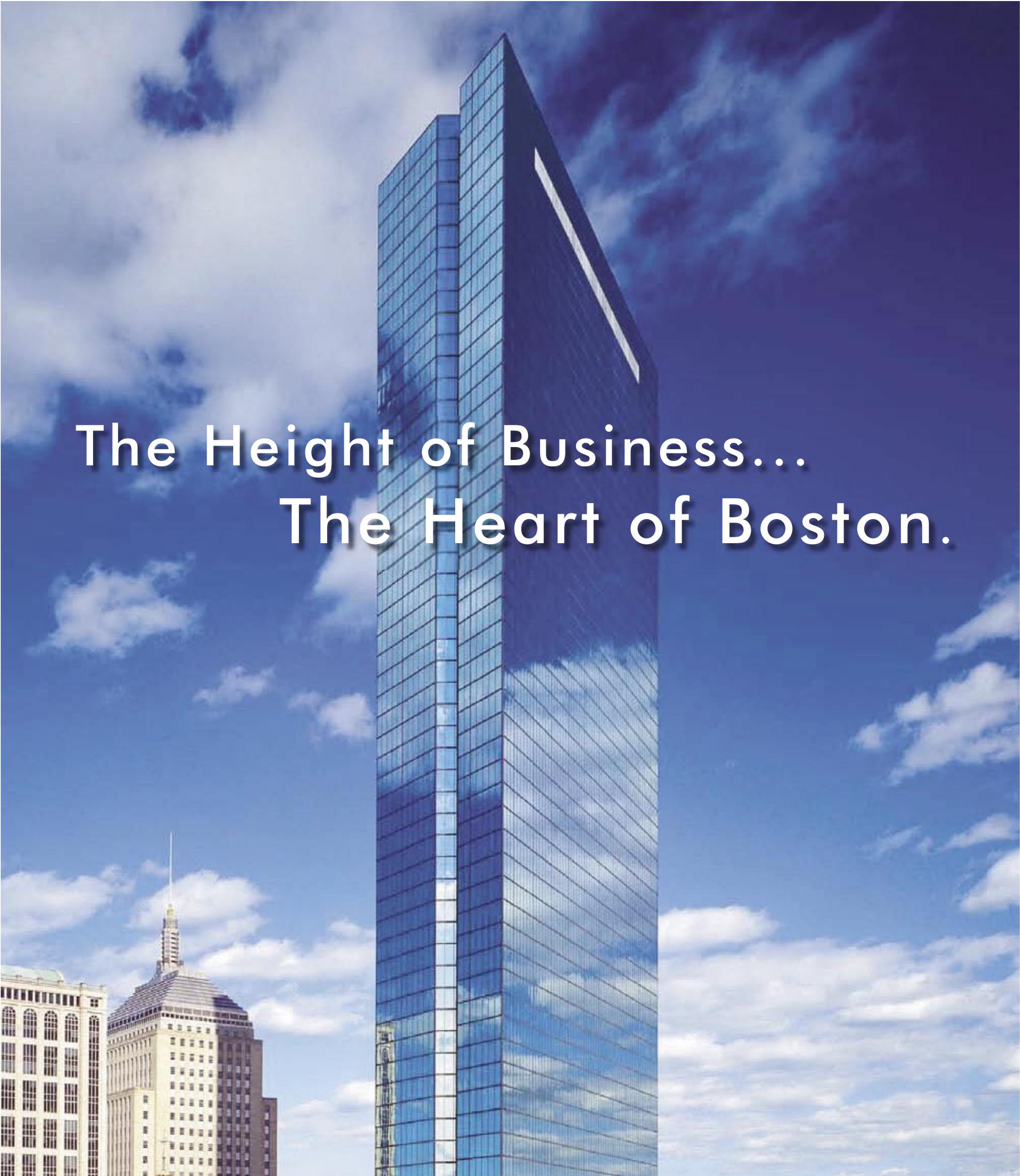
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City Council Candidates Acknowledge BPPA Endorsements

Felix Arroyo At-Large

As a grandson of a police officer, I understand, respect, and appreciate all the hard work and difficulties that are police officers face every day on the job. Additionally, as a former labor organizer for SEIU Local 615 and current member of the UAW Local 376, I know that all of Boston's residents deserve the opportunity for a decent wage, good benefits and safe working conditions.



I will seize every opportunity to join with labor in organizing and bargaining battles. I will write letters, sponsor resolutions, attend community forums, support educational efforts and walk the picket line in support of working men and women across the City. I will be there for the BPPA in support of police details and wherever my help is needed.

Andrew Kenneally At-Large

My name is Andrew Kenneally and I'm running for City Council At-Large and on Tuesday, November 3, 2009, I need your vote. As the only candidate in the race with two brothers who are Boston Police Officers (Jamie assigned to Media Relations and Stephen assigned to Area B-2), I feel uniquely qualified to represent the men and the women who protect and serve this



great city. It seems now more than ever before, police officers are on the receiving end of unfair attacks and scrutiny. Whether it's the Quinn Bill or police details, some government officials seem intent on doing everything in their powers to take them away. If elected, I will fight for you. If elected, I will fight against flaggers. And, I will fight for full funding of the Quinn Bill. If we're going to ask you to live in one of the most expensive cities in the country, the least we can do is pay or compensate you enough to buy a home, raise a family and send a kid to college. I am especially grateful for the endorsement provided by the Boston Police Patrolmen's Association because I have so much respect for what you do. Your concerns are my concerns. Your issues are my issues. And, with your help and hopefully a "bullet" vote on Tuesday, November 3, 2009, we can celebrate a Kenneally for Council victory together.

**Remember to
Vote Tuesday,
November 3,
2009!**

Stephen Murphy At-Large

I want to take this opportunity to thank the men and women of the BPPA for endorsing my candidacy in the City Councilor-at-Large race this year. As the longest serving at-large councilor and the chair of the Committee on Public Safety, it is an honor and a privilege to stand with the men and women in Blue on the important public safety issues facing our city. My father proudly wore the BPD uniform for many years working various assignments on the job. He spent several years at old Division 2 on Milk Street, worked at District 14 in Brighton, served on the TPF during the tumultuous late 1960s and worked in District 5 in the 1970s. He was one of the Charter Members of the BPPA and is still very proud of his association. I have been honored to support the BPPA since my election in 1997. I led the fight to fully fund the Quinn Bill on an early schedule so that members could make plans to further their education before the funding kicked in. I have consistently stood up and fought against a Civilian Review board and will continue to do so. Lastly, I led the charge to preserve details at the city level. I supported Mayor Menino's effort to exempt Boston from the State's ill-advised flagman plan. I urge all BPPA members and families to show up on November 3 and stand by those who stand by you. I am proud to continue to do so.



Ayanna Pressley At-Large

I am honored my candidacy for Boston City Council At Large has been endorsed by the BPPA and, if elected on November 3rd, I pledge to reward your faith in me with advocacy and action on your behalf. I want to tell you a little about myself, my background and experience and why I believe I will be a true partner to the BPPA, its members and their families. My father is a heroin addict. For the first 16 years of my life, he was in and out of prison. I easily could have ended up as another sad statistic was it not for my amazing mother. She sacrificed her dreams and devoted her life to ensuring no opportunity was ever closed to me just because money was tight or times were tough. I know what it's like to grow up on the margins or feeling marginalized. I also know what it's like to grow up in a community where role models, but especially male role models, are hard to come by. For me, growing up my male role models were the police officers and firefighters who worked in my neighborhood. Quite simply, the police



officers were always there when I needed them. That's something I will never forget and as your City Councilor, I intend to repay that debt by always being there for you and your families. In these tough economic times, the challenges facing police officers and their families are twofold. On one hand, budget cuts have resulted in an understaffed, underequipped and overburdened department, which compromises the safety of both officers and city residents. And on the other hand, officers and their families are facing the same financial pressures as many in Boston. You never expected to get rich by choosing to protect and serve Boston. But you were right to expect that your job would allow you to provide for your families and gain a measure of financial security. Ensuring your ability to do your job safely and professionally without having to worry about mounting financial pressure at home will be my priority as your Councilor. As Senator John Kerry's former Political Director, I have longstanding relationships and connections with elected officials and decision-makers at the city, state and federal level and I will leverage those connections to help you advance your agenda and address your concerns. I pledge to be a powerful voice and active partner in your efforts to restore Quinn Bill funding. I pledge to support your efforts to ensure public safety by standing with you against efforts to employ private flaggers at worksites. I pledge to advocate directly to Senator Kerry and the Congressional Delegation for additional federal funding, including through Byrne grants, to ensure you have the best available equipment, technology and training. And I pledge to be your partner at the bargaining table, to stand up for your right to organize and collectively bargain and to never play politics at the expense of any police officer. I am honored to have earned the BPPA's endorsement and I am humbly asking for one your vote on November 3rd. If you need any additional information or would like to help out, please visit www.ayannapressley.com, call 617-825-VOTE (8683) or email info@ayannapressley.com. Thank you for your support and thank you for doing such a vital job!

Maureen Feeney District 3

It is an honor to receive the endorsement of my candidacy from the men and women of the BPPA. Of the endorsements I have received, this one stands among those most important to me because of the respect and appreciation I have for police officers and the difficult challenges they face. Whether supporting you in your stand against the inappropriate use of flagmen vs. police officers, supporting city funding of the Quinn bill, or supporting all of your efforts to deliver superb police services to the residents of and visitors to Boston, I am honored to stand with you. Some of my proudest moments in public life have been as a result of the efforts made by police officers in service to the neighborhoods of my district by their being shining examples of public service at its best. Thank you. I look forward to continuing our work together.



John Tobin District 6

I want to thank the Boston Police Patrolmen's Association (BPPA) for its endorsement of my candidacy for re-election. For the past eight years I have served as the Boston City Councilor for District 6, which includes West Roxbury and Jamaica Plain. I am proud of my record on the Boston City Council. I have proposed new and innovative ways to make Boston a safer city for its residents and its visitors. I have also worked closely with Boston's law enforcement officials to ensure that our police department has the resources it needs to successfully fight crime and protect its citizens. I have a longstanding relationship with the BPPA. It was the first union to endorse me during my first campaign for office in 1995. I am grateful for the continued support of its members. I look forward to working together in the future.





HEARD ON THE HILL

By Jim Barry, BPPA Legislative Agent

Deval Patrick's deception of the everyday Democrats

The middle of the road Democrats, waited 16 years for the party to retake the corner office and we were duped. **Deval Patrick's** administration has embraced political insiders, even as he has told the public there is no room for insiders in his administration. He has said one thing to the unions and then went in the totally opposite direction backing management. Patrick has committed a fraud on the public, at the expense of the police in this state with his money-saving "flagger" policy.

Patrick is no more a Democrat than **Mitt Romney**. His route to politics was as a corporate lawyer. Coca-Cola and Ameritrust were two of his perches from where he made his name. (I'm not even going into how he operated during his tenure with these corporations which could make a whole article by itself.) He does not know the nuts and bolts of the middle class because he hasn't been middle class since before he attended Milton Academy, then Harvard University and then Harvard Law School. But he certainly knows the board rooms of multi-national corporations. He knows about not fighting for the unions, but fighting against the unions. This is the man's history and record up to date. From the corporate board-room lawyer to the corner office.

There is a difference between Mitt Romney and Deval Patrick. Romney's administration would tell you up front, they would not be with you and they would be working hard against you. You knew it straight forward. For your opponent (*and Mitt Romney was an opponent, for sure*) to respect you enough to be up front with you exhibits the worthiness of an honorable opponent. There has been no honor is the way the Patrick Administration has acted. Saying and promising one thing to people who had all their hopes in the possibilities of a Democratic governorship. Duped? I was. Patrick promised 1,000 new cops on the streets. He delivered less cops on the street and more expensive flaggers.

Yes, Deval Patrick held a position in the Justice Department of the Democratic Clinton administration. But that is it. You look at the whole picture and Patrick is a deception Democrat. Deval Patrick worked for the Republicans in corporate America. Deval lives like a Republican in a western Massachusetts, multi-million dollar mansion, when not spending time in his Boston pad or Milton manse. Is that three homes in one state? Not too many middle class Democrats doing that kind of living. The deception of Deval Patrick is he holds your hand, tells you he is with you and understands your problem. (It is kind of he feels your pain even.) Later on when you've been done-in or duped by his deception, his folks won't even return your calls. Even Mitt's people returned your calls.

No honor, no re-election.

Even new taxes can't stop the bleeding

Tax collections fell \$243 million below what the experts estimated last month. This will likely trigger more and deeper spending cuts just three months into the fiscal year. Keeping with what has transpired almost every month since last summer. Despite spending cuts to the bone and sales tax increases, the state continues to slide down as revenue data of September receipts crashed \$333 million below a year ago. One third of a billion dollars in a month was markedly worse than state officials expected.

Even deeper cuts to local aid are expected. This year's budget had a heavy use of reserve and federal funds to support state spending. That support has dried up and is no longer available. A round of spending cuts that state leaders described as devastating to government services is now predicted. We find ourselves continuing the slide towards the abyss.

Quinn Bill Summit

lected city and town officials, the Massachusetts Municipal Association, Massachusetts police chiefs and police labor unions are expected to gather some time next month for a strategic meeting to coordinate a united front with the goal of full restoration of Police Educational Bill (Quinn) funding. Even with the fiscal realities of billions in taxes not coming in, we must continue pressing for full funding of the Quinn Bill as a legislative priority. This is our base wage. Members are encouraged to keep in contact with their state representatives and senators to put this issue before them at every chance. Casinos are expected to be debated next year, and what better time to look for funding of Quinn than in the passage of gambling... as we, the police will be called upon to pick up the "trash" that will follow the legalization of casinos in Massachusetts.

Sam Yoon votes against Detail Home Rule Bill

The City Council (with the exception of **Sam Yoon**) voted to put forward **Mayor Thomas Menino's** home rule petition to regulate **Governor Deval Patrick's** attempts to introduce flaggers to MassHighway projects in Boston. The petition would require Boston Police Officers to control traffic on MassHighway Projects on these high volume/low speed streets. "It was the right thing to do. Who doesn't want more police on the streets," asked District 1 City Councilor **Sal LaMattina**. Kudos and thanks to **Mayor Menino** and the rest of the Boston City Councilors who stood tall for BPPA members. As for **Sam Yoon**, voting against it? Not a surprise he was trying to get a headline. To him that must have been worth throwing public safety and our members under the bus.

Complied and commented on by Patrick Carnell,
Canisius College, class of 2008, Buffalo, NY

"President Barack Obama hinted he could support a "sin tax" on fizzy drinks to help lower high rates of US obesity, but admitted it would be an uphill battle against corporate and economic interests. "I actually think it's an idea that we should be exploring," Obama said in the forthcoming issue of *Men's Health*, regarding potential taxes levied on soft drinks such as colas and other sugar-filled products".

– Agence France Presse, 9/8/09

Remember when the president said that 95% of the population would not see any tax increases? A lie. Of course, if a "fat tax" were to be imposed on Michael Moore – the millionaire socialist who claims capitalism has never done anything for him – alone, our economic woes would be solved for decades to come.

★★★★★

"In her speech in Copenhagen today, First Lady Michelle Obama said her trip to Denmark, along with the travel of her "dear friend" and "chit-chat buddy" Oprah Winfrey, as well as tomorrow's visit by President Obama, is a "sacrifice" on behalf of the children of Chicago and the United States. "As much of a sacrifice as people say this is for me or Oprah or the president to come for these few days," the first lady told a crowd of people involved in the Chicago project, "so many of you in this room have been working for years to bring this bid home."

– Washington Examiner, 9/30/09

"Sacrifice." This woman says things that would get Laura Bush condemned to Hell by the left. Let's take a look at her shopping receipts and decide exactly how much she "sacrificed" visiting a pleasant city in Denmark to grovel before notoriously corrupt IOC officials with Oprah and her husband, the Mr. Wonderful himself, Obama-Christ Superstar. What will Michelle, the very essence of Jackie Kennedy, Princess Diana, and Aphrodite embodied (which her disciples ever insist that she is), suffer on our behalf next? Ambassador to the Venice Film Festival? Peacekeeping in Greenwich village? When, O when, will the mouth-breathing pigs of the country ever appreciate she who makes the flowers bloom and corn grow tall?

★★★★★

On Wednesday, October 7, MSNBC's "Countdown," Keith Olbermann will present a Special Comment for the full hour on the need for and meaning of health care reform in the United States. "Health Care Reform: The Fight Against Death" will be a program-length Special Comment by Olbermann, in which he'll propose group action by patients, and how patients can reclaim the debate over health care reform.

– MSNBC, 10/6/09

Leave it to one of Obama's most devoted, sycophantic disciples in the media (but I repeat myself) to lead a "fight against death," to which Death, in the red corner, wearing black trunks, responded, "Who is this little git who thinks he can take me?" while being restrained by his trainer, Immortality. For those who didn't watch (which I'm betting is just about everyone), Olbermann's manifesto consisted of him suggesting that 21st century American healthcare is on the same level as that in a Victorian London slum, that only government can ever help people, and ended with him crying live on camera, proving once and for all that if you challenge Death, you end up sobbing like a Beta Male.

★★★★★

After struggling to turn Khadafy's insane ramblings at the UN into English for 75 minutes, the Libyan dictator's personal interpreter got lost in translation. "I just can't take it any more," Khadafy's interpreter shouted into the live microphone – in Arabic. At that point, the U.N.'s Arabic section chief, Rasha Ajalyaqeen, took over and translated the final 20 minutes of the speech. "His interpreter just collapsed – this is the first time I have seen this in 25

(continued on page A13)

The fall of the ACORN

By Patrick Carnell, *Canisius College, class of 2008, Buffalo, NY*

The past few months haven't been kind to **President Barack Obama**: people still insisting on reading his health care bill rather than just passing it, the failure of his divine aura to sway the IOC to award the Olympics to Chicago, the unsavory details arising about his unaccountable "czars", the worsening conditions in Afghanistan, increasing unemployment rate, the continued alienation of our allies (add Poland and the Czech Republic to the list), his continued eagerness to please countries like Russia, Iran, and Venezuela, and the list goes on. One recent tragedy that he might like to forget (or for us to forget) more than others in the scandal that has rocked ACORN, the Association of Community Organization for Reform Now. You might remember them from the 2008 election, in which they were closely connected to then-aspiring Messiah Barack Obama, and were notorious for using every not-quite-legal trick in the book, including bribery with cigarettes, to get people to register to vote under multiple names (including those of cartoon characters and the deceased), a tactic which was so successful that in some counties and towns they managed to register more "people" than there were actual voting-age adults living there. They were controversially charged with "helping" the Census Bureau conduct the upcoming 2010 Census and received funding from congress, until September 2009, when a little incident knocked this organization, a favorite of many Democrats, off its pedestal.

Independent filmmaker **James O'Keefe** and journalism student **Hannah Giles**, posing as a pimp and prostitute respectively, entered ACORN offices in several major cities with hidden cameras, with the intent to catch the responses of employees there. In the Baltimore and Washington, D.C., videos, ACORN employees appeared to be giving the "pimp" advice on cheating on home loans, tax evasion, and hiding the identities of underage sex workers from El Salvador, suggesting that he claim them as dependents. At first, ACORN thanked the two and the conservative blog "Big Government" for exposing the trash in their midst, but then just as quickly reverted to the traditional "deny and obscure" response to scandal. Those employees were bad apples, an aberration, you see, and that Giles and O'Keefe had been turned away at every other office they approached, including New York City, according to ACORN chief Bertha Lewis. Besides that, the videos were edited! Something that could put the tax fraud and sexual slavery advisement in proper context might have been left out! One day later, they released their video from New York ACORN and full version of Baltimore, showing that that was not quite the case and that no amount of "context" could excuse it. And the videos kept coming: In San Bernardino, an ACORN employee spoke about her own experience running a brothel, and the money she made off of her "girls," while in San Diego, another em-

ployee approached the "prostitute" Hannah for sex, and spoke at length about his "connections" in Mexico who could help smuggle underage girls over the border. Even before the last two videos were released, ACORN was taken off of census duty and an amendment to prevent the organization from receiving federal money passed in the Senate, though ACORN still had the audacity at the time to apply for a \$6 million grant from the Commerce Department for their "projects."

Even as state governments began freezing ACORN funding, however, the media had not a word to say about the scandal, save the New York Times, who carefully edited statements by **Bertha Lewis** and other ACORN officials to make them not seem quite "at odds" with the reality unfolding before them, while other media outlets resolved to use the "dog ate my homework/we're too good to report actual news like these unprofessional plebes" excuses. Politicians, as well, couldn't pretend hard enough that ACORN never existed, never mind that this whole unpleasant "incident" occurred. The President, who in 2007 told ACORN, "We're going to be calling on you to shape the agenda," and hid an \$832,000 payment to the group through "Citizen Consulting Inc." in 2008, all of a sudden was all about accountability, and took great pains to act as if he'd never heard of them, while death-masked Speaker of the House Nancy Pelosi, utilizing the "play dumb" technique that comes naturally to her, claimed to have been unaware of the amendment blocking federal funds to the organization that passed in the senate 83-7. The IRS severed ties with them, and The House voted 345-75 to defund ACORN, including former fan **Barney Frank** (among the 75 who apparently support sex slavery were **Henry Waxman, Sheila Jackson-Lee, Dennis Kucinich, Charlie Rangel, Jesse Jackson Jr., Barbara Lee, and Congressmen Lynch, Capuano, Delahunt, Markey, Tsongas, and McGovern** of Massachu-

sets). More recently, the Treasury Department has launched an investigation into ACORN activities, an embezzlement scandal involving ACORN's founders from ten years ago was found to be more severe than previously thought, and it was discovered that the IRS has imposed more than \$2 million in tax liens against ACORN over the past few years.

Even so, ACORN and its supporters weren't ready to admit fault in any way, comparing the backlash against them to lynchings and the Holocaust, and finally announcing their intention to sue Giles, O'Keefe, and **Andrew Breitbart** (owner of the blog that hosted the videos), asserting that the video and audio recordings required two-party consent, and that the employees who were fired for trying to aid and abet underage sexual slavery have suffered "emotional distress." Disregarding the complications posed by the fired employees joining their former employer in the suit (ACORN, being the one that fired them, rather than O'Keefe, Giles, and Breitbart, and thus the source of the emotional distress, will have to answer whether they were justified in the firings), there's the First Amendment the defendants have going for them, in addition to the fact that ACORN legally has no expectation of privacy when dealing with the public, which is how local news stations get away with undercover investigations. The case itself is weak, but considering the protection ACORN has enjoyed from every level of government from the school board to the White House, it's presumptuous to think it will die in court. Friends in high places are always there for you, especially if one such friend is the Living God himself who might not want to see a 20-year relationship brought to an end by some peasants with a camera. "The Corleone Family" might be a better name for ACORN at this point.



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What to do when you get sued

Almost seven years ago I wrote a *Pax* article outlining what an officer should do when they get served with a civil lawsuit. Since that time, I have on numerous occasions spoken to officers who have ended up on the wrong side of the letter “v.” in such court pleadings. In these conversations I have essentially regurgitated to these officers what I wrote in that old *Pax* article. Given the recent frequency with which officers have called me lately because they have been sued, it is time to republish the information from that old article. Below is an overview of what you should do and what you should expect if you end up with the word “defendant” next to your name in a legal pleading.

If a constable sticks a lawsuit in your hand one day as you are leaving the station, or if you find strange legal papers in your mailbox including the caption “United States District Court” and the words “Joe Bagodonuts v. P.O. Fred Friendly” (and you are a police officer named Fred Friendly), do not harken back upon your Quinn Bill literature class where Shakespeare wrote about killing all of the lawyers. You may be angry at the legal profession, but you now need a lawyer. In fact, you may need more than one lawyer. Most likely the lawsuit is nothing you need to lose sleep over, so the first thing to do is take a few deep breaths and then contact the union.

Many of the lawsuits that I have seen filed against Boston Police Officers are frivolous at worst and a nuisance at best. You should know by now you are an easy target. This does not mean, however, that these lawsuits should be taken lightly. As a police officer, you know that in a criminal case a defendant appears in court for an arraignment, reappears in court for pre-trial conferences and pre-trial hearings, and eventually comes to court for trial. What you likely do not know is that in a civil case, the opposite is true. In many civil cases, it is not uncommon for a defendant to never physically appear in a courtroom. More than once, this distinction between civil and criminal cases has put officers on the brink of financial peril. The summons that will accompany the lawsuit (called a “Complaint”) will not have a date telling you when to appear in court. In the past, one officer from Area B-3 put the Complaint (i.e. — the lawsuit) in his locker and waited for another paper telling him when to appear in court thinking there was an arraignment coming. No such paper exists. Unfortunately, the next paper the officer received from the court was eight months later telling him that he had been defaulted and that the case was scheduled for a hearing to assess damages — a hearing to determine how much dough the officer had to pay to the plaintiff. The same thing happened to an officer from Area A-1 who was sued by a *pro se* plaintiff who had been barred from filing lawsuits in state court. The officer

placed the papers in his locker, forgetting about it until he was also nearly defaulted. *You must respond to the lawsuit, no matter how absurd it is, and you only have 20 days to answer a civil Complaint.* Therefore, you must act quickly.

If the Boston Police Department recommends that the City not represent you in the lawsuit, and the City of Boston accepts the Department’s recommendation and forsakes you in the lawsuit resulting out of the performance of your duties, the union will not turn their back on you. The union will provide legal representation.

By calling the union, you will likely be directed to one of the attorneys representing the BPPA. What you must do next is prepare a Form 26 to your commanding officer advising him of the lawsuit, attaching a copy of the lawsuit, and requesting that the City of Boston represent you and indemnify you in the lawsuit. It is a practice of this office then to immediately fax copies of your Form 26 to the Boston Police Legal Advisor’s office and corporation counsel for the City of Boston to put them on notice of your request before it gets lost in the inter-office mail. The Department will review your request for representation and indemnification, and then recommend to the City of Boston whether or not the City should represent you in this case. This office will vigorously advocate on your behalf with the City of Boston in an effort to have the City represent you, and will make sure that necessary extensions are granted to protect your rights if your request is not promptly responded to.

The good news about lawsuits against police officers is that in many cases a police officer cannot be personally liable for their actions. Under G.L. c. 258, your employer (i.e. the City of Boston) is liable for property damage, injury, or death caused by “the negligent or wrongful act or omission of any public employee (i.e. — you) while acting within the scope of [your] employment.” Most cruiser accidents, most arrests based on good faith belief on the warrant management system, and many other common fact patterns from which these lawsuits flow usually involve simply “negligence,” for which you cannot be personally liable by statute. Cruiser accidents which plaintiffs try to couch as “civil rights violations” (which, contrary to a common notion, need not cross racial or ethnic lines to be “civil rights” violations) must hurdle an incredibly high legal threshold to be a “civil rights violation,” so it is nearly impossible for a cruiser accident to be anything other than simple negligence for which you cannot be personally responsible.

As noted above, the Police Department will do a brief investigation into the allegations contained in the lawsuit, and then will make a recommendation to the City of Boston as to whether or not the City should rep-

resent you. In the vast majority of cases, the City of Boston accepts responsibility and represents the individual police officers. Historically the cases where the City has not represented the officers contain egregious allegations. Unfortunately, it is the Depart-

BPPA will pay to defend you, but they won’t pay any judgment against you.

A lawsuit filed against you will usually generate an Internal Affairs Complaint. In addition to buying you a trip to Internal Affairs, this Tab can pose untold risks for both the officer and the City of Boston due to the twisted logic behind this IAD investigation. As you may know, the Boston Police Department and the City of Boston are legally the same entity. If the City represents the officer who is being sued, the City is in effect stating that the officer acted properly in

the situation. At the same time, the Boston Police Department (which is the same legally as the City of Boston) conducts a parallel Internal Affairs investigation to determine if the officer indeed acted properly. This IAD investigation is fraught with legal peril, and could (and should) be easily discredited by even the most inept trial attorneys. Since the City of Boston (through the BPD) is investigating you to see if you acted improperly, a City of Boston attorney cannot represent you at Internal Affairs. However, what you say at Internal Affairs in your tape recorded interview is critical, and is certain to be produced as discovery in the civil lawsuit. Your Internal Affairs interview transcript will provide the plaintiff’s lawyer with an outline for your deposition which will be taken under oath and transcribed by a stenographer. If you make a mistake when testifying at Internal Affairs, it will be difficult to undo the mistake down the road at your deposition and/or at trial. Therefore, it is crucial that your IAD testimony accurately mirror the incident reports and be thoughtfully considered as the basis for your future trial testimony. If you are not prepared for the interview and answer a question incorrectly, you will likely be held accountable for that wrong answer at trial. If the IAD investigator is a friend of yours, or a former partner or former training officer, and you answer questions in a joking or casual manner, this transcript may also hurt you at trial. Therefore, it is important that you not only prepare for this interview, but have your interests represented there as well. As the second paragraph of this article hints: you may need more than one lawyer. Through the BPPA, this office will serve as your attorney at Internal Affairs to make sure that your IAD interview goes smoothly, that your testimony mirrors your report, and that you articulate how you followed your rules and procedures.

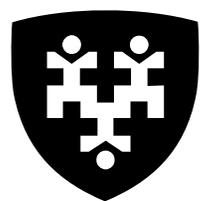
If the Boston Police Department recommends that the City not represent you in the lawsuit, and the City of Boston accepts the Department’s recommendation and forsakes you in the lawsuit resulting out of the performance of your duties, the union will not turn their back on you. The union will provide legal representation. If this does happen, a good plaintiff’s civil rights lawyers will focus their case against the City, which has deeper financial pockets than any individual officer. The

ment which determines whether the allegations are egregious, and it is the Department which determines whether or not the officer did what the plaintiff claims the officer did in the lawsuit. As you can imagine, with the BPD truth-telling machine working at full tilt, identical fact patterns have led to situations where one officer is represented by the City, while the second officer facing identical allegations is forsaken by the BPD and the City of Boston, and is declined legal representation in the lawsuit. If you are an outspoken critic of the BPD command staff, or a vocal union activist, you may fall into this second category once the dust from the truth-telling machine has settled, and you may not have the City representing you or behind you to pay any jury award. (If you are a member of the command staff, you almost certainly will be represented.) If the City of Boston does represent you, you will likely need to meet with a City of Boston attorney to assist them in answering the Complaint. The Complaint must be answered sentence by sentence, admitting the facts that are true and denying the facts that are false. If a City of Boston attorney is representing you, the City will pay any judgment against you (i.e. — the jury verdict), unless the jury awards “punitive” damages, which can only be awarded in outrageous cases where there is found to be malicious, wanton, reckless or oppressive actions. Punitive damages are designed to punish the wrongdoer for egregious misconduct and to deter similar conduct in the future, and therefore by statute the City of Boston cannot pay them on behalf of an officer as it defeats the purpose of “punishment.” Fortunately, many plaintiff’s civil rights attorneys realize this and withdraw their request for punitive damages once they realize the City cannot pay.

In summary: if you have the misfortune of being sued as the result of your work as a police officer, do not panic but also do not take the lawsuit lightly. Contact the union, and then follow the lead of your legal counsel. Remember that the City of Boston will mostly likely represent you in the lawsuit, but if they do not, your union will always stand behind you.

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Veteran's Day: a day to reflect a day to remember those who served

It has been almost a year since the Democrats took over the White House and both Seats of Congress. It is no secret that I don't believe in a one party rule and have written on it extensively in the past. I have however, been uncharacteristically quiet with regard to the current administration, attempting to give them ample time to set their agenda.

Not wanting to be heaped in with the mountain of people, names and or organizations that are being accused of being racists; simply for expressing ones political views or opinions that possibly disagree with the current administration.

With that being said, I believe I have certainly given the Democratic Party more than enough time to show us how they're going to change things for the better. I'm not impressed. With Veteran's Day fast approaching, I can't help but think of the families that will once again be without their loved ones this holiday season. What angers me more than the fact that our brothers and sisters, fathers and mothers, cousins and friends are sitting in some shit-hole thousands of miles away, is the fact that our government is systematically stripping away the rights of our Soldiers, Sailors, Airmen and Marines!

Yup, the latest twist is the Democratic Party supporting legislation that blocks active duty personnel from casting a vote in State and Federal elections. Where the Democratic Party can't influence that type of legislation at state level, the Party, led by the President and his mouthpiece Speaker **Nancy Pelosi**, is actively blocking legislation to correct such shortfalls within the country. Currently, the state of Virginia, mails out absentee ballots to the troops just **ONE DAY** prior to an election, due to some belief that the majority of active duty personnel support the GOP. Then the state refuses to count those ballots stating that they are received after the election. The hypocrisy of the Democrats is beyond belief!

While our Veterans are serving around the world, being placed in harm's way to promote democracy, our own *Democratic Party*, has been actively promoting anything but Democracy by the people! In a new move that would even gain the respect of Stalin and Marx, the Census Bureau is attempting to team up with various *community groups*, (after having to give up on their plan to use ACORN), to work out a way to include the twelve million illegal aliens in this country into the upcoming census count. If this is allowed to happen, then the shift in political representation of American Citizens will be skewed.

It is not a secret that most illegal aliens live in states predominately run by Democrats. Based on those numbers, the American midwest would lose approximately six seats in Congress, replaced by six more

Democrats. It was bad enough when the government, a short time ago, suggested that (apparently no one other than the previous military commander realized that the



American citizens report by E-Mail, to an address set up within the White House, the names, occupations and addresses of any American Citizen that spoke against the administration, but now the White House communications director is accusing Fox News of subversive activity and suggesting they are an arm or agent of the GOP, simply because they choose to do legitimate investigative reporting, (*how 'Mao Tse Tung' of communications director Anita Dunn*).

Let's get to the current War; you know the one in Afghanistan, the War that was the right one to fight, the War that we should have been fighting all along, according to the Democratic Party. The War that was going to take us from the 'evil George Bush War', into the real place that the Al Qaeda was operating out of.

Back in March 2009, President Obama stated "I'm announcing a comprehensive new strategy for Afghanistan and Pakistan" The President went on to outline this new strategy and declared "This new strategy marks the conclusion of a careful policy review". With that, the President removed the military Commander and replaced him with his personal choice of **General Stanley McChrystal**, (by the way, the general just happened to be President Bush's counterterrorist expert in Iraq for five years). Since that move, we have been getting our collective *ARSES* handed to us in Afghanistan. The General developed a comprehensive plan and requested an additional 40,000 troops, (*a surge of sorts, sound familiar?*), and stated that the only way to stop the insurgents was with these additional troops,

(apparently no one other than the previous military commander realized that the Taliban still existed in Afghanistan).

So, what does the White House do? Nothing, stand by and watch, as our men & woman become cannon fodder. Only **ONE** meeting with national security over the situation, and their own people on the committee report that we need to send more troops and better weapons. Meanwhile the President receives the Nobel Peace Prize, so now our troops are definitely screwed, can't beef up a war after getting the Anti-Bush medal, now can we. So the latest laugh is the president's National Security advisor claiming "we don't commit troops before you decide a strategy". Gee Whiz Mr. Jones, what about the **STRATEGY** announced by

the President back in March? Oh yeah I forgot, that was before the Nobel Peace Prize! Meanwhile, the Soldiers and Marines are fighting with M-4's that break down every time you fire a few hundred rounds, the men and woman are dropping like flies from exhaustion and we are losing fire fights because we are outmanned, but no matter the President has his nice new shiny medal.

Am I rambling, **NO**, I'm angry that our own government is sitting around trying to figure out how to justify the President's new medal rather than sending additional troops and equipment to the war zone. That our government has a Domestic agenda that is systematically building **BIG** Government and attempting to monitor and get involved of every aspect of our lives! I'm angry that once again, our Soldiers and Marines are being used as political pawns in the Washington chess match and paying the ultimate price! I'm angry that our Presidents' Foreign Policy decisions have taken the wrong side, consistently, over the past nine months, against our allies in Honduras, Israel, Poland, the Czech Republic, and now his waffling in Afghanistan and Pakistan. We've even gone as far as selling out the Dalai Lama and human rights to placate the Chinese. I'm angry because of late I just don't recognize our Government? What ever happened to our republic based on Democracy and Capitalism?

More and more, the Democratic Party's actions lead me to remember an individual named **Norman Mattoon Thomas**. Mr. Thomas lived from November 20, 1884 to December 19, 1968. Mr. Thomas was a leading American Socialist, Pacifist and a

six time Presidential Candidate for the Socialist Party of America. He was an ordained Presbyterian minister and an outspoken hater of the American Capitalist beliefs. As a candidate for President of the United States, **Norman Thomas** said, in a 1944 epoch speech: "*The American people will never knowingly adopt socialism. But, under the name of 'liberalism', they will adopt every fragment of the socialist program, until one day America will be a socialist nation, without even knowing how it happened.*" He went on to say: "*I no longer need to run as a Presidential Candidate for the Socialist Party. The Democratic Party has adopted our platform.*"

With all of that being said, let's focus on what Veteran's day is: Veteran's day, where did it come from, how did it start? Amazingly enough, it wasn't supposed to be a day that honored veterans. The day was originally put aside as a day to mark peace, to note the armistice.

It started at the end of World War I. The 'war to end all wars, the Great War'. World War I ended with the implementation of an armistice, (a temporary cessation of hostilities until the final peace treaty was signed, the infamous Treaty of Versailles. The armistice was signed between the Allies and Germany at the eleventh hour of the eleventh day of November, 1918. On November 11, 1919, **President Wilson** proclaims the first Armistice Day with the following words: "To us in America, the reflections of Armistice Day will be filled with solemn pride in the heroism of those who died in the country's service and with gratitude for the victory, both because of the thing from which it has freed us and because of the opportunity it has given America to show her sympathy with peace and justice in the councils of the nations..."

The original concept for the celebration was for the suspension of business for a two minute period beginning at 11:00 am, with the day also marked by parades and public meetings. On the second anniversary of the armistice, 1920, France and the United Kingdom hold ceremonies honoring their unknown dead from the war.

In 1921, Congress passes legislation approving the establishment of a Tomb of the Unknown Soldier in Arlington National Cemetery. November 11th is chosen for the date of the ceremony. Congress then declares November 11, 1921 a legal Federal holiday to honor all of those who served in the war. In 1926, Congress adopts a resolution directing the President to issue a proclamation calling on the observance of Armistice Day, throughout the 1920's and 1930's most states establish November 11th as a legal holiday. In 1938, Congress passes legislation making November 11th a legal federal holiday. The practice in most states

(continued on page B15)



**New Balance is proud to support
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Police Officer Billy Hogan celebrates his recent retirement with his fellow officers and staff of District Six.

An officer and a gentleman

by **Mark A. Bruno**

Recently, District Six lost one of its day crew to retirement. **Police Officer Billy Hogan** had served sixteen years in South Boston. His demeanor, character and blatant honesty will long be remembered by those officers who served beside him. You never saw him lose his composure with most people he dealt with. If Billy called you his friend, it was always with the most sincerity. We are fortunate at District Six to have several officers who share these qualities. Guys like **George Billotte** and **Robert Lucas** who absolutely should be role models for officers just coming on the job. If there were a Lady Bing Award (awarded to hockey players who quietly and efficiently carries out their jobs) in policing these gentlemen would all be candidates.

Back to our retiree. Billy Hogan served

in Vietnam between 1969 and 70. He served in the Army as part of the 4th Infantry Division. Like most Vietnam veterans he never cared to talk about his time there. He fulfilled his duty and was welcomed back by a not-so-caring public. He went on to work for the Suffolk District Attorney's office as a victim/witness advocate and later as an investigator. He served there for seventeen years before serving sixteen with the Boston Police Department. Billy was also a union representative for the BPPA with whom he served proudly.

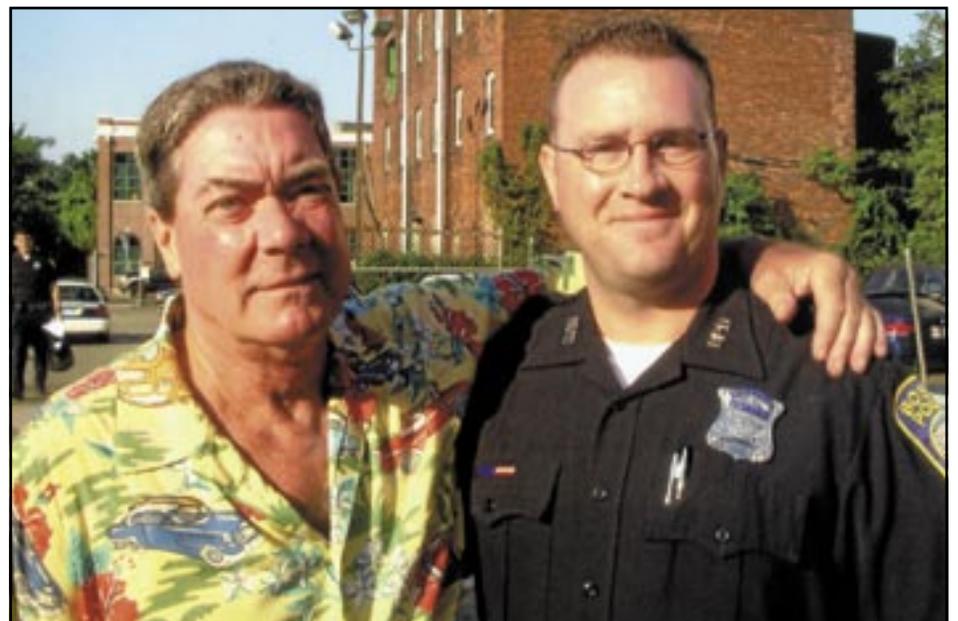
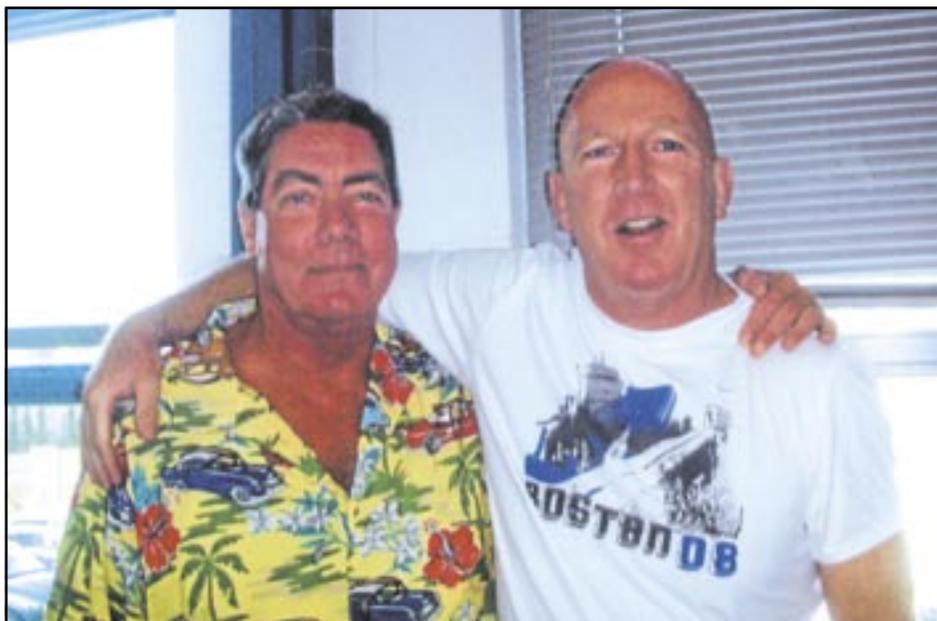
Billy likes long walks along the beach, a good bottle of wine and definitely rum. I've also been told that Billy is an eating machine who loves to put hot sauce on everything, and does not like to be disturbed while he's eating. Case in point, a fellow officer (unnamed to protect the source) was

invited down to Billy's beach house down the Cape. Billy decided he would cook up some big Kahuna burgers. As usual Billy slathered the burger with hot sauce and was about to bite into it when all of a sudden his wife **Cynthia** was stung by a huge bee. In pain she asked Billy to help her remove the stinger from the bottom of her foot. Billy looks at her with a straight face and tells her, "what, right now, I'm just about to eat." She should have buried him up to his neck in sand at low tide for that, or let him sleep on the outside hammock for a night.

Another story about Billy and his love for food, and this one from his own mouth. Billy was at home frying up some hot peppers and meat. The hot peppers were so overwhelming Billy's eyes turned red and he got a bloody nose. Billy was not about to

let these minor distractions ruin his meal so he takes a napkin and plugs up his nose bleed and begins to eat. Well, when his wife walked in, she was horrified. It looked like Billy had been worked over with the red eyes, beet red face and bloody nose. Billy gives new definition to "some like it hot." I think Billy would be a good replacement for that old lady who does the radio ads for Frank's Red Hot Sauce. You know the one where the old lady exclaims she puts that *!#t (rhymes with spit) on everything.

On behalf of the men and women of District Six, I would like to thank Billy for his many years of service and friendship. I would also like to thank his wife Cynthia and stepson **Jesse**. Billy can now enjoy his grand-kids and relax. We wish you a long happy and healthy retirement.



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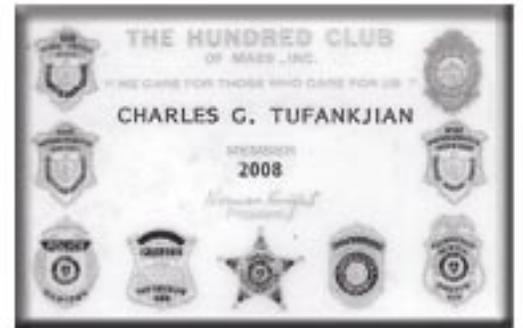
Vehicles will be sold at \$500 over dealer invoice and \$100 of this money will be donated to the Scholarship Fund in the name of the purchasing officer.



Bob Wilfand @ 781-974-2676
E-Mail: Bob_Wilfand@toyotaofbraintree.com



Fritz Laplanche @ 781-608-4733
E-Mail: Fritz_laplanche@toyotaofbraintree.com

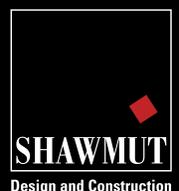


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Pension Reform Phase II

In June 2009, the Massachusetts Legislature and the Governor enacted into law the first phase of pension reform that was supposed to have addressed the most egregious abuses in the Massachusetts retirement system. Now, the Legislature will be turning its attention to reviewing the fundamental structure of the state pension system.

Earlier this month, the Special Commission To Study the Massachusetts Contributory Retirement System ("Commission") issued a comprehensive report with 32 proposals for the stated purposes of: 1) creating a fairer and more effective retirement system; 2) sharing retirement costs between the employer and employee; 3) improving the funding of the retirement system; and 4) bringing employer contributions for retiree health insurance in line with service. The full report can be found on our firm's web site, www.sandulligrace.com. Space does not permit an analysis of all the proposals being considered by the Legislature, but there are two recommendations which should be of particular interest to current retirees: cost-of-living adjustments (COLA) and eligibility for retiree health insurance.

Cost-Of-Living Adjustments

Since 1997, subject to an annual vote of the Legislature, Massachusetts provides a COLA of up to 3 percent per year on the first \$12,000 of benefits. This results in a maximum COLA of \$360 per year. As the law now stands, the COLA is targeted towards those with the lowest benefits while retirees with pensions above \$12,000 experience a reduction in the value of their benefits over time. The legislative intent of the COLA cap was to provide indexing up to the amount of the average pension benefit. Since the current average benefit in the State Retirement System is \$24,075, the \$12,000 cap no longer reflects the

original intent of the Legislature. Of course, relaxing the constraints on the COLA will raise the cost of the program at a time when the system as a whole already has significant unfunded liabilities. By contrast, Social Security adjusts benefits fully for inflation after retirement. Outside Social Security, the level of inflation protection varies: federal employees receive Consumer Price Index minus 1 percent; most state and local plans provide some inflation adjustment; and indexing in the private sector is virtually nonexistent. Taking all these factors into consideration, the Commission has recommended a moderate approach as follows:

Improve the post-retirement cost-of-living adjustment (COLA) by raising the COLA base to \$18,000, in annual increments of \$1000, subject to available funding and local acceptance.

Health Insurance Eligibility

The Commission's discussion went beyond the retirement system to consider retiree health insurance and whether the public employer's contribution to retiree health insurance should vary by years of service. Now, the employer contribution to retiree health insurance varies depending on the municipality's health insurance provisions, but all retirees in a particular municipality pay the same rate. Many other states have separated retirement and health benefits based on years of service and/or having different vesting rules for benefits. For example, some states pay 25 percent of the employer's contribution for retirees with 5 years of service and 100 percent of the contribution for retirees with 20 years of

service, with an increasing percentage between the two points.

The Commission was sensitive to the fact that along with pensions, health insurance is one of the largest financial liabilities faced by cities and towns. Now, pension benefits vest after 10 years of member service, but the Commission recommended an improvement in benefits for short service workers by reducing the vesting period from 10 to 5 years. In so doing, the Commission felt that contributions for retiree health insurance should be available only to longer service employees and therefore recommended the following:

Retain eligibility for retiree health insurance at 10 years of service.

What You Can Do

There was considerable debate and controversy within the Commission over many of the pension reform II proposals. So, in finalizing its Report, the Commission did not vote on each item. Rather, it forwarded all the proposals as a package to the Legislature and the Governor. The next step will be for the Legislature to hold hearings on the reforms proposed in the Report. If you are a retiree, this is the time for you to get involved, if for no other reason than to advocate the uncapping of the COLA base for retirees. I also urge you to join the Boston Police Patrolmen's Association as a retired member to help us increase our collective voice on pension reform on behalf of all Boston police officers and retirees.

News Brieflets...

(continued from page B2)

years," another U.N. Arabic interpreter told *The Post*. — *New York Post*, 9/24/09

We owe Col. Kaddafi (He of a Thousand Spellings) thanks. His schizophrenic ranting was exactly the thing needed to illustrate the naïveté of Obama's assertion that UN international law should be the basis of American foreign policy during his speech (during which he occasionally paused, apparently expecting applause... and got none). Any organization that takes Kaddafi seriously is an organization we should pay only the bare minimum attention.

★★★★★

President Obama yesterday rolled out the red carpet — and handed out doctors' white coats as well, just so nobody missed his hard-sell health-care message. In a heavy-handed attempt at reviving support for health-care reform, the White House orchestrated a massive photo op to buttress its claim that front-line physicians support Obama. A sea of 150 white-coated doctors, all enthusiastically supportive of the president and representing all 50 states, looked as if they were at a costume party as they posed in the Rose Garden before hearing Obama's pitch for the Democratic overhaul bills moving through Congress.

— *New York Post*, 10/6/09

Apparently the White House's diagnosis is that Americans are stupid enough to think doctors wear lab coats at garden parties. The only surprise is that they weren't also given stethoscopes and reflective-mirror headbands.

★★★★★

A new Rasmussen Reports national telephone survey finds that 53% of Americans believe the United States should provide military assistance to Germany if it is attacked. Thirty-three percent (33%) disagree, and 14% aren't sure. Americans were asked specifically whether the United States should provide military assistance to a country when it is attacked and then read a list of 18 countries around the globe that are regularly in the news. Germany is one of only five countries that most Americans are willing to defend militarily.

— *Rasmussen Reports*, 9/9/09

The surprising thing wasn't which countries most would be willing to defend — Britain, Israel, Canada — but the 4% who think North Korea and 5% who think Iran are our allies. The stupidity alone should be enough to warrant sending them there.

Cartoon from 1934

This cartoon was in the *Chicago Tribune* in 1934. Look carefully at the plan of action in the lower left corner.



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- Jim Wyse,
Sergeant-Detective, A -1

"Flynn Insurance is a local home-grown agency that has treated me exceptionally well over the years. I have, and will continue to send all my friends and family to Judie. She delivers only prompt, professional, friendly service."
- Matt Machera, Attorney at Law,
Formerly of the Suffolk County DA's Office

"I've been doing business with Judie (Flynn) for years and she's always gone well above and beyond for me and my family."
- Mike Coppinger,
Patrolman, District 14

"I have had both my Auto and Homeowners Insurance with Judie Flynn of Flynn Insurance for years. Their reliable service and friendly, dependable staff make everything simple and easy."
- Maura Flynn,
Commander of the Paid Detail Unit (no relation)

"For years, Judie has provided superior service for me and my family. Her personal attention goes above and beyond. They really go out of their way!"
- Tom Richardson,
Patrolman, E-5, (retired)

"Judie (Flynn) has handled my Auto and Homeowners policies for years. Her professional, efficient, friendly service is second to none and she does it with a smile."
- Danny Rice, Detective,
Domestic Violence Unit

"For years Judie (Flynn) has handled our insurance. Her honest, straight-forward approach and professional, friendly service makes insurance easy."
- Chris Boyle,
Patrolman, Drug Unit

"Flynn Insurance is like Cheers - where everybody knows your name. They treat you like you're part of the family and even answer their own phones!"
- Bobby Murphy, EMT,
Boston EMS

Continental Home Loans, Ltd. announce increased services

Continental Home Loans, Ltd., *the mortgage bankers* would like to announce the addition of Timothy O'Sullivan to its loan origination team servicing the mortgage needs of the Boston Police Patrolmen's Association and their families. Tim brings over 20 years experience in the mortgage industry to Continental Home Loans. Tim is a West Roxbury native and through family, friends and past experiences in the lending industry has made many acquaintances in the Law Enforcement community. The addition of Mr. O'Sullivan, in conjunction with the services already provided by Senior Loan Officer Christopher Morgan (active BPPA member Area E-13), will allow Continental Home Loans to continue as well as expand upon the excellent service they provide for the BPPA and their families. Whatever your mortgage needs may be, Continental Home Loans will strive to fulfill them and make the mortgage process as simple and worry-free as possible. So whether you are purchasing, refinancing or have a question involving financing, please do not hesitate to call us, the Morgan & O'Sullivan team.

Also, please look out for our *Home Buying Seminars* this fall. At the seminars we will have a real estate attorney and realtor present. We will break down the whole process of buying a home, from beginning to end. We will release the fear of the whole buying process, and make it simple. With the significant drop in housing prices, the \$8,000.00 tax credit from the government and interest rates being at historic lows, now is the time to take advantage of the housing market. Many police officers and family members who have attended the seminars found them very useful and informative. They are now enjoying the comforts of owning their own homes.

Attention **VETERANS!** Do you know you can purchase a home with **ZERO** down? That's right, **100% financing!** Whether you are buying a home or want to refinance, the Morgan & O'Sullivan team will guide you through the process. From beginning to end, we will be there! Also, for *non-veterans*, we have unbelievable **FHA programs** for as little as 3.5% down to purchase a home.

Don't hesitate, get pre-qualified, and you will be on your way to enjoying the benefits and comforts of your own home. **Give us a call!**

Sincerely,
Christopher Morgan (617) 839-1694
Tim O'Sullivan (617) 304-1689

Attention

To all members of the Boston Police Relief Association
Active Duty or Retired

If you need to change your beneficiary or you are not sure of who your beneficiary is you can contact the relief office at 617-364-9565. If you leave a message your call will be returned and if necessary the paperwork will be sent out to you.

Thank you,
William F. Carroll, Clerk,
Boston Police Relief Association

Patrolmen's Morale Where Are You?*

*to the tune of that TV Classic Theme "Car 54 Where are You"

They're shootin in the 'Bury
Lots less Details down at "A"
The MOP guys are all cryin'
"When's more work comin our way"
There's gun cars goin' empty
Overtime going away...
PATROLMEN'S MORALE WHERE ARE YOU?!?
If the Commish thinks that you're lyin'
He'll be firing your ass
The Quinn Bill's outta money
Pension hits are gonna pass
A Swine Flu epidemic
We have flagmen now in Mass...
PATROLMEN'S MORALE WHERE ARE YOU?!?

- Jay Moccia

Up to the challenge

By James F. Lydon, Jr.,
Boston Police Academy

The morning of Sunday, September 27th, 2009, was a morning most people could have stayed in bed. The first signs of a chill were in the air as the temperature stayed in the high 50s and the low 60s. A depressing drizzle kept falling throughout the morning. And the grey skies did not promise much in the way of great improvement. It was the last Sunday in September, and it was not a great one. However, all that did not stop close to two hundred people from coming down to White Stadium for the 2009 Boston Police Fitness Challenge.

The event was emceed by **Jamie Kenneally** and began with some words from **Superintendent Paul Joyce**, and, even as the two spoke, the drizzle seemed to lighten. When the first heat of the team competition began, the spirits of all those present were definitely raised. Runners dashed off to zip through the quarter mile

run, only to be surprised by the difficulty of the stair climb, nicknamed "Always on the Third Floor". When the exhausted competitors reached the "OT", the strength and obstacle course down on the field, they really had to reach deep down for the energy and the strength to finish. Although the entire course was very difficult, perhaps more difficult than many of the competitors gave it credit for, every single competitor found the inner strength to rise up and finish. No one was left on the field, and each and every one of those competitors should be proud of themselves.

The team event was won by the team named DCU, whose members included **Patrick Byrne, Gerry Cahill, Jimmy Galvin, and John McCarthy**. DCU finished with a time of 8:23, which was almost a minute better than the second place team.

After the team event, the individual competitors stepped up to the starting line to test

their mettle against a course that was twice as tough as the team event. The individual competitors cruised through the one mile run, saving their energy for the dreaded stairs. Once the stairs were behind them, the competing athletes fought their exhaustion and powered through the "OT" course, which consisted of twice as many exercise repetitions as the team event. Twenty people started the event and twenty people finished, leaving the Fitness Challenge with winners in the four different categories.

LaTeisha Adams won the female category with a time of 20:23, and **Jahad Hasan** won the Clydesdale category with a time of 19:48. The final heat provided the spectators with some added excitement as **Nick Bernazzani** edged past **Paul Joyce** right at the finish. The pair had been battling throughout the course, and with finish times of 13:47 and 13:49, respectively, both athletes came out on top of their categories. **Nick Bernazzani** won the male category and **Paul Joyce** won the masters' category.

During the event, I talked to several people who already showed an interest in competing in next year's Fitness Challenge, some whom competed this year and some whom watched. While a 2010 Boston Police Fitness Challenge is a year away, there

is a new competition that will be taking place this November.

On Sunday, November 15th, 2009, the 2009 Boston Police Strongman Challenge will be held at the Boston Police Academy. At 9:00 am, competitors will compete in five events that will mirror events used in professional strongman competitions. There will be a bench press event, a squat event, a tire flip event, a Farmer's Carry event, and an Atlas Stone event; the events will be timed and divisions will be determined according to the competitors' body weight. After the bench press and the squat are completed inside the Boston Police Academy Fitness Center, there will be a demonstration of the remaining three events by a professional strongman. When the event is complete, there will be a ceremony to dedicate the academy gymnasium to retired **Boston Police Officer Edward Smith**.

For more information on the Strongman Challenge, please visit www.bpdstrongman.blogspot.com. To see some new pictures and a great new video about the Fitness Challenge, please visit www.bostonpolicefitnesschallenge.blogspot.com. I hope to see you at the academy on November 15th, even if you are just coming by to say hi to Eddie Smith.

Veteran's Day: a time to reflect, a time to remember those who served...

(continued from page B7)

is to follow the Federal lead. 1941 through 1945 the world proves that there is no war to end all wars and we create millions of additional Veterans. 1950-1953 the Korean War, we apparently didn't have enough veterans. In 1954, **President Eisenhower** signs legislation changing the name of the legal holiday from Armistice Day to Veteran's Day. In 1968, the Congress passes the Monday Holiday Law, (so they can enjoy those long weekends). This law now establishes the fourth Monday in October as the new date for observance of Veteran's Day. The law is to take effect in 1971. Initially all states follow suit, with the exception of Mississippi and South Dakota. From 1972 through 1975, forty-six states revert their observance back to November 11th. Due to the overwhelming popular support, the Federal Government was forced to pass legislation returning the observance of Veteran's Day to November 11th. This legislation took effect on November 11th 1978 and to this day Veteran's Day is celebrated on that day.

Veteran's Day, a day to reflect, a day to remember those who served. Not only the ones we know, but the millions we don't.

Upcoming events at Post 1018

Thanksgiving Dinner: On Saturday November 21st, the Post is proud to sponsor and host its' annual Thanksgiving Dinner for the local senior citizens from Dorchester, Hyde Park, Roslindale and Jamaica Plain. The post has been sponsoring this event for the past ten years. This year we are planning to feed approximately 200 seniors. As always with the help of the Ladies Auxiliary, (a lot of help!!), members of the Post and their families, raise the money to purchase the food, (turkeys, veggies, drinks and desert), and prepare the meals, set up the hall and clean up after.

With the assistance of the City of Boston providing the transportation, we will be able to transport these same people to and from their housing.

TOYS FOR TOTS MOTORCYCLE RUN: With great support from the BPPA and additional support from some of the local merchants, the VFW Post #1018 annual motor cycle run, to raise funds for the 'TOYS FOR TOTS' campaign was held on Sunday, September 13th. Once again this event raised thousands of dollars, with every cent being donated to the United States Marine Corps Reserve charitable drive. The run was followed by a terrific cookout and get together at the post, all included in the registration fee. The motorcycle run will be held again next year. When the date is solid, we will advertise the event, so keep an eye open. You don't have to ride a motorcycle to attend; all are welcome to enjoy the festivities of the day for the simple registration fee.

REMINDER: VFW Post meetings are held on the third Monday of each month in the upper hall at 1930 hours. The E-Board meets at 1800 hours downstairs. The VFW meetings are open to all members, and we encourage active participation. The E-Board conducts its' annual open meeting on the 2nd Tuesday in July, (per the by-laws). Once again let me offer an invitation to visit the completely remodeled Post, inside and out. Enjoy a cheap, cold 'one' with some old friends, or make some new friends. Enjoy the game tables, electronic game machine or lottery. The Post is open seven days a week from 1500 hours 'til closing around 0200 hours. If you are behind on your dues, come on down and we'll work something out. If you are still not a member, what are you waiting for? The membership cost is only \$30.00 per year.

As always, please *Be safe out there!*

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Why is it?

By PO Michael Kane, District 18

- * People like Kim Cates must die such a horrible death and her daughter suffer such terrible injuries at the hands of four animals? Sadly I doubt very much the granite state will give these "troubled teens" what they really deserve.
- * Anyone would be so heartless to steal a little disabled boy's wheelchair?
- * The more I hear Oprah Winfrey speak the more I realize just how out of touch she really is with the working class people of this country?
- * We all work too much and relax too little?
- * The baseball playoffs seem to last longer and longer into the fall?
- * Summer seemed so short?
- * Iran and the terrorists who are running it will probably throw up blockades or completely ignore any calls for inspections of their nuclear facilities? Sounds like another wacko who was in charge of Iraq a few years ago doesn't it? The UN won't be of any help because they've been powerless for years.
- * That David Letterman makes a phony apology and the liberal media basically drops the story of how he intimidated female workers to have sex with him? It wouldn't be because he's such a big supporter of Obama, would it? I used to like the guy, but now he seems like such a fool.
- * Obama won the Nobel Peace Prize? Nominations were due by February 2009... he was in office for all of ELEVEN days! What has he done except

- weaken our country by saying "sorry" to every third world country. What a joke....
- * Governor Patrick is again bringing up the idea that Massachusetts should give illegal aliens a free ride to state colleges? Haven't we been down this road before? Let's end the free handouts to these free-loaders now!
- * It doesn't take long for everyone to get sick and tired of election commercials, polls, debates (although the mayoral debate was fun to watch), and sign holders waving at no one at an intersection? Because we all know that after all the promises no matter who wins.....things really won't change that much.
- * Red Sox nation turns on its team so fast? OK they didn't win.....remember, it's only a game.
- * Any police agency would allow Steven Seagal to join their ranks and make a complete fool of himself and their department?
- * You get only four cents for each can or bottle you return? Who's keeping the penny? Hmmmmmmm?
- * The Olympics in Chicago would have been a big victory for the criminal element?
- * We don't get excited about the space shuttle anymore?
- * Somehow we'll all end up paying for what we hear on the radio? It will be just like cable, high rates, spotty service, and another piece of America gone forever.
- * Health care in this country needs to be run by the government? So the hardworking

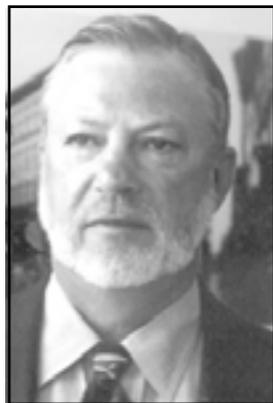
- taxpayers can watch their money being spent foolishly?
- * Every time there is a murder involving a gun some politician wants to create new laws to hurt legal gun owners?

- * Some people want to re-write history and portray Christopher Columbus as some demon? It's wrong but where's the outrage?

Remember when?

- * Kids used to play street hockey?.....In the street no less! I guess it's too dangerous now.
- * Sunday used to be a relaxing day?
- * Getting your older brother or sister's bike was considered a right of passage?
- * You were a kid and all it took was one kid to say "want to play baseball?" then there were 15 kids on each team.
- * Neighborhood dogs were known and fed by everyone?
- * Asking your parents for money was embarrassing?
- * Mowing a lawn for five dollars was big money? And during the winter shovelling a driveway after a storm for tens dollars was great!
- * You and your friends could fix your bike? You didn't have to take it to the bike shop.
- * No one bought you a car or gave you a big check for graduating high school? You were expected to do well without a huge reward.
- * Clerks in stores said thank you after you bought an item? Where has that gone?
- * Gas stations were full service? They cleaned your windshield and checked your oil. Not anymore.
- * You could have a snowball fight with your friends and no one was worried about getting hurt? Building a "snow fort" took hours. How come kids don't do that anymore?
- * Refrigerators lasted for over twenty years? Maybe longer.
- * The one family car didn't have air conditioning?
- * Creature Double Feature was the scariest show on television?
- * If you missed a TV show you had to wait six months to see it on re-runs?
- * You could see a movie for less than five dollars?
- * Getting government assistance was something people took so they could "get over the hump" and get back on their feet? Now it's something that one generation teaches the next how to do.

— PO Mike Kane, District 18



Don Green

Don Green is a Quincy native and 1957 graduate of Quincy High School. After high school, he enlisted in the United States Marine Corps and returned to Quincy after being honorably discharged.

In 1966, working out of the Quincy Police Boy's Club, he became the light-heavyweight Golden Gloves Champion in Lowell. He boxed in the Amateurs for three years.

In 1968, he joined the Boston Police Department and retired in 1990 after serving the city for nearly 22 years, the last 15 years as a Sergeant in the Roxbury district. He graduated from both Northeastern University and Northeastern University School of Law.

The first Law Offices of Donald E. Green was opened in Boston in 1982 and the second in Dudley Square in Roxbury in 1988. The most recent office was opened in Braintree in 2001 and is located at 222 Forbes Road, Suite 200, which is located across from the South Shore Plaza and behind the Sheraton Tara Hotel. This office offers a convenient location for Quincy and other South Shore residents. There is free parking and the office is handicapped accessible.

Don's law partner is his wife, Annette Hill Green, who grew up in Dorchester and is also a graduate of Northeastern School of Law. They married in 1997, have two young children and reside in Milton.

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Annette Hill Green

If you have any legal questions or concerns, please call Don or Annette toll free at **1-877-DON-GREEN** or you may email Don directly at dgreen@donaldegreen.com.

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EMS Division

Unity & Strength

Truly Selfless

How EMT George McDonough Saved a Life... Without Even Going To Work

By Gregory Bond, Paramedic 216

It all started about eight years ago. At the behest of a coworker, **EMT George McDonough** and his wife **Kelly**, a former Boston EMT, donated blood into the Bone Marrow Registry.

Years passed, and George had all but forgotten about the gesture, but fate had not.

Last winter, a letter arrived in the mail for George stating that he was a potential match for an unnamed recipient, was he still interested in a donation?

George replied that not only was he still interested, but how soon could he start.

He was brought into the Brigham and Women's Hospital/Dana Farber Cancer Institute for further testing... lots of testing.

Most blood diseases are genetic, and the chances of matching anybody, even a family member, are extremely slim at best.

Furthermore, a donation to the registry is no less than a 30-year commitment.

He was informed that if properly matched, he would be donating to an anonymous 47 year-old male who was suffering from bone cancer, and if not treated, he would eventually die.

Thus began the screening process.

George was screened for any and all diseases; he was asked questions about all aspects of his life and lifestyle; a full physical exam and then some.

Blood tests, countless blood tests; sometimes a tube or two at a time, sometimes a full unit.

Throughout all of it, he was offered the option to recant, to back out at any time, no questions, no shame; yet George persevered.

On May 13th George went into surgery.

In order to extract the marrow the surgeons needed to drill a total of four holes into the posterior iliac crest, or the rear pelvis located at the base of the lower back, for those of you who need to refresh on your anatomy.

Anyway, the procedure is normally supposed to take 1-2 hours ended up lasting over 3 -1/2 hours with George, and those who know him shouldn't be surprised.

Post-op he was kept overnight and told that the pain and stiffness at the injection sites would eventually subside.

Talking to George, he praises the professionalism and compassion of the BWH nursing staff, whom not only took terrific care of him during his stay, but as career caregivers themselves, were truly floored by the selfless nature of his blind donation.



After his discharge, George was informed that he could do no heavy lifting for at least four weeks.

For most people that may not mean much, for people like us it's a month out of work.

Utilizing his own accrued sick time, George was able to take off three weeks of leave; the fourth he performed as a light duty assignment with the assistance of **Superintendents Hooley and Cavaleri**.

After numerous follow-ups with the hospital, a month later George was back to work as usual, where he remains today.

I had the privilege of speaking with George about his experiences and he told me how blessed he felt just to be allowed to part of this remarkable process, and without a doubt he would definitely do it again.

George informed me how his own mother passed away from cancer; and if anyone had done for her what he had been able to do for his donor, then naturally he would be eternally grateful.

Some months ago George received a letter from his marrow recipient.

Although he still remains anonymous, the letter was proof positive that not only was the donation well accepted, but that the patient was alive and healthy and will hopefully spend many fruitful years enjoying the gift of life that George was so willfully able to provide.

The Ambulance Guy Has Questions

For The Ambulance Dude

Let us get one thing straight. **I am not the Ambulance Dude.** The Ambulance Dude is *not* The Ambulance Guy off his meds. He *does* exist and I have introduced him to you to get the "Street" perspective I, unfortunately, no longer have.

To further highlight his perspective, and his edginess, I set him loose on a few topics I believe are important to all of us. You will find his un-edited (by me, at least) response below.

AG: Let's start with the obvious; New Guys. We now have around 125 EMTs with fewer than five years of experience. This has to have a huge impact...I'm not even sure where to begin. Patient care. Culture. Geography. Extra trucks. Overtime. Call load. Are there enough real ambulance calls out there with 23 trucks in service to assure that the new guys/girls can get the experience they so desperately need?

AD: Where to begin? How about with an uncomfortable truth? **We're not as good as we used to be.** We're issued 75 lb. brown bags full of gas masks, turnout gear, neon colored vests, camelback hydration packs, and even handheld strobe lights that can blink "SOS." We take tours of tunnels, jails and bridges. We drive our ambulances through obstacle courses illuminated by our Special Operation Lighting Units.

I never saw him on the payroll but at some point we even hired **R. Lee Erney** to "motivate" our recruits on how to better deal with the ill and injured citizens we serve. It was a prerequisite to know your way around the back of an ambulance when I applied here. Now we hire people still awaiting the results from OEMS on their initial EMT-B test. A year later this same person is the "senior man" on a front line ambulance.

I hate to think I'm from a different generation, but when one such crew bragged that all they need on any given call is an index card, Ambu-bag, and 4x4, I think I threw up in my mouth a little. God forbid

one attempts to educate a crew on "doing the right thing!" Sitting next to a steward explaining your actions to Pro Standards because you were "disrespectful" will be your reward.

And on a similar subject, just because someone didn't grow up in the same city neighborhood as you doesn't mean they need your advice on how to talk to people in **Southie** or **The Bury** or even some millionaire's house on Marlborough St. We've somehow gotten by without your words of wisdom for decades so get over yourself!

And another thing! Please be careful with accusations against your fellow union brothers and sisters. Some accusations carry the assumption of guilt. Some accusations, though unfounded and later disproved, can do irreconcilable damage. Show up at a BPPA/EMS Union meeting and air your grievances. You will be heard! And everyone's reputation, yours included, can be spared unnecessary detriment.

Add to everything A8, A9, A10, A12, A16, A17, A19, A20's and even the new and improved mighty A4!?!? Fact is, it's going to take even longer to gain the experience needed to make you a good field EMT. No quick solution is available, either. If you're a veteran of BEMS you can educate, share some experiences, and show some patience. I know it goes against our culture, but try not to be degrading unless someone's being malicious?

And if you're new to BEMS? Accept the fact you're new, inexperienced, and have a lot to learn and you just may. Be good relief. Cover someone's shift or Code 10. Stop whining about the job and each other on Facebook, MySpace, Twitter, blogs, and the increasingly annoying Google chatroom. Put your resumés away. No one's interested how many wild alligators you wrestled while hiking through the Everglades. Just help me pin down the 300 lb. psych until the cavalry arrives and you'll have my respect.

(continued on page C2)

The Ambulance Guy Has Questions For The Ambulance Dude

(continued from page C1)

Before you know it, you'll be a veteran yourself. No doubt complaining about the new batch of recruits who know everything.

AG: The No Raise vote; would you do it again if you knew about the Captain/Paramedic promotions? How about all the Assistant to the Assistant to the Under Deputy of Assistance new hires at 767?

AD: We agreed, by a mandate, to take the wage freeze at Mayor Menino's bequest. Yet we are in the process of promoting a potential 15 members to a higher pay scale? That one makes me scratch my head. To hear the PHC potentially hired non-uniformed employees with the same funds turns my stomach. The PHC treats us like their illegitimate children. Plain and simple. Too

bad we don't respond to over a 100,000 emergencies every year. You cannot find a city department who works harder than us. Perhaps someday we might rise above plankton and reach the level of single cell amoebas in their eyes?

That being said, Mayor Menino supported our efforts in achieving the long overdue Group 4 retirement status. I believe we're even sir. The slate is clear. And if you're reading Mr. Mayor, can you go back to signing my check? Heck, I might even put up one of your campaign signs in my front yard.

AG: Four and Two; everyone hates it, why can't we get rid of it?

AD: Hate the 4 and 2? Oh boy, our first

fight **Ambulance Guy**?" Do I think it's possible to have every other weekend off? Yes. But I like the 4 and 2 better than our last schedule. Maybe our next Chief will have a sympathetic ear and be willing to sit down and work something out?

Now what do we do now **Ambulance Guy**, have make-up writing? Let's never fight again!

AG: Safety Pad; have we abandoned a key part of our culture/tradition, the excellent "Trip Sheet" read by all? When was the last time a surgeon complimented you on a PCR he read **in the OR**? What would they say today? Impressive use of the drop-down?

Can we just admit that System Status

Management was a failed smoke and mirrors tool of the 80s and stop taking ambulances out of their response areas because other ambulances are (yikes!) doing ambulance calls?

AD: But the screen turned green? It says 100%! I can close and send it when it does that. The fact is, I could probably write dirty limericks in the narrative and nobody except the receiving facility would notice. As long as the office can find someone to send a bill to I'm pretty sure they don't care. All that is left is my pride. Do I tap for a mere five minutes, close and send, on a 20 year old male who's tooth has been hurting for two weeks. Yes. The more complicated the call, the more I tap. Complete with onset times, mechanisms, pertinent histories, meds, and treatments. I refuse to allow myself to be dummed down by a laptop. This is a case where members need to show some pride in their work. Instead of touring the Bradson Street Jail, perhaps we can spend more time doing rounds? Embarrassed in front of your fellow workers by the stroke you tapped up while chowing down a BK Value Meal? One never knows, that might work? Pawn. **One of the lowest value. Someone that is used or manipulated. A creature, dupe, instrument, tool or token.** I'm none of these things. I'm a 40+ fully grown adult whose been doing a physically strenuous job for a more than a few years. I'm one of the lucky ones. I have a comfortable, heated, air conditioned satellite where I can rest my head or stretch my limbs when not on a response. Yet, regardless of weather conditions, I'm continually ordered four blocks down the street every time an ambulance in an adjoining district is dispatched to a call. Pawn forward one space. So there we sit. Doesn't matter how sore my back, shoulder, or knees are. Sitting in the cramped front seat, engine on high idle (don't even getting me going on the **green planet thing**), makes somebody feel or look good. But it doesn't make me feel good. It lowers **my** morale. It gives me a bad attitude. It makes me feel... like a pawn. So let me give a little piece of advise to you aspiring chess prodigies, it doesn't work!! It increases the amount of folks on Worker's Comp. And if you think, after sitting at an intersection for an hour instead of my comfortable quarters, I'm going to be enticed to clear the hospital quickly just because there's a blinking "w" on some computer screen, you're sorely mistaken. If you're on the command staff, please consider the point I'm making and give us a break. But what if you're wearing brown, collecting hazardous duty pay, sitting on a \$1,000 dollar chair, and working 6-1/2 hours for every 8 hours paid (I won't even mention how double shifts are done... oh darn, I just did!), and **you're** moving me around like a game piece on a checkered board? I'll just say to you; please stop. I'm old, tired and sore. Yet I still enjoy being a street EMT. Vojak is my idol! I want to go directly from my ambulance to my retirement home. Please help me fulfill my dream!



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Enough of the rhetoric

By Dudley Do-right

Commissioner Ed Davis has done more in one week to besmirch the character and integrity of this Department than all the scandals that have preceded him. This blatant self-promoting political appointee must be looking for his next stepping-stone on his ladder to fame.

Evidently, Davis sees the handwriting on the wall and his face time on the Boston media scene is ticking away. The cop-hating vultures across this city are salivating with these ludicrous headlines and accusations.

The truth of the matter is that it has always been against the law for anyone, let alone a police officer, to lie under oath, that's called perjury! It has also always been against the law to lie on a police report; it is called filing a false police report. Both of which are covered under Massachusetts General Law.

The Boston Police Department Rules and Regulation have also always covered sworn personnel lying verbally, it's called conduct unbecoming, and after due hearing, the penalty could include termination.

The rub here is that this attention-starved Commissioner has slandered all of us with his latest self-promoting media circus. I don't know what type of integrity he's used to dealing with or what his own practices were when he allegedly wore a badge, but the men and women I work with aren't the unscrupulous liars he has made us out to be.

Davis' articles refer to the criminals that were uncovered by the Feds and points to

them as an example of those of us who wear the badge. The Department's hiring and screening standards shouldn't be blamed on the rank and file officers. The articles also refer to the steroid scandal obscurely connected to this criminal activity but he fails to mention that most of those involved did so somewhat openly and it was ignored because it was the image of chiseled centuries that the Department wanted to promote.

Ed Davis with his self-promoting rhetoric opens the door for squawking loons like **Attorney Rosemary Scapicchio** to throw some smoke in the air and undercut murder convictions with jury stopping statements quoted from Davis' articles. For those who don't know Attorney Scapicchio, she has made her career out of screaming and yelling at police officers on the stand with her absurd claims of police misconduct, police incompetence and police conspiracy.

I say enough with this blundering self-promoter and his sociological experiments. Officers have enough difficulty policing this city without being undercut by its Commissioner, for the sake of a sound bite or a headline.

Mayor Thomas Menino should accept he made a huge mistake and replace this embarrassment, send him back to Lowell where I believe one of his old cases got overturned after a man spent the better part of twenty years in jail. Where is the sound bite or video clip on that incident?

I've got one last question for the Lying Czar. If for instance some restaurant man-

ager, say on the waterfront, complained about the response time they were getting when calling the police for an unruly patron. And let us say the *civilian department representative* that the manager was speaking to actually told this manager to lie and call the incident in as a robbery instead.

How would something like this relate to

the Commissioner's proposed changes? Taking police away from real Priority One victims to handle disturbance calls and risking the public safety with unnecessary rapid response by numerous police officers in response to a robbery call.

Umm makes you think, don't it?

Bon appetit and arrivederci!

Sending the wrong message

by Mark A. Bruno

I'm not sure why **Commissioner Ed Davis** would make such reckless and damaging remarks about the rank and file officers. In trying to take the moral high ground in the public's eye, he inadvertently has painted every police officer with a broad brush. The public has their own opinion when it comes to police officers and how we perform our daily duties. We are not beloved like the fire fighters. We are expected to answer 911 calls in which people call us every name under the sun and sometimes spit on us or assault us. In their drug induced or alcohol comatose state they will imply the responding or arresting officer acted a certain way or made disparaging remarks. They will file numerous and mostly frivolous tabs in which an officer's career will hang in the balance. Most of these complaints will be unfounded, but some may grow legs and be the death knell for some of our members. Please, if you're having a bad day, kindly call in sick to avoid placing yourself in a bad position.

Grandstanding on the backs of police officers by calling us a pack of liars is not a good morale booster. Implementing a policy which is pretty much in place already sounds like the act of someone desperate. I'm not sure that portraying your police department as a group of pathological liars is a good move? If there are problems with a handful of officers within the department then it should be handled in house. As my parents would always say to me growing up, "what happens in this house stays in this house!" I wish **Bill Bratton** would give a lesson on how to handle the press, negativity towards his department was not an option. I respect the office of the Commissioner, but sometimes I question the way in which our integrity as an entire department is haphazardly portrayed in the public's eye. We have enough to cope with in regards to negative stories being put forward by the

media. What we need are positive affirmations. Is all that we do bad? We are the front line of defense in what can sometimes be a chaotic world. We are constantly getting our heads kicked in for basically doing our jobs.

I'm not sure that the Mayor prior to his election race would be on board with the Commissioner playing out in the public view what appears to be a minuscule problem at best. I along with many of my fellow officers are outraged at the recent three days worth of negative articles in which everyone of us looks like a bunch of liars. I try to wear my uniform with dignity and pride, but when the Commissioner questions the integrity of the entire Boston Police force it is hard to look up. One officer recently mentioned a trip to Dunkin' Donuts in which he was not in uniform but another fellow officer was. He mentioned the officer looking down at the headlines in the Herald and doing a double-take. After the officer walked out a customer stated in a most disparaging way, "I guess that got his attention, ha!" This is what the line officers on the street have been subjected to as a result of these articles. We are the brunt of jokes and made to look like the court jesters. I've seen cartoons in which cops are in court hooked up to lie detectors like the old Joe Isuzu commercial. The lie detector needle is off the charts and the machine is smoking. We are once again fodder for the cannon and made to look ridiculous. My oldest son is in college and they have discussed how cops lie. He came home and asked me why the Commissioner would ignite such a controversy? He wanted to know if we had a PR department and where were they when the Commissioner was spewing this venom. Most of his class agreed that it appeared the Police Commissioner had little faith in his department and obviously this action had sent the wrong message.

The heights of hypocrisy

By Kevin Doogan

Just when you think you've seen it all, Beacon Hill proves just how partisan and corrupt they really are.

As has been widely reported during the 2004 Presidential Race the Democratic Legislature stripped Republican Governor **Mitt Romney** of his power to appoint an interim State Senator on the outside shot that Democratic Senator **John Kerry** was elected President.

Now, with the passing of Senator **Edward Kennedy**, the Democratic Legislature on Beacon Hill is clamoring for immediate representation, with action to reverse the 2004 power stripping of the Governor and to return the power so now Democratic Governor **Deval Patrick** can appoint an immediate interim successor.

Although Republicans are screaming about this reversal, what isn't being reported is the total lack of representation for the past 15 months. If it is so important now to fill Kennedy's vacant seat, what happened to the 400-plus pieces of legislation that went through the Senate without total representation from Massachusetts?

During one of the most historic political tumultuous times of history, Massachusetts has had but one voice. As the deficit has been thrown into the stratosphere, as the President and the Legislature has thrown trillions of your tax dollars into buyouts and bailouts, and as the President is now trying

to turn our Country into a Socialistic Society we here in Massachusetts play partisan politics.

Senator Kennedy got his diagnosis in May of 2008 and from May 16, 2008 until he was taken off the voting list upon his death in August 2009, Senator Kennedy missed fifteen months of votes. Of the four hundred plus votes that were taken up and voted on in the Senate, Kennedy was only able to appear nine times and vote on eleven matters.

God rest Senator Kennedy's soul, but if he was that sick and his prognosis so glum why didn't he step down? Where were his partisan colleagues? Why did they abuse this poor elderly dying man by dragging him out of his solitude to cast a vote or two?

Fifteen months of absentee, minuscule representation at best, during the gravest financial crisis of our time and now Beacon Hill thinks it's time to make a move? Brilliant!

So we had the legislation changed and Governor Patrick appointed a rubber stamp (**Paul Kirk**) to rush into the Senate to sink all of us on the impending Healthcare reform bill. The only rush for an interim Massachusetts Senator is that the Democrats need deciding votes for their socialist healthcare agenda.

Remember, the people won't forget those responsible.

Attention

To all members of the Boston Police Relief Association
Active Duty or Retired

If you need to change your beneficiary or you are not sure of who your beneficiary is you can contact the relief office at 617-364-9565. If you leave a message your call will be returned and if necessary the paperwork will be sent out to you.

Thank you,
William F. Carroll, Clerk,
Boston Police Relief Association

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Conservatives vs. *Liberals*

If a conservative doesn't like guns, they don't buy one.
If a liberal doesn't like guns, then no one should have one.

If a conservative is a vegetarian, they don't eat meat.
If a liberal is, they want to ban all meat products for everyone.

If a conservative sees a foreign threat, he thinks about how to defeat his enemy.
A liberal wonders how to surrender gracefully and still look good.

If a conservative is homosexual, they quietly enjoy their life.
If a liberal is homosexual, they loudly demand legislated respect.

If a black man or Hispanic is conservative, they see themselves as independently successful.
Their liberal counterparts see themselves as victims in need of government protection.

If a conservative is down-and-out, he thinks about how to better his situation.
A liberal wonders who is going to take care of him.

If a conservative doesn't like a talk show host, he switches channels.
Liberals demand that those they don't like be shut down.

If a conservative is a non-believer, he doesn't go to church.
A liberal wants any mention of God or religion silenced.

If a conservative decides he needs health care, he goes about shopping for it, or may choose a job that provides it.
A liberal demands that his neighbors pay for his.



National Parks Trivia: Bill Carroll

*How much do you know
about these scenic beauties?*

1. What park was designated as the first National Park in the United States?
2. What three states make up Yellowstone National Park?
3. What is the only National Park in the United States where alligators and crocodiles exist in harmony side by side?
4. In the lower 48 United States what is the largest National Park?
5. What is the smallest National Park in the United States?

(see answers on page C13)



Sports Trivia: Bill Carroll

*How many can
you get correct?*



1. Entering the 2009 season who holds the major league record for most base-hits in the post season?
2. Of all the members of the career 500 home run club which two never hit a home run during the post season?
3. Who holds the major league record for most RBI's in a World Series game?
4. There are 16 members of the 3,000 career strikeout club, but only one has never recorded a strikeout in the post season, can you name him?
5. Who was the last American League player to win a batting title without hitting a home run?
6. Who is the youngest player to win a World Series MVP Award?
7. Who was the Red Sox only pitcher to win a game in both the 2004 and 2007 World Series?
8. Who was the last New York Yankee to win a World Series MVP Award?
9. Who is the only Red Sox switch-hitter to win a batting title?
10. Who are the only two major league closers to amass at least 500 career saves?

(see answers on page C13)

The death of Ted Kennedy left a huge void in Massachusetts. Then they filled in the hole and buried him at Arlington National. During his many eulogies, I waited in anticipation for one of his sycophantic, dim-witted, retainers to refer to him as the "Liberal Lion."

New phrase: "Third World UPS." That would be the lady walking down the street with her groceries or laundry balanced on her head.

One thing the media or Deval won't mention regarding the flagmen is; what will they do when construction slows to a crawl during the winter? Give yourself a great big gold star if you guessed; Collect Unemployment and plow under the table. This thing is such a farce! First it was all

about cost savings (\$52/hr flagger vs. \$37/hr cop), then Public Safety (cops serve better on Patrol instead of over a hole), now it's all about job creation. Yeah, HACK job creation.

*****CHEAP SHOT ALERT***:** *Health, Beauty, and Fitness Magazines are going wild trying to get an interview with Michelle Obama. Not that I should talk, but if she wore a white skirt we could show a movie on it! Thank goodness it's after Labor Day.*

I have noticed many new faces among the homeless in and around Copley Square. Colleagues at Area A are also seeing the same thing. I think we should be notified when the Bum Union has shift bids.

Looks like Zombies are trying to replace Vampires as the hot new undead fad, popping up on TV and Movies. I passed a bunch of them shuffling around near the Pine Street Inn, looking for victims. Oh, wait a sec, those weren't zombies, they were homeless. Instead of eating my brain, they're eating my wallet.

New gripe with the Eezils at the Coffee Shop. If I want ICED coffee I'll order it! If I say coffee, give it to me hot in a cup... I guess when you hail from a more temperate climate, change of seasons throws you for a loop.

Congratulations to Commissioner Davis for his strong stand on lying. I mean it. **BUT**, what if we turn out to be more honest than the *Globe* thinks... how much time should pass, without anyone being fired, before we make a liar....

Watch how the media spins the Unemployment Rate. The numbers are based on who is actually collecting. When you run out of benefits, you're off the list. The rate will remain around 8%-10%, but if you fac-

tor in those who are out of work but not collecting, the numbers are about 12%-14%. Remember, a recession is when your neighbor loses his job; a depression is when you lose your job!

*More hypocrisy from the Golden Dome! Not surprising for those Iron-Spine Democrats...it was Ted Kennedy's idea to strip **REPUBLICAN** Governor Mitt Romney of the power to appoint an interim Senator when the pre-Swift boat flip-flopper John Kerry was running for President. He lost, but they all thought it was great that the **PEOPLE** would choose our next Senator. When Ted was sure he was near the end, he lobbied the same Legislature to reverse itself, and give **DEMOCRAT** Governor Deval Patrick back the appointment. What happened to all those Prius Hybrids in the State House lot with "W Selected not Elected" bumper stickers? Once again, the **PEOPLE** were denied their **RIGHT** to vote on an important matter. Now we have a*
(continued on page C13)



DON'T TREAD ON ME

By Jay Moccia

Crossing the Street for Dummies

The popular "...for Dummies" series of books covers everything from cooking to computers. One subject they failed to tackle is Crossing the Street. With the college kids all back, and in the interest of Public Safety, here goes:

1. Use the Sidewalk-Dummy
2. Find the Crosswalk-Dummy
3. Look for the Traffic Signal-Dummy
4. Press the Button-Dummy
5. Wait for the "WALK" Icon-Dummy
6. Proceed across the Street with caution-Dummy
7. If no Traffic Signal is present, approach the Crosswalk from the curb-Dummy
8. Walk out slowly, so the cars can see you-Dummy
9. Look both ways, like your mother told you-Dummy
10. Wait for the cars to stop-Dummy
11. Cross the Street with caution-Dummy
12. As a courtesy, put some pep in your step-Dummy

If you follow these simple rules, you shouldn't get hit by a car. I know you might be dumb, not stupid.

Coming soon... "Summer Safety for Dummies"...

If you can't swim, don't go in the water-Dummy.

— Jay Moccia

America, Canada, all Europe ... needs a President like this!



Prime Minister Kevin Rudd - Australia

Muslims who want to live under Islamic Sharia law were told on Wednesday to get out of Australia, as the government targeted radicals in a bid to head off potential terror attacks.

Separately, Howard angered some Australian Muslims on Wednesday by saying he supported spy agencies monitoring the nation's mosques.

Quote: **"IMMIGRANTS, NOT AUSTRALIANS, MUST ADAPT. TAKE IT OR LEAVE IT.** I am tired of this nation worrying about whether we are offending some individual or their culture. Since the terrorist attacks on Bali, we have experienced a surge in patriotism by the majority of Australians."

"This culture has been developed over two centuries of struggles, trials and victories by millions of men and women who have sought freedom." "We speak mainly ENGLISH, not Spanish, Lebanese, Arabic, Chinese, Japanese, Russian, or any other language. Therefore, if you wish to become part of our society. Learn the language!"

"Most Australians believe in God. This is not some Christian, right wing, political push, but a fact, because Christian men and women, on Christian principles, founded this nation, and this is clearly documented. It is certainly appropriate to display it on the walls of our schools. If God offends you, then I suggest you consider another part of the world as your new home, because God is part of our culture."

"We will accept your beliefs, and will not question why. All we ask is that you accept ours, and live in harmony and peaceful enjoyment with us."

"This is **OUR COUNTRY, OUR LAND, and OUR LIFESTYLE**, and we will allow you every opportunity to enjoy all this. But once you are done complaining, whining, and griping about Our Flag, Our Pledge, Our Christian beliefs, or Our Way of Life, I highly encourage you take advantage of one other great Australian freedom, "THE RIGHT TO LEAVE."

"If you aren't happy here, then **LEAVE**. We didn't force you to come here. You asked to be here. So accept the country **YOU** accepted."

★★★★★

Maybe if we circulate this, American citizens will find the backbone to start speaking and voicing the same truths.

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The Washington Report

Collective Bargaining Bill introduced in Senate

On August 6, 2009, just weeks before he died after a lengthy battle with brain cancer, Senator Ted Kennedy (D-MA), together with Senator Judd Gregg (R-NH), introduced the Public Safety Employer-Employee Cooperation Act, S. 1611. The death of Senator Kennedy, our long-time champion of the Collective Bargaining bill, is truly unfortunate, but his staff and colleagues in the Senate have vowed to carry on his legacy and move this bill forward. Senator Gregg will lead the push with the assistance of Senator Chris Dodd (D-CT), and Senator Tom Harkin (D-IA), the new chairman of the Senate Health, Education, Labor and Pensions Committee.

A few substantive changes were made with an eye toward protecting existing collective bargaining laws and giving States even more flexibility to craft their own law. These changes include:

- **Presumption of compliance.** The legislation includes language from the House bill, H.R. 413, presuming that existing State laws are in compliance with the federal standards unless the Federal Labor Relations Authority (FLRA) affirmatively finds that they are not. This provision adds yet another layer of protection for existing State collective bargaining laws.
- **Limit FLRA authority.** The legislation clarifies that the FLRA can only evaluate State laws based on the minimum standards in the bill, and nothing else. The FLRA could not create new requirements and then impose them on States.
- **Labor-management agreement given maximum weight.** When deciding whether a State law complies with the Act's minimum standards, the FLRA must now give maximum weight to an agreement between management

and labor that a State law complies with the Act.

- **Enforcement flexibility.** The legislation clarifies that States may empower a state administrative agency to enforce the law before a court can be asked to intervene.
- **Respect State strike prohibitions.** The legislation strengthens the strike prohibition and clarifies that State strike bans should not be preempted.
- **Accommodate State legislatures.** The bill gives non-collective bargaining States whose legislatures meet infrequently more time to comply with the collective bargaining standards. These State legislatures would have either two years after the bill is signed, or until the end of the legislative session that begins after the date the bill is signed into law, whichever comes later, to achieve compliance.

These changes were made to assuage the concerns of Senators who support the legislation, but who represent right-to-work states. Additionally, the changes put the Senate bill more in line with the House bill, making it easier for the Collective Bargaining bill to pass both houses of Congress.

S. 1611 currently has 7 cosponsors: 4 Republicans (Senators Susan Collins, Olympia Snow, Mel Martinez and Mike Johanns) and 3 Democrats (Senators Tom Harkin, Barbara Mikulski and Christopher Dodd). NAPO continues to push to get floor time for the legislation in the Senate this fall, but currently, the healthcare debate and the final fiscal 2010 appropriations acts have priority.

H.R. 413 currently has 145 cosponsors and our goal is 218 cosponsors, a majority of the House. Please reach out and urge your Congressional representatives and senators to sign on as

cosponsors of H.R. 413 and S. 1611.

Please contact Andy Mournighan, NAPO's Director of Governmental Affairs, at the NAPO office at (703) 549-0775 if you would like more information on the Public Safety Employer-Employee Cooperation Act. Also, she can provide you with sample letters to send to your Congressional representatives if needed.

Executive Director's Report IRS Normal Retirement Age Regulations Update

On Friday, September 11, 2009, NAPO and other stakeholder groups met with Mark Iwry, Senior Advisor to Treasury Secretary Timothy Geithner and Deputy Assistant Treasury Secretary for Retirement and Health Policy. In this newly created position, Mr. Iwry is responsible for policy with respect to pensions, retirement savings, health care and executive compensation.

The meeting was an introductory meeting to establish a relationship with Mr. Iwry and brief him on our biggest concerns and policy issues in regards to state and local governmental pensions. We concentrated on the issues of the IRS normal retirement age regulations, the IRS's steps toward defining what is a governmental plan and its efforts to ensure that governmental pension plans are tax compliant; all of which are unprecedented and would be detrimental to plans, plan sponsors and plan participants if enacted. We indicated to Mr. Iwry that we would be more than happy to work closely and collaboratively with him and the IRS in tackling these issues and ensuring the Treasury gets the information it needs regarding how governmental plans work.

Unlike our conversations with the IRS ear-

lier this year regarding the normal retirement age rules, Mr. Iwry conveyed a willingness and desire to work with NAPO and the other stakeholder groups around the table to address our concerns with the regulations and resolve the problem without Congressional action. NAPO resubmitted all of our previous correspondence with the IRS regarding the normal retirement age regulations to Mr. Iwry to ensure that he is fully informed of our position that governmental plans should be excluded from these rules.

The IRS normal retirement age rules are set to go into effect January 1, 2011; however, NAPO is confident we will resolve the issue with the IRS and they will exclude governmental plans from the final regulations.

NAPO Participates in Series of White House Meetings

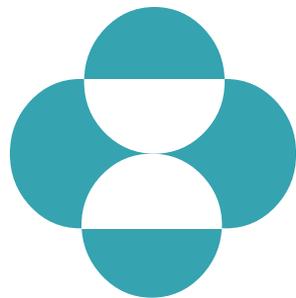
At the end of August, the White House held a series of meetings on the issues of immigration reform, gang and crime prevention and the national drug control strategy, at which NAPO was the sole rank-and-file law enforcement organization in attendance.

Comprehensive Immigration Reform

On August 20, 2009, the White House held a meeting with Homeland Security Secretary Janet Napolitano and various stakeholder groups to discuss comprehensive immigration reform. It was more of a listening session for the Department of Homeland Security (DHS) to hear the issues, concerns and advice of those in the community with a stake in immigration reform. NAPO advocated for the 287(g) program and urged the Department not to further weaken the Memorandums of Agreement

(continued on page C13)

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NAPO's Federal Legislative Scorecard

111th Congress, 1st Session, September 2009

Legislation under review, in order of issue, covering Budget & Appropriations, Collective Bargaining, COPS Program and Department of Justice Grant Funding, Criminal Justice, Federal Oversight, Firearms, Homeland Security, Immigration, Law Enforcement Due Process & "Bill of Rights," Pension and Social Security Reform, and Public Safety Officer Survivor Assistance.

Budget & Appropriations

- **H.R. 1 Support, PASSED** (David Obey, D-WI) Introduced January 26, 2009. The "American Recovery and Reinvestment Act of 2009." *A bill making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009;*

Recent Action: 1/28/2009 passed by the House by a vote of 244-188.

2/10/2009 passed by the Senate by a vote of 61-37. 2/12/2009 conference report filed. 2/13/2009 conference report agreed to by both the House and Senate. **2/17/2009 signed in law by the President; became Public Law 111-005.**

- **H.R. 1105 Support, PASSED** (David Obey, D-WI) Introduced February 23, 2009. The "Omnibus Appropriations Act, 2009." *A bill making omnibus appropriations for the fiscal year ending September 30, 2009;*

Recent Action: 2/25/2009 agreed to and passed by the House.

3/10/2009 agreed to and passed by the Senate. **3/11/2009 signed into law by the President; became Public Law 111-008.**

- **H.R. 2847 Support** (Alan B. Mollohan, D-WV) Introduced June 12, 2009. The "Commerce, Justice, Science and Related Agencies Appropriations Act, 2010." *A bill making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2010;*

Recent Action: 6/18/2009 agreed to and passed by the House by a vote of 259-157.

6/25/2009 amended and reported out of the Senate Appropriations Committee.

- **H.R. 2892 Support** (David E. Price, D-NC) Introduced June 16, 2009. The "Department of Homeland Security Appropriations Act, 2010." *A bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010;*

Recent Action: 6/24/2009 agreed to and passed by the House by a vote of 389-37.

7/9/2009 amended and passed by the Senate by a vote of 84-6. Currently in conference negotiations to resolve differences.

Collective Bargaining

- **H.R. 413 Support**, (Dale Kildee, D-MI / John Duncan, R-TN) Introduced January 9, 2009. The "Public Safety Employer-Employee Cooperation Act of 2009." *A bill to provide collective bargaining rights for public safety officers employed by States or their political subdivisions;*

Recent Action: Referred to the House Education and Labor Committee. Currently has the support of 145 cosponsors.

- **S. 1611 Support**, (Judd Gregg, R-NH / Edward Kennedy, D-MA) Introduced August 6, 2009. The "Public Safety Employer-Employee Cooperation Act of 2009." *Senate companion bill to H.R. 413;*

Recent Action: Referred to the Senate Health, Education, Labor and Pensions Committee. Currently has the support of 7 cosponsors.

COPS Program, Department of Justice Grant Funding

- **S. 167 Support**, (Herb Kohl, D-WI) Introduced January 8, 2009. The "COPS Improvements Act of 2009." *A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to enhance the COPS ON THE BEAT grant program, and for other purposes;*

Recent Action: Referred to the Senate Judiciary Committee. Currently has the support of 17 cosponsors.

- **H.R. 1139 Support**, (Anthony Weiner, D-NY) Introduced February 23, 2009. The "COPS Improvements Act of 2009." *House companion bill to S. 167;*

Recent Action: 3/25/2009 approved by the Judiciary Committee by a 17-7 vote.

4/23/2009 passed the House by a vote of 342-78. Has the support of 45 cosponsors.

Criminal Justice

- **S. 132 Support**, (Dianne Feinstein, D-CA) Introduced January 6, 2009. The "Gang Abatement and Prevention Act of 2009." *A bill to increase and enhance law enforcement resources committed to investigation and prosecution of violent gangs, to deter and punish violent gang crime, to protect law-abiding citizens and communities from violent criminals, to revise and enhance criminal penalties for violent crimes, to expand and improve gang prevention programs;*

Recent Action: Referred to the Senate Judiciary Committee. Currently has the support of 13 cosponsors.

- **H.R. 1022 Support**, (Adam Schiff, D-CA/Mary Bono, R-CA) Introduced February 12, 2009. The "Gang Prevention, Intervention, and Suppression Act." *A bill to increase and enhance law enforcement resources committed to investigation and prosecution of violent gangs, to deter and punish violent gang crime, to protect law-abiding citizens and communities from violent criminals, to revise and enhance criminal penalties for violent crimes, to expand and improve gang prevention programs;*

Recent Action: Referred to the House Judiciary Committee and the House Education and Labor Committee. 3/16/2009 referred to the Judiciary Subcommittee on Crime, Terrorism and Homeland Security. Currently has the support of 3 cosponsors.

- **H.R. 970 Support**, (Anthony Weiner, D-NY) Introduced February 10, 2009. The "Fugitive Information Networked Database (FIND) Act of 2009." *A bill to encourage the entry of felony warrants into the NCIC database by States and provide additional resources for extradition;*

Recent Action: Referred to the House Judiciary Committee. 3/16/2009 referred to the Judiciary Subcommittee on Crime, Terrorism and Homeland Security.

- **S. 714 Support**, (Jim Webb, D-VA) Introduced March 26, 2009. The "National Criminal Justice Commission Act of 2009." *A bill to establish a National Criminal Justice Commission to undertake a comprehensive review of the criminal justice system;*

Recent Action: Referred to the Senate Judiciary Committee. 6/11/2009 hearing on bill held by the Subcommittee on Crime and Drugs. Currently has the support of 35 cosponsors.

Federal Oversight

- **H.R. 73 Oppose**, (Sheila Jackson-Lee, D-TX) Introduced January 6, 2007. The "Traffic Stops Along the Border Statistics Study Act of 2007." *A bill to provide for the collection of data on traffic stops;*

Recent Action: Referred to the House Judiciary Subcommittee on Crime, Terrorism, and Homeland Security.

Firearms

- **S. 1132 Support**, (Patrick Leahy, D-VT) Introduced May 21, 2009. The "Law Enforcement Officers Safety Act Improvements Act of 2009." *A bill to amend title 18, United States Code, to improve the provisions relating to the carrying of concealed weapons by law enforcement officers;*

Recent Action: Referred to the Senate Judiciary Committee. Currently has the support of 3 cosponsors.

Homeland Security

- **H.R. 791 Support**, (Anthony Weiner, D-NY) Introduced February 2, 2009. The "First Responder Funding Modernization Act of 2009." *A bill to prohibit the Department of Homeland Security from limiting the amount of Urban Area Security Initiative or State Homeland Security Grant Program grant funds that may be used to pay salaries or overtime pay of law enforcement officials engaged in antiterrorism activities;*

Recent Action: Referred to the House Homeland Security Committee. 2/20/2009 referred to the Subcommittee on Emergency Communications, Preparedness, and Response.

Immigration

- **S. 1261 Support**, (Daniel K. Akaka, D-HI) Introduced June 15, 2009. The "Providing Additional Security in States' Identification (PASS ID) Act of 2009." *A bill to repeal title II of the REAL ID Act of 2005 and amend title II of the Homeland Security Act of 2002 to better protect the security, confidentiality, and integrity of personally identifiable information collected by States when issuing driver's licenses and identification documents;*

Recent Action: Referred to the Senate Committee on Homeland Security and Governmental Affairs. 7/15/2009 Committee hearings held. 7/29/2009 ordered to be reported with an amendment favorably. Currently has the support of 8 cosponsors.

Law Enforcement Due Process & "Bill of Rights"

- **H.R. 1972 Support**, (Bart Stupak, D-MI / Erik Paulsen, R-MN) Introduced April 2, 2009. The "Law Enforcement Officer's Procedural Bill of Rights Act." *A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to provide standards and procedures to guide State and local law enforcement agencies and law enforcement officers during internal investigations, interrogation of law enforcement officers, and administrative disciplinary hearings, to ensure accountability of law enforcement officers, to guarantee the due process rights of law enforcement officers, and to require States to enact law enforcement discipline, accountability, and due process laws;*

Recent Action: Referred to the House Judiciary Committee. Currently has the support of 2 cosponsors.

Pension and Social Security Reform

- **S. 484 Support**, (Dianne Feinstein, D-CA) Introduced February 25, 2009. The "Social Security Fairness Act of 2000." *A bill to amend Title II of the Social Security Act to repeal the Government pension offset and Windfall Elimination Provisions;*

Recent Action: Referred to the Senate Finance Committee. Currently has the support of 29 cosponsors.

- **H.R. 235 Support**, (Howard Berman, D-CA) Introduced January 7, 2009. The "Social Security Fairness Act." *House companion bill to S. 484;*

Recent Action: Referred to the House Ways and Means Committee. Currently has the support of 306 cosponsors.

- **H.R. 673 Support**, (Bob Filner, D-CA) Introduced January 26, 2009. The "Law Enforcement Officers Equity Act." *A bill to grant law enforcement officer (LEO) status to approximately 30,000 federal officers, making them eligible for federal law enforcement retirement benefits;*

Recent Action: Referred to the House Committee on Oversight and Government Reform. 5/4/2009 referred to the Subcommittee on the Federal Workforce, Post Office and the District of Columbia. Currently has the support of 20 cosponsors.

Public Safety Officer Survivor Assistance

- **H.R. 248 Support**, (Gene Green, D-TX) Introduced January 7, 2009. The "Law Enforcement Officers Flag Memorial Act." *A bill to provide Capitol-flown flags to the families of deceased law enforcement officers;*

Recent Action: Referred to the House Judiciary Subcommittee on Crime, Terrorism and Homeland Security.





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The Washington Letter

(continued from page C10)

(MOA) it has with local law enforcement agencies.

While NAPO was joined in supporting the program, there were also groups present who voiced their opposition to it and we were not sure which direction the Administration would go with the program, particularly after it changed the MOAs. However, at the end of the meeting, the President spoke to the participants and clearly stated that the administration will continue to support the 287(g) program. The President added that although he and Secretary Napolitano back the program, DHS will have greater oversight over the agencies acting under a MOA to ensure that there is no abuse of the powers granted to them. This oversight is reflected in the new MOAs, so this announcement was not a surprise to NAPO.

To reinforce our stance in support of the 287(g) program and to respond to the opposing arguments, NAPO sent the President a letter on September 4, 2009, outlining why the program is important for state and local law enforcement and addressing the concerns expressed by the opponents. We will continue to work with the administration and DHS to ensure that the 287(g) program is supported and that state and local law enforcement agencies, particularly those along our Southwest Border, are given the resources needed to secure the safety of our communities.

Gang Violence Prevention and Crime Control

On August 24, 2009, NAPO attended the White House National Conference on Gang Violence Prevention and Crime Control, which brought together Attorney General Eric Holder, the Director of the Office of National Drug Control Policy Gil Kerlikowski, mayors, law enforcement, community representatives

and scholars to discuss emerging strategies to combat gang violence and criminal activity. It addressed topics such as effective policing strategies, disrupting gang recruitment and the role of the federal government in community-driven gang violence and crime prevention solutions. The conference participants were all supporters and practitioners of community policing and the overall accomplishment of the conference was promoting and sharing best practices for communities to combat gangs and violent crime. What NAPO took from this conference is that the administration is dedicated to rebuilding our nation's community policing services and it is willing to work with and listen to the practitioners and proponents of community policing to do so.

2010 National Drug Control Strategy

On August 27, 2009, the Office of National Drug Control Policy held a meeting with state, local and tribal criminal justice and law enforcement organizations to discuss the 2010 National Drug Control Strategy. The main discussion centered on two facts: that there has been no comprehensive national drug control strategy and that there has been a lack of funding and resources for communities for drug prevention, treatment and enforcement measures. Re-entry and continuity of drug treatment from institution to community were also major issues discussed. NAPO believes that any national strategy needs to blend prevention, intervention and enforcement in order that we can fight the problem from all sides and that to be successful, information sharing and partnerships are key at all levels of government. NAPO hopes that Director Kerlikowski takes into consideration the concerns raised and that they will be reflected in the final 2010 National Drug Control Strategy.

Trivia Answers



National Parks

(see questions on page C4)

1. The first park to receive National Park status in the United States was Yellowstone National Park on March 1, 1872.
2. The three states that make up Yellowstone National Park are Wyoming, Montana, and Idaho.
3. The only National Park in the United States where alligators and crocodiles exist in harmony is Everglades National Park in Florida.
4. The largest National Park in the lower 48 states is Death Valley National Park which covers 5,262 square miles in California and Nevada.
5. The smallest National Park in the United States is Hot Springs National Park just outside of Hot Springs, Arkansas which measures only nine square miles.

Sports

(see questions on page C4)

1. Entering the 2009 season Yankees shortstop Derek Jeter held the record for the most base hits in the post season with 153.
2. Of all the players who hit 500 or more home runs in their career only Ted Williams and Ernie Banks never hit a homer in the post season?
3. The record for most RBIs in one World Series game is held by former Yankees second baseman Bobby Richardson who knocked in six runs in game three of the 1960 World Series against the Pirates.
4. The only member of the career 3,000 strikeout club who never struck out a batter in the post season is Ferguson Jenkins who never appeared in a post season game?
5. The last American League to win a batting title and not hit a home run was Twins second base man Rod Carew who hit 318 in 1972.
6. The youngest player to win a World Series MVP Award is Royals righthander Bret Saberhagen who won the award in 1985 at the age of 21.
7. The only Red Sox pitcher to win a game in both the 2004 and 2007 World Series is Curt Schilling.
8. The last member of the New York Yankees to be named World Series MVP was Derek Jeter in 2000.
9. The only Red Sox switch-hitter to win an American League batting title was third baseman Bill Mueller who accomplished the feat in 2003.
10. The two pitchers who have amassed over 500 career saves are Brewers closer Trevor Hoffman and Yankees reliever Mariano Rivera.

Don't Tread on Me

(continued from page C5)

Kennedy coat-holder in the seat who will vote along party lines to impose Obamacare on us! Funny how we really need a Senator; Kennedy missed about 80% of the votes while battling brain cancer; Obama only served about 150 days before launching his campaign for President. McCain and Kerry were also sitting Senators when they ran for President. If the job is THAT important, maybe they should be forced to resign while campaigning for higher office. By the way, this isn't the first time those pimps (don't be shocked, they derive their income from us) on Beacon Hill sold us out. It's time we remind them THEY work for US, we don't work for THEM!

The State spent a ton of money from the Big Dig to dredge, clean and beautify the Fort Point Channel. They christened it the "Riverwalk," and it provided a spectacular location for what we now call the "Pine Street Yacht Club" The bums sun themselves, deal and use drugs, drink, defecate, have sex, and leave a mess all on our dime. It's like the Kennedy Compound!

I was heading toward the station on my bike about 11 o'clock one evening. I was on Harrison Ave. near the Herald, when I saw a hooker strolling along. I stopped and told her in no uncertain terms she should leave. She became very argumentative, and tarried in the area. Finally losing my patience, I told her to "Screw!" She replied; "that's \$50" and left laughing.

Congressman Wilson of South Carolina

called Obama a "Liar" during his speech on Healthcare. He was wrong, what Obama said was not a lie. **BUT**, being a Catholic, what Obama did, we know as a "sin of omission." It is true that illegal aliens are not covered by the plan. So, he didn't lie, what he didn't tell was; Democrats removed all provisions requiring proof of citizenship to get healthcare. I guess it depends on what "is" is, right?

Now we have Democratic Congressman Grayson who claims a Republican Health Plan just wants you to die, and die quickly. If my memory serves me correctly, it was then-candidate Obama who urged Americans to adopt a more European attitude toward death in old age, and accept it without the expensive, drastic measures we use here. As far as I'm concerned, this HMO-bama can't die soon enough.

Finally, one last note...we are in the last year of our Contract, and once again, we face an issue that has us fighting among ourselves. First it was the Quinn Bill, then Residency, now its Details. Guys in Area F (Specialized Units) want to change a system that has served us well for many years. If it's not changed, the Department has threatened to "do it for us." This is an issue that affects all of us! Show up at the Open Meeting and voice your opinion. Every assignment has pros and cons, and it would be a shame for any of us to lose our "pros" because another cop thinks it's a "con."

The Police Appreciation Program for \$500 Cash Back on a Ford or Lincoln Mercury Extended through January 4, 2010!

Please inform your members about this extremely popular offer so they can immediately act on this great deal. Contact Nina Kunkel at the NAPO office at (703) 549-0775 for your organization's username & password and for information on how to enroll.

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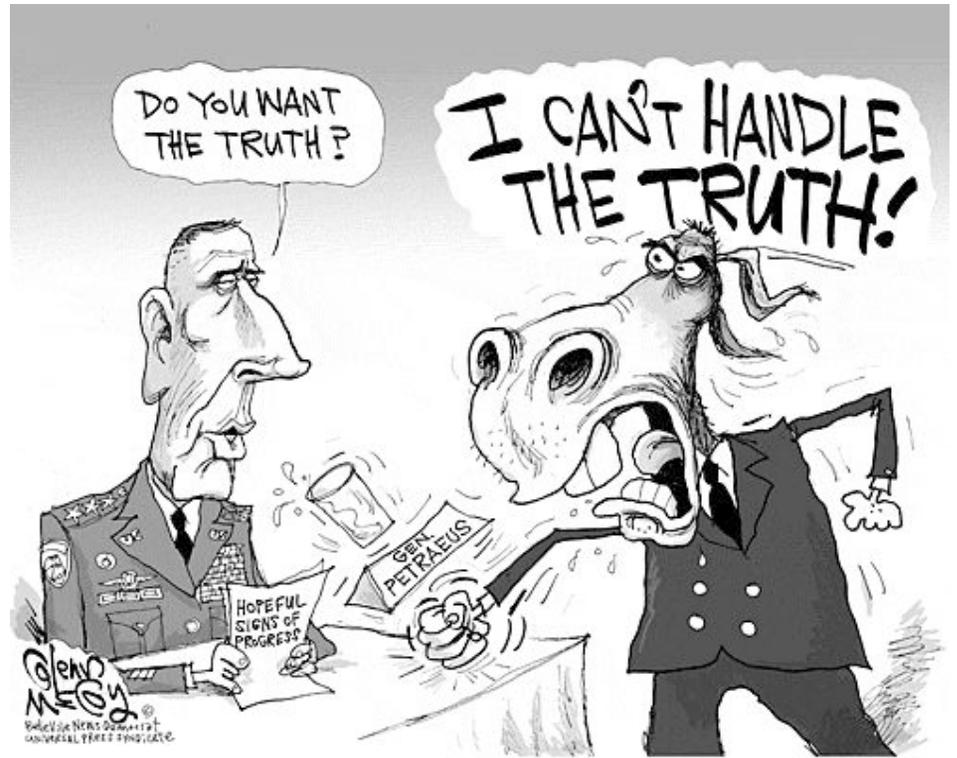
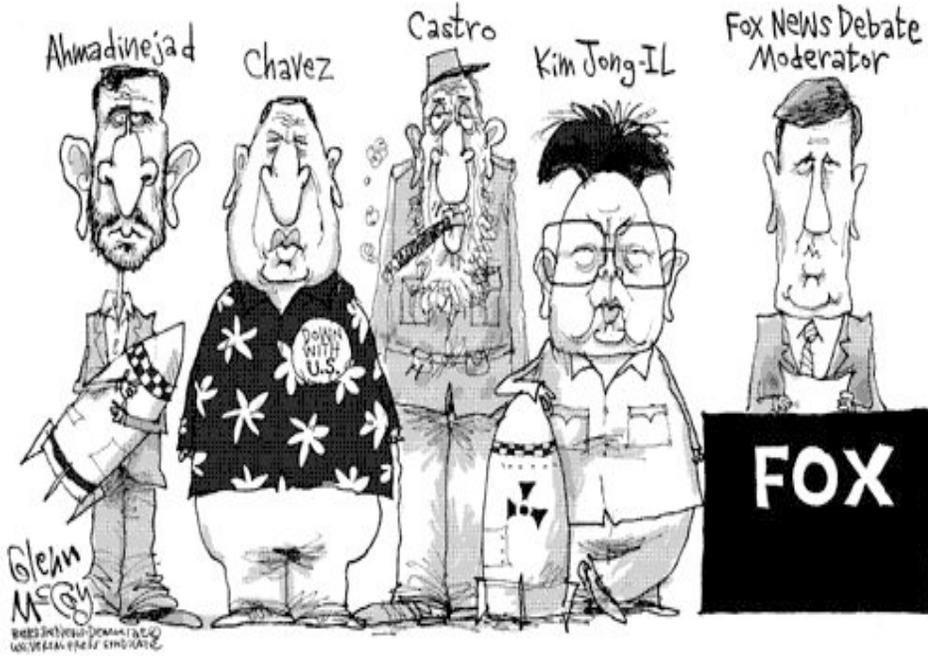
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Which one has Barack Obama refused to meet with?



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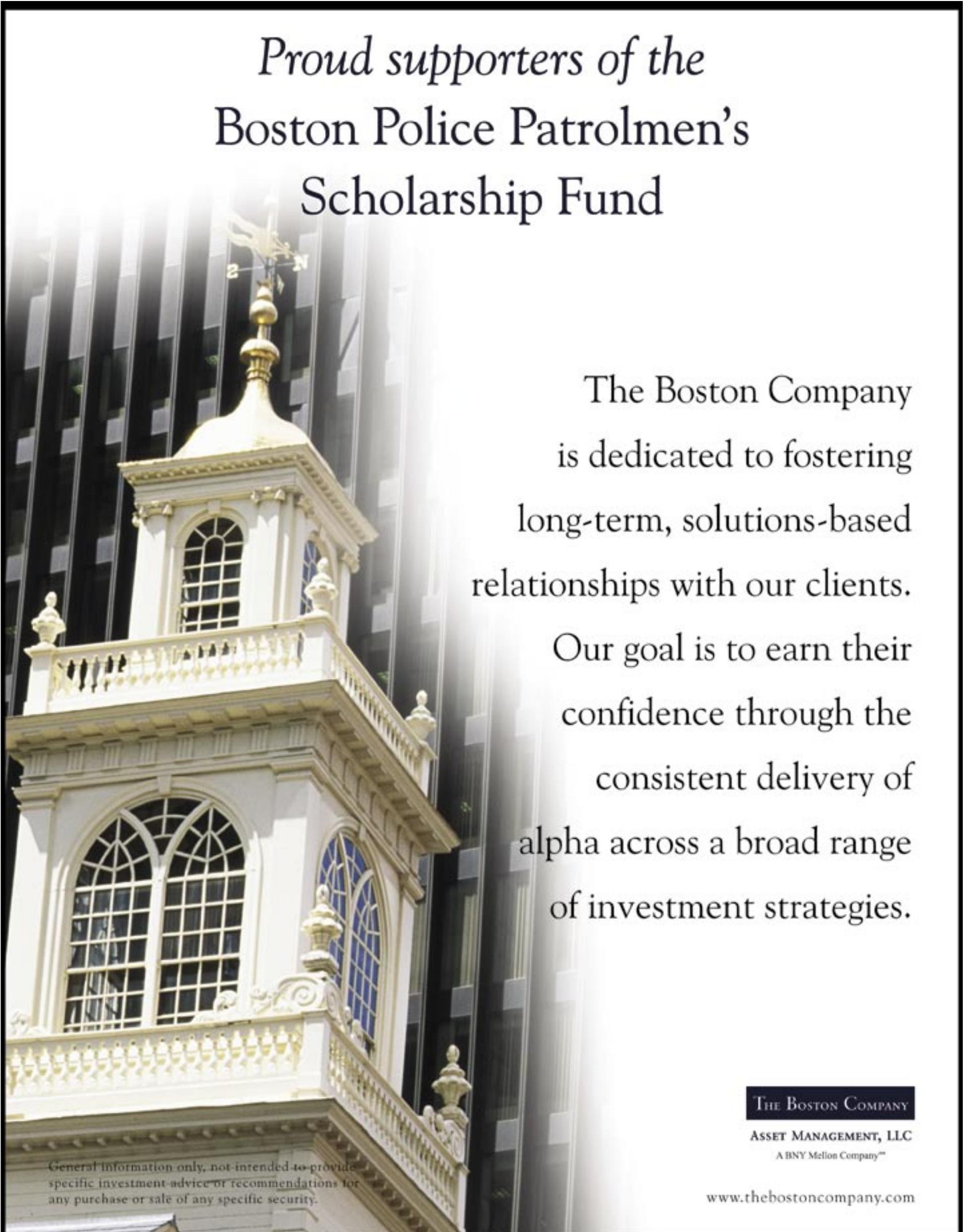
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Editorial Cartoons from Australia... Not Seen in America!

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