



# Ohio FOP E-Focus

NOVEMBER, 2009

## State Lodge leads discussion group on

### police and fire pensions

Please be on the lookout for information about a new discussion group to be held for our members in PERS!

Due to the recent attacks on our public pensions by certain members of the Ohio legislature, the Ohio FOP recently led its second discussion group on the recommendations made by the Board of Trustees of the Ohio Police and Fire Pension System.

Nick DiMarco, Jay McDonald, Mark Drum, Wes Elson and Chet DeLong represented the State Lodge. Lodge's 8, 9, 28, 44, 67 and members of the Cleveland Police Patrolman's Association and the Ohio Profes-

sional Fire Fighters Association were represented as well, as was the Ohio Police and Fire Pension Board.

Every part of the proposal (see the October E-Focus for the OP-F proposal) was discussed and debated. The purpose of the discussion and debate was to try to get a feeling about which parts the membership could accept and which parts they could not accept.

None of the proposals are to the benefit of any indi-

vidual member but the system is convinced that some changes need to be made for the benefit of the fund, and thereby to the benefit of every member.

The political strategy will not be discussed here except that we believe both employees and employers will have to sacrifice for the good of the fund.

We expect it will be in 2010 when this gets moving at the Statehouse.

## VOTE FOR ISSUE 3 ON TUESDAY!

The delegates of the 75th Annual Conference endorsed Issue 3 and it is finally time to vote for this Issue that will bring jobs to our largest cities and reve-

nue to every single county and school system in Ohio.

Please vote yes for this important issue that

also raises funds for law enforcement training.

**VOTE YES FOR  
ISSUE 3 !!!!!**

## CIRS PROJECT WINS STIMULUS GRANT

The Ohio FOP was successful in obtaining a Justice Assistance Grant to provide an increase in service to the membership throughout Ohio.

We will be hiring an additional full time employee with these grant funds to work out of our Columbus office to assist Project Director Mike Haley in providing critical services to our members.

This \$75,000 grant will enable us to train more members in pre-incident education and to continue to respond to critical incidents across Ohio. If your Lodge wants to sponsor a training class in pre-incident education, all you need to do is find the location and we can do the rest for free. Contact Mike Haley for more information.

## Ohio FOP supports/opposes provisions in SB 77

Contrary to reports in the Columbus Dispatch and what State Senator David Goodman said, the Ohio FOP has been voicing concerns about SB 77, the so-called DNA bill, for some time. We also support several provisions in this bill.

What do we support:

- We support the collection of DNA and entry into the CODIS database for all felony level arrestees, not just upon conviction.
- We support the rights of convicted felons to obtain

DNA in cases where it could prove their innocence, even if they are on parole or have been released from prison.

- We support the encouragement of electronically recording of all interrogations of murder and rape suspects when practicable.

What do we oppose:

- We oppose the evidence retention section of this bill that mandates biological evidence be

held for up to thirty years in certain cases.

- We oppose the insertion of exact police procedure into statute, instead preferring that OPOTA be the agency to determine best practices for Ohio's law enforcement community.
- We oppose the increased costs this bill imposes without any funding to go with it.

The Ohio FOP continues to work with the interested parties to make this a better bill.

## US Supreme Court issues rulings affecting police

In the most recent term of the United States Supreme Court, several cases of interest to the law enforcement community were decided. I will outline some of them below but you should check with your agencies legal advisor for further clarification.

**Arizona v Gant:** clarified that the 4th Amendment does not permit broad authority to search a motor vehicle incident to arrest and stated that searches of a car incident to arrest is limited to protecting officer safety and to prevent the destruction of evidence.

**Montejo v. Louisiana:** addressed whether the appointment of counsel by a judge barred police from initiating contact. The Court held that 6th Amendment does not preclude law enforcement from initiating contact with a defendant in an effort to obtain a confession following a defendant's request for counsel or the court's appointment of counsel at the initial appearance or similar proceeding. The 5th Amendment continues to protect defendants who are in custody however.

**Kansas v. Ventris:** addressed that a statement obtained in violation of a defendant's 6th Amendment right to counsel could be used to impeach the defendant when he chooses to take the stand and provide testimony that conflicted with his earlier statement.

**Melendez-Diaz v. Massachusetts** addressed the admissibility of a sworn document from a laboratory regarding lab analysis. The defendant argued that this practice violated his 6th Amendment right to confront a witness against him. The Supreme Court agreed with the defendant and ruled that they must be given the opportunity to confront their accuser. This case has had effects here in Ohio, as a murder case in Marion has been sent back for a re-trial because the prosecutor used an affidavit regarding DNA testing because the BCI analyst was on maternity leave and unavailable for trial. Now analyst's and other experts must appear at trial or be deposed in order for their testimony to be brought in.

**Herring v. United States:** addressed whether evidence collected incident to an arrest of a suspect pursuant to a warrant that had been recalled would be admissible. The Supreme Court ruled that the evidence should be admitted in this case but cautioned that recklessly or knowingly making false entries into warrant databases made by law enforcement agencies is not proper.

**Ricci v. DeStefano:** addressed the issue of reverse discrimination in promotions at the New Haven, Connecticut Fire Department. The City went to lengths to provide a race neutral promotional exam for the Fire Dept by hiring a professional firm to produce the test. The test was given and the top scorers included no minorities for the rank of lieutenant and only 2 for the rank of captain. The city invalidated the results because of fear of a disparate impact lawsuit, alleging the test was discriminatory. The court held that city engaged in intentional discrimination based on race and that the threat of a lawsuit was not enough to invalidate the test and that the city would be liable based on the strong evidence it held in regards to test being race neutral.

## Looking for some sunshine

If you are looking to get away over Thanksgiving, please check out the FOP of Ohio travel service, located at [www.fopohio.org](http://www.fopohio.org).

On October 30, I search for flights out of Cincinnati to

Miami, leaving on Nov. 25 and returning on Nov. 29 and compared our results to Travelocity, a popular travel web site.

Our price and the Travelocity price were an identical \$524 for the exact

same non-stop Delta flight.

If the flight costs the same, why would you not book it through the FOP site where the State Lodge makes a commission?

### Bill Aims to Improve Concealed Weapons Permitting for Retired Officers

WASHINGTON, D.C. – Congressman J. Randy Forbes (VA-04) has announced legislation to improve current law to permit qualified retired law enforcement officers to carry concealed firearms. The Law Enforcement Officers Safety Act Improvements Act of 2009, H.R. 3752, aims to increase public safety and ensure proper protection for law enforcement officers.

"About five percent of law enforcement officers who die each year are killed while taking action in an off-duty capacity. Convicted criminals often have exact memories, preventing law enforcement officers from ever being 'off duty', whether active duty or retired," said Forbes in a prepared statement. "Not only is the ability of retired law enforcement officers to carry concealed firearms a critical officer safety issue, but it just makes sense that trained officers should be prepared to respond immediately to public safety threats, regardless of whether they are off-duty or across state lines. This bill would make significant improvements to law enforcement firearm laws to increase safety for officers and the public."

Under current law, Forbes reports, retired law enforcement officers are subject to complicated and duplicative document certification procedures to carry concealed weapons. Differing interpretations of the law lead some states to refuse to issue the required documentation. H.R. 3752 aims to "establish measures of uniformity and cut through the bureaucratic red tape by enabling a firearms instructor to certify that retired law enforcement officers meet the active duty standard for firearms training," Forbes reports.

This would allow law enforcement officers who are retired or who separated in good standing after at least ten years of service to carry a concealed weapon. The bill would also extend the right to carry a concealed weapon to current and retired law enforcement officers for a branch of the United States Armed Forces. H.R. 3752 has been endorsed by the National Fraternal Order of Police. The bill has been referred to the House Judiciary Committee where it awaits further action.

# FOP/OLC Merchandise - A Great Holiday Gift

The FOP, Ohio Labor Council, Inc. has a limited amount of merchandise available at the Main Office for purchase.

These items will make great gifts for a birthday or the upcoming holidays.

For more information contact Aaron Crawford at [acrawford@fopohio.org](mailto:acrawford@fopohio.org), or call at 614-224-5700.



OLC Attaché

Leather look w/ embroidered logo and many pockets

\$25.00 plus shipping



OLC Poker Set

Stainless, Lockable Metal Case

300 Chips, 5 Dice, 2 Decks of Cards

\$40.00 plus shipping



OLC Polo

Short Sleeve, Pocket Polo

Embroidered logo, Grey or Navy

\$20.00 plus shipping



OLC Ball Cap

Adjustable one size fits all

Embroidered logo

\$10.00 plus shipping



OLC Denim Shirt

Long Sleeve w/ pocket

Embroidered logo, Men's & Women's sizes. \$20.00 plus shipping



OLC License Plate Frame

"Protector of the Protectors" Motto

\$3.00 each plus shipping

2 for \$5.00 plus shipping



OLC T-Shirt

Heavy Weight, Pocket T

Embroidered logo, Ash or Navy

\$10.00 plus shipping



OLC Jacket

Lined for Spring/Fall weather

Embroidered logo, Navy

\$40.00 plus shipping

# National Leadership Matters Seminar

Make your lodge leaders and aspiring leaders take advantage of this annual leadership training in Nashville from February 4th through the 6th. At the Marriott hotel, 300+ FOP leaders from across the country come together to learn how to manage their lodges more effectively.

Hands-on training for secretaries and treasurers, networking and information sharing between experienced and new

leaders, participation by the Executive Board; guest speakers, and more!

What we're working on for this year:

- Possible day-long optional workshops on Thursday
  - Possible transportation for evening entertainment in downtown Nashville
- Super exciting, super secret guest entertainer!

## Hotel Information:

Nashville Airport Marriott  
 Room rate: \$118  
 Reservations: 615.889.9300  
 You must tell the hotel you are attending the FOP seminar to receive the group rate. Deadline for rooms at the group rate is January 13, 2009.

Registration information will be available in October

## FOP is still investigating holding a job fair

If your agency is going to be hiring officers anytime soon and would like to take place in a job fair hosted by the Fraternal Order of Police of Ohio, please let Jay McDonald know at [jmcdonald@fopohio.org](mailto:jmcdonald@fopohio.org).

The purpose of this event would be to try to get options for our laid off brothers and sisters who are in need of a new agency to work. These people are already trained and solid officers, so they would be attractive to

potential employers.

Again, if your agency is looking to hire and would like to reach out to potential recruits who have been laid off in another department, please contact us.

## OHLEG now on smart phones

The Ohio Law Enforcement Gateway Search Engine (OHLEG-SE) is now accessible to officers in the field using smart phones.

OHLEG-SE Mobile provides a single secure interface for real-time

searches of many databases: criminal history, police incident reports, sex offender registration status and BMV records.

This service will greatly enhance officers ability to access information rapidly and AG Cordray should be

congratulated for this innovation.

OHLEG users can check out this service by visiting [www.ohleg.org](http://www.ohleg.org).

Sometimes, it just  
isn't your day



## FOP of Ohio Calendar of Events

November 4	FOP/OLC Labor Seminar	Lodge 8
November 14	FOP Associates meeting	Columbus
January 23	FOP of Ohio Board Meeting	Columbus
February 27	Polar Bear Plunge	Lake Geneva
February 27	Climb for a Cure	Columbus
April 18-26	FOP family/friends cruise	Western Caribbean
July 17-20	76th Annual State FOP Conference	Independence