



Ohio FOP E-Focus

MARCH 2009

Day on the Hill a Great Success!

President Nick DiMarco led a group of Ohio FOP members to Washington DC to lobby on behalf of the all of the members of the Fraternal Order of Police.

We were able to secure appointments with every member of the Ohio Congressional Delegation and either spoke to the member or key staff for every office. We were mainly speaking on the three priority issues as identified by the Grand Lodge. They are:

H.R. 413 - The Public Employer/Employee Cooperation Act, or as it is better known, the Public Safety Officer Collective Bargaining Bill. We have hopes for this bill this year.

H.R. 235 - The Social Security Fairness Act of 2009. This bill would repeal the Windfall Elimination Provision and the Government Pension Offset. It currently has 194 co-sponsors.

The Police Officer Bill of Rights or a due process bill for officers during administrative proceedings against them. This bill is currently being drafted by Rep. Sanchez from California.

We also spoke about funding issues, drug sentencing, public access to our personal records and several other issues.

We would like to thank the following lodges who sent members to our nation's capital on your behalf: Akron 7, Capital City 9, Steve Young Memorial 24, Western Lake County 116, and the State Lodge.

Law Enforcement Funds in the Stimulus

Chuck Canterbury, National President of the Fraternal Order of Police, is pleased to confirm that funding for the Edward J. Byrne Memorial Justice Assistance Grant (Byrne-JAG) program, the Office for Community Oriented Policing Services (COPS) hiring program, as well as other direct assistance to State and local law enforcement can be found in the conference report on H.R. 1, the "American Recovery and Reinvestment Act."

"This is excellent news for the men and women in law enforcement," Canterbury said. "The cuts in last years appropriations were severe and threatened the existence of multijurisdictional task forces in every region of the country. The money in the stimulus bill is vital."

The economic stimulus bill passed the House in late January on a straight party-line vote, and the Senate passed an amended version on a 61-37 vote earlier this week. A House-Senate conference committee reconciled the two different versions into a single bill for consideration and filed their conference report, which is scheduled to be considered by both chambers later today.

The funds in H.R. 1 for assistance to State and local law enforcement are as follows:

- \$2 billion for the Edward J. Byrne Memorial Justice Assistance Grants program;
- \$1 billion for the hiring program administered by the Office of Community Oriented Policing Services;
- \$225 million for programs established by the Violence Against Women Act, of which \$50 million is for transitional housing assistance grants for victims of domestic violence, stalking or sexual assault;
- \$225 million for competitive grants to improve the functioning of the criminal justice system, to assist victims of crime and for youth mentoring grants;
- \$225 million for assistance to Indian Tribes;
- \$125 million for assistance to law enforcement in rural areas;
- \$100 million to be distributed by the Office for Victims of Crime;
- \$50 million for internet crimes against children initiatives; and
- \$40 million for competitive grants to provide assistance and equipment to local law enforcement along the southern border and in High Intensity Drug Trafficking Areas (HIDTA) to combat criminal narcotics activity stemming from the southern border, of which \$10 million will be transferred to the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) for the ATF Project Gunrunner.

In addition, the bill would also waive the twenty-five percent (25%) matching requirement and the \$75,000 maximum for the COPS hiring program for the monies allocated in this or any other Act making appropriations for this program for FY2009 and FY2010.

"Support for state and local law enforcement is once again a priority for Congress," Canterbury said. "In tight economic times like these, it will help keep officers in the streets and give a greater measure of safety and security to all of our communities."

More Information on the COPS Grant

Many members have asked about some of the particulars regarding the COPS grant.

CHRP grants will provide 100 percent funding for approved entry-level salaries and benefits for 3 years (36 months) for newly-hired, full-time sworn officer positions (including filling existing unfunded vacancies) or for rehired officers who have been laid off, or are

scheduled to be laid off on a future date, as a result of local budget cuts. In addition, there is no cap on the number of positions an agency may request, but awards will be limited to available funding. Please be mindful of the initial 3-year grant period and your agency's ability to fill the officer positions awarded, while following your agency's established hiring policies and procedures.

There is also no match for these grants at all.

The applications will be out by the end of the month. Please check for them at www.cops.usdoj.gov for more information.

State Park Officer Wins Award

State Park Officer **Adam Martin**, recently received the Division's Lifesaving Recognition Award on January 12, 2009.

This summer while off duty, Officer Martin was fishing in his boat off the eastern shore of Alum Creek. He heard screams for help coming from the shoreline and spotted a man on top of a female, choking and holding his hand over her face. Officer Martin changed course and headed toward the couple on shore. As he maneuvered closer to them, the man got up and kicked the female victim in the head and shoulders. The attacker then saw Officer Martin approaching and immediately fled the area. The female victim got up, screaming, and initially ran away from the rescuing boat but then ran back to the shore. Officer Martin pulled the bow of his boat up to the shore and the female victim jumped on board. Officer Martin backed his boat out onto the lake and phoned the Delaware County dispatch.

As the female victim continually thanked Adam Martin for saving her life, she repeatedly stated that her attacker had been trying to kill her. She indicated that the assailant had been attacking her for fifteen minutes prior to Officer Martin's arrival and that he had tried to strangle her with fishing line. The victim had red marks from the assault and was visibly trembling. Officer Martin took her to the Cheshire boat ramp where medics transported her to the hospital.

Officer Martin returned to the scene with a Delaware Deputy, and maintained a shoreline perimeter for the search of the male assailant. The offender was subsequently arrested and transported to jail. Congratulations Adam, and thank you for your diligent service.

Ohio Supreme Court Rules in Jurisdiction Case

The Supreme Court of Ohio ruled on February 4th that a law enforcement officer who personally observes a traffic violation while outside the officer's territorial jurisdiction has probable cause to make a traffic stop, and the stop is therefore not unreasonable under the Fourth Amendment to the U.S. Constitution. The facts in *State vs. Jones* are this: An East Canton officer observes a vehicle operating at night with no headlights on about a half mile outside of East Canton. The vehicle matched the description of a hit/skip

suspect in a crash he was investigating.

Upon approaching car, he asked the occupants if they had any weapons and they admitted they did. They were arrested on a variety of charges, including weapons charges.

The trial court did not suppress the evidence but the appeals court did. The Supreme Court overturned the appeals court.

In the decision, Justice O'Connor cautioned police when she wrote "We held in *Weideman* that '[w]here a law enforcement officer, act-

ing outside the officer's statutory territorial jurisdiction, stops and detains a motorist for an offense committed and observed outside the officer's jurisdiction, the seizure of the motorist by the officer is not unreasonable *per se* under the Fourth Amendment.'

... But by stating that the stop was not *per se* unreasonable, it follows that a court could find that an extraterritorial stop is unreasonable based on the unique facts and circumstances of a particular case."

Police and Fire wins Award

State Auditor Mary Taylor has presented Ohio Police and Fire Pension Fund (OP-F) officials with the "Making Your Tax Dollars Count" award for FY07.

"I am pleased to recognize the Ohio Police and Fire Pension Fund for properly accounting for the tax dollars they spend," said Taylor. "Ohioans should be proud of the fund's commitment to making

sure that each tax dollar is spent appropriately."

Certain criteria must be met to receive the "Making Your Tax Dollars Count" award:

- The entity must complete and submit a Comprehensive Annual Financial Report (CAFR).
- There must be no findings or issues present in the au-

dit report.

- There must be no other financial concerns involving the entity.

Kathy Harrell, chair of OP-F's Board of Trustees, accepted the award. Fewer than five percent of all Ohio government agencies are eligible for the "Making Your Dollars Count Award."

Capital City Lodge 9 hosts economic summit

Capital City Lodge 9 President Jim Gilbert sponsored an economic summit on February 16. Several members attended from across the Central Ohio region.

The main topic discussed: employers are asking for givebacks

and concessions from employees and are using the court of public opinion to try to force unions into these concessions.

One attorney present stated that deferring raises or other benefits is preferred over giving

back that benefit won at the negotiating table.

In every case, all angles should be scrutinized before giving back or conceding any benefit you have earned.

U.S. Supreme Court rules in favor of police

The United States Supreme Court ruled on January 14th that evidence found in an illegal search could be used in trial. In this Alabama case, the police were told a man had a warrant by a court clerk. Upon the arrest of the man, they discovered an illegal pistol and methamphetamine. They then learned that a computer glitch was present and there was no warrant.

“When police mistakes that lead to an unlawful search arise from “negligence ... rather than systematic error or reckless disregard of constitutional requirements,” evidence need not be kept from trial”, Chief Justice John Roberts wrote for the 5-4 majority in the case from Alabama. He was joined by the four other justices: Antonin Scalia, Anthony Kennedy, Clarence Thomas and Samuel Alito. The Roberts majority focused on the societal costs of excluding drugs and other evidence seized. The court enhanced officers’ ability to use evidence by arguing that an unlawful arrest was not reckless or deliberate.

After Herring was indicted on federal gun and drug possession charges, he argued the evidence could not be used against him because the arrest was illegal. The Fourth Amendment requires police to have a warrant or probable cause to make an arrest.

Lower U.S. courts rejected his claim, and the Supreme Court affirmed. Like the lower courts, the Roberts majority said the mistake arose from negligence rather than a deliberate effort to deprive Herring of his rights.

Fire & Police Benefit Motocross

The 11th Annual Fire & Police Benefit Motocross is being held June 19th and 20th, 2009 at Area 330 Action Complex. This event is organized by Akron Firefighter Ray Martin with help from several Ohio police officers, firefighters, medics, as well as some federal agents. The Fire & Police Benefit Motocross donates proceeds from the event to the Make-A-Wish Foundation and The Burn Unit at Akron Children's Hospital. The participants are primarily fire, police and EMS employees and their families, but the event is open to the public. We are very proud of the family atmosphere that we have at our event. Fire, police, and EMS employees from several states attend and participate in this great event. We have regular attendees from, Ohio, Indiana, Kentucky, Michigan, New York City, New Jersey, and more. If you bring a bike or ATV, we'll make sure there's a class for you to ride. We have classes for every age group and skill level. The small bikes and small quads run on a separate track, and are allowed to ride/practice all day following their races. Each year we give away loads of swag from various motocross related companies and other companies that generously donate to the event. This year we will also be raffling off a new 2009 Suzuki King Quad 450 4x4. This year, the charity event is being run in conjunction with the Ohio Police & Fire Games, which will be held the following day at the same track. These two events and the Indiana Fire and Police MX race in August, and possibly an October race in Delaware, will be scored as a series with season awards decided following the final event.

For additional information, check out our website at www.firepolicebenefitmx.com

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FOP OHIO WEEK ON PUT IN BAY

For the first time ever there will be an FOP-OHIO week at Put-in-Bay. The Islander Inn and Grand Islander Hotel are the host sites. All FOP members, both active and retirees, can enjoy special rates on rooms, golf carts and many other things from June 14 thru June 18. There will be special events just for FOP members on the island, including the first ever Special Olympics Ohio Solar Bear Plunge. Come to the prime vacation destination on Lake Erie and enjoy yourself in a Caribbean setting with the world's biggest swim up bar and an oversized jacuzzi! Call 877-500-7829 today to book your room. Please be prepared to give the name of your local department and your FOP Lodge number.

FOP/OLC CONFERENCE

The FOP, Ohio Labor Council will hold its 24th annual conference on Tuesday May 19, 2009. This year the conference will be held at the facilities of Capital City Lodge #9. The Lodge Hall is located at 6800 Schrock Hill Court, Columbus, Ohio 43229. As usual, we will be holding educational seminars on Monday before the Conference.

We have planned a hospitality event for Monday evening at the Lodge Hall. There will be a reception beginning at 6:00 pm with food and a cash bar. At 7:00 pm, "Casino Night" will begin with Texas Hold "EM, Black Jack, Roulette, and Craps. Each person will be given their "stake" in play money. Hopefully you will increase your bank to cash in at the end of the night for tickets towards chances to win great prizes.

For those of you who will need to stay in Columbus overnight, we have made arrangements with the Ramada North Columbus. The hotel is right across the parking lot from Cap City #9. We have a room rate of \$74.95 plus tax. There will also be a separate breakfast provided at the hotel for members of the FOP/OLC.

Each bargaining unit will be receiving information soon about the conference and how to register. We are looking forward to a great time and hope to see you there.

2009 National FOP Day on the Hill



Please visit http://www.fopohio.org/Communication/fop_calendar.htm for events information....remember the State Conference is July 25-28 and the National Conference is August 16-20

I now know people read the E-Focus because last month's article on the OP-F Pension System generated calls to OP-F Pension Board Trustees and to FOP Board Members. I will try to clear up any confusion from the cover article of the February 2009 E-Focus.

The article states that some legislators (mainly Lynn Wachtmann, who sits on the Ohio Retirement Study Committee) have OP-F in the crosshairs. Couple the close scrutiny with today's economy and we **may** see legislative action target some of the benefits our members enjoy through OP-F.

The article is clear. No new bills have been introduced. It is clearly stated that legislators are the source of the questions and conversations.

The FOP of Ohio and OP-F trustees have your best interests in mind. We will fight any change to the pension system not benefiting the membership.

We all need to remain vigilant to protect our pensions and benefits!