

# THE CHRONICLE

## Deputy Director's Message:

### Statewide Access, Local Support:

### The OLC Offices that Serve our Members

In addition to assisting Executive Director Gwen Callender with the administration of the FOP Ohio Labor Council, I also manage Information and Technology Services, and the central office building of the FOP of Ohio and the FOP Ohio Labor Council. This building has several other tenants in addition to the FOP and FOP/OLC.

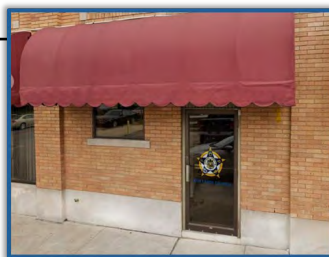
Have you ever had the pleasure of visiting one of the offices of the FOP Ohio Labor Council? There are four locations across the state. I have listed them at the bottom of this article, and you can find them on our website along with a link to Google Maps for directions. Our Central Office is located in downtown Columbus. We have satellite offices in the northeast (Akron), northwest (Toledo), and southwest (Cincinnati) parts of the state. Each office location has suitable space for meetings with your assigned staff representative and/or attorney, either one-on-one or in a group.

At our Central (Main) Office in Columbus, we conveniently share office space with the FOP of Ohio. This office is within walking distance of the Ohio Statehouse and State Offices, the Ohio State Employment Relations Board (SERB), the Ohio Police and Fire Pension Fund (OP-F), and the Ohio Public Employees Retirement System (OPERS). If you plan to visit one of these locations,

please stop by. We have free parking for our members located behind our building.



Columbus



Toledo

Akron

#### Central Office

222 East Town Street, Suite 100  
Columbus, OH 43215

#### Northeast Office

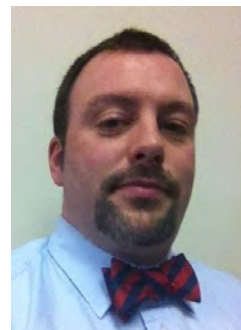
2721 Manchester Road  
Akron, OH 44319

#### Northwest Office

1700 Canton Avenue, Ste 4  
Toledo, OH 43604

#### Southwest Office

817 Main Street, Suite 500  
Cincinnati, OH 45202



**Aaron Crawford**

Deputy Director

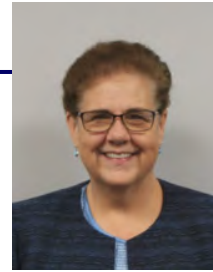
[ACrawford@fopohio.org](mailto:ACrawford@fopohio.org)

#### INSIDE THIS ISSUE:

|  |     |
|--|-----|
| <i>Deputy Director's Message</i>       | 1   |
| <i>Legal Update</i>                    | 2-3 |
| <i>Arbitration News</i>                | 4-5 |
| <i>Legislative Update</i>              | 6   |
| <i>Women's Conference Registration</i> | 6   |
| <i>Member Spotlight</i>                | 7   |
| <i>Retirements</i>                     | 9   |
| <i>Negotiations/Passalong</i>          | 10  |

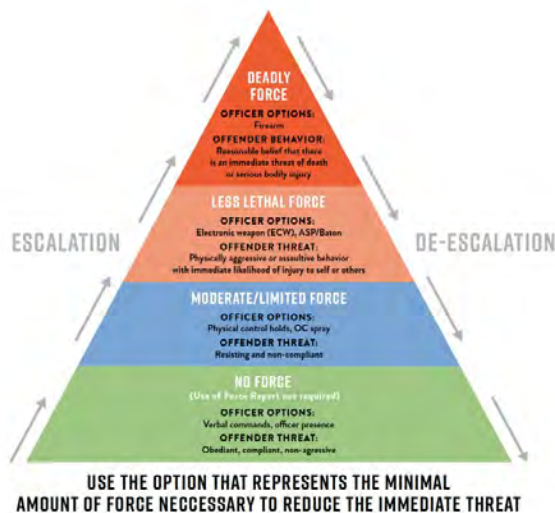
## LEGAL UPDATE

# **BARNES V. FELIX: “TOTALITY OF THE CIRCUMSTANCES” IS THE STANDARD TO BE USED IN ANALYZING THE REASONABLENESS IN USE OF FORCE**



**Kay Cremeans**  
General Counsel  
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The United States Supreme Court recently issued a decision in which it determined that “totality of the circumstances” is the standard to be used when analyzing a use of force case. The Courts were previously divided as to which standard to use, “moment of threat” or “totality of the circumstances.”



This case involves the fatal shooting of a driver during a traffic stop. The Officer was on patrol when he received an alert about a vehicle with outstanding toll violations. The Officer stopped the vehicle and approached the vehicle asking for license and proof of insurance. The driver replied that he did not have his license with him and that the vehicle was a rental. The driver rummaged through some papers inside the car. The Officer told the driver to stop digging around and commented that he smelled marijuana. The driver stated that he might have some identification in the trunk, so the Officer told him to open the trunk from his seat. The driver opened the trunk and turned off the ignition. When the Officer told the driver to get out of the car, the driver opened the door but did not get out. Instead, the driver turned the ignition back on, at which point the Officer

unholstered his gun. As the car began to move forward, the Officer jumped onto the doorsill and ordered the driver not to move. With no visibility inside the car because his head was above the roof, the Officer fired two (2) shots inside the car, resulting in the driver’s death.

A lawsuit was filed, alleging the Officer violated the driver’s Fourth Amendment rights by using excessive force. The District Court granted summary judgment to the Officer, stating that the Plaintiff needed to show that the Officer’s use of force was “objectively unreasonable.” The Court noted that when an officer uses deadly force, a court can only look at the situation that existed “at the moment of the threat” which, in this case, was two (2) seconds before the Officer fired his first shot while standing on the doorsill of the moving vehicle. The Court found that an officer could reasonably think he was at risk of serious harm at that moment. The Court declined to consider what transpired up until those last two (2) seconds, stating that it was duty bound by Circuit precedent to limit its focus to the exact moment the Officer was hanging onto the moving car. The Fifth Circuit Court of Appeals affirmed, stating that an inquiry is confined to whether the Officer was in danger at the “moment of threat” that resulted in the deadly force and that prior events leading up to the shooting were irrelevant.

The U.S. Supreme Court vacated the decision, stating that an officer’s use of force is analyzed under the Fourth Amendment which requires the force be objectively reasonable from the perspective of a reasonable officer at the scene, citing *Graham v. Connor*, 490 U.S. 386. The Court rejected the “moment of threat” standard, stating that such a standard limited the analysis to a two-second snippet before the shooting. A court cannot narrow an inquiry to focus on a single moment.

## LEGAL UPDATE

### **BARNES V. FELIX: CONTINUED**

The Supreme Court held that the inquiry in determining the reasonableness of force is analyzed by looking at the “totality of the circumstances” which requires a court to look at all relevant events that occurred before the force. Careful attention to the facts and circumstances, as then known to the officer, is required in deciding whether the use of force was objectively reasonable. Such factors may include: the severity of the crime prompting the stop; the actions the officer took during the stop; the conduct of the person who was stopped; past circumstances known to the officer, etc. These factors may assist a court in determining the reasonableness of the use of force. The “totality of the circumstances” inquiry has no time limit. Earlier facts and circumstances may be relevant as to how a reasonable officer would have responded. A court cannot narrow the inquiry to focus on a single moment, it must look at any relevant events coming before it.

The Court declined to address whether the Officer’s actions might have created the danger necessitating deadly force and if they factor into the

reasonableness analysis. The case was remanded back to the lower court for further proceedings.

*Barnes v. Felix*, 605 U.S. \_\_\_\_ (2025)

Note: The National Fraternal Order of Police filed a Brief as Amicus Curiae, citing the inherent dangers and risks of a traffic stop. This was cited in the concurring opinion as to how officers have a “tactical disadvantage” when “approaching an unknown vehicle, with limited visibility and unpredictable threats.”





## ARBITRATION NEWS

### 60-DAY SUSPENSION OVERTURNED



**Kay Cremeans**  
General Counsel  
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The Grievant is a Deputy in the corrections division. He returned from an incident with an inmate and, in a frustrated state, threw his keys on the counter and walked down the hall. Unbeknownst to him, the keys hit a monitor, breaking it. Surveillance video captured the incident showing that the Grievant returned later to input entries on the computer next to the monitor. The Grievant can be seen looking at the monitor and trying to reboot it with no success.

Six (6) days after the incident, a Sergeant discovered a sticky note on the monitor indicating it was broken. The Sergeant talked to other Deputies and reviewed surveillance video to find footage of the Grievant throwing his keys and the keys hitting the monitor. The Grievant was interviewed about the incident where he conceded that the keys must have hit the monitor but that he was unaware of that at the time and did not intend to break anything. When this interview occurred, only one minute of video was available and shown to the Grievant due to technological issues.

The Grievant was issued a 60-day suspension for three policy violations: 1) Equipment Use; 2) Reporting of damaged, lost, inoperable property/equipment; and 3) Truthfulness. The Employer argued that the Grievant knew the monitor was broken the day it happened and subsequently lied to his Sergeant when interviewed about it. Video footage that was retrieved after the Grievant was interviewed showed the Grievant messing with the monitor, aware that it was not working. Additionally, a statement was provided by a Deputy who was with the Grievant shortly thereafter who claimed to mention to the Grievant that the monitor was broken. The Employer asserted that a truthfulness violation warranted a 60-day suspension to correct the Grievant's behavior.

The Union argued that there was no just cause for the discipline. The video showed the Grievant tossed his keys then left the area seemingly unaware of what happened. Further, the Grievant testified that he did not know he hit the monitor at that time. He also stated that he saw the monitor was not working but assumed it was just malfunctioning and tried to reboot it. The Union argued that six (6) days had passed and no other Deputy or supervisor had reported the broken monitor. The Union also asserted a disparate treatment argument establishing that other Deputies had been charged with truthfulness violations and did not receive 60-day suspensions.

The Arbitrator placed a great deal of focus on the video footage, as the Deputy whose statement the Employer relied on did not testify at the hearing. The video did not have audio and did not depict a conversation between the Deputy and Grievant. The Arbitrator found that the Grievant did not know his keys hit the monitor. Further, it was plausible for him to believe it was just malfunctioning when he is seen messing with the monitor and given the testimony by the Sergeant regarding constant technical issues with the surveillance videoing.

The Arbitrator found there was no definitive proof that the Grievant lied, thus no discipline was justified for untruthfulness. While the Grievant failed to report the malfunctioning monitor, the Arbitrator acknowledged that numerous deputies and supervisors, not to mention the named witnesses, knew it was broken and did not report it. Thus, there was no justification for any discipline for failure to report the damaged monitor. However, the Arbitrator found that the Grievant's action damaged the monitor, albeit by accident, thus the appropriate discipline was a written warning and counseling sessions.

#### OUTCOME

Grievance sustained in part. The 60-day suspension was overturned with full reimbursement of lost wages and benefits. A written warning was appropriate for Grievant's conduct that resulted in the damage to the monitor.

## ARBITRATION NEWS

### **GRIEVANT ENTITLED TO PROMOTION**

The Collective Bargaining Agreement (CBA) states that "qualifications, education, performance and experience" are the factors that must be considered when filling a vacant position. However, if the applicants are "determined substantially equal, seniority will be the determining factor."

The Grievant, a Patrol Officer with twenty (20) years of service with the department and an exemplary work record, applied for a promotion to the position of Sergeant. Despite his qualifications, the Employer opted to promote a different Officer with only ten (10) years of service. This decision prompted a grievance.



The Union argued that the Chief of Police had actively hindered the Grievant's promotion by setting up obstacles, such as: requiring a first line supervision training class that the Grievant could not attend before the deadline for the submission of the application; providing the other applicant with a registration form for the class and advising him that the class would be a requirement for the promotion but not providing the Grievant with the registration form or advising him that the class would be needed

for promotion; allowing recommendation letters for the other candidate that were dated after the application deadline; approving training for the other candidate but denying the same training for the Grievant. Despite the short notice to the Grievant about the required training class, the Grievant completed the course at his own expense.

The Arbitrator found that the most damning testimony about the Chief came from the Chief's own brother, a Township Trustee at the time of the promotion, who testified that the Grievant did not get a fair shake and that the Chief had a personal dislike for the Grievant. The Arbitrator found that the Grievant and the other candidate possessed equal qualifications, education, performance and experience and that both were excellent law enforcement officers. However, the Grievant had significantly more seniority. The Grievant had twenty (20) years of service while the promoted candidate had ten (10) years. Consequently, seniority should have been the decisive factor in the promotion decision.



#### **OUTCOME**

Grievance sustained. Grievant promoted to Sergeant effective the same date when the other candidate was promoted. Grievant is to be paid the extra Sergeant's pay retroactive to the date the other candidate started receiving pay as a Sergeant.



**Mike Piotrowski**  
Staff Attorney  
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## **LEGISLATIVE UPDATE:**



**Jay McDonald**  
State FOP President  
[JMcDonald@fopohio.org](mailto:JMcDonald@fopohio.org)

There are no fewer than twenty-three property tax-related bills in the Ohio House of Representatives and six in the Ohio Senate. Several property tax items were in the State operating budget, HB 96, and some of those were line-item vetoed by the governor. The House overrode one of those vetoes, but the Senate has not concurred. The House returned from its summer break to override vetoes, but the Senate did not. The governor then formed a working group to study the property tax issue, and they have been meeting throughout the summer. He invited the legislature to participate, and the leaders of the House and Senate declined.

There is also a group collecting signatures for a ballot proposal to eliminate the property tax in Ohio. If this were to pass, it would create a collective thirty-billion-dollar hole in the budgets of all political subdivisions in the State. Couple this proposal with the elimination of the income tax, which is also being discussed, and the devastation would be felt by everyone in law enforcement,

active, and retired. All that would be left is sales tax and user fees. The sales tax and user fees would have to be increased substantially to offset the loss.

If these were to pass, the consequences could be dire, including the potential failure to meet payroll and pension payments, layoffs, and the inability to purchase necessary equipment. Therefore, the FOP of Ohio is working diligently to ensure that a commonsense approach to property tax relief is implemented without negatively affecting pay,



## **2025 FOP Women's Conference**

**Wednesday, October 29th Capital City FOP Lodge #9  
6800 Schrock Hill Court, Columbus, OH**

- 9:30 a.m. Registration**
- 10:00 a.m. Opening Remarks**
- 10:15 a.m. Leading From Where You Are \*\***
- 11:15 a.m. Legal Update: Protecting Women Officers – Pregnancy, FMLA, and ADA Rights \*\***
- 12:15 p.m. Lunch – Provided**
- 1:00 p.m. Real Stories from the Line: Women in Critical Incidents**
- 3:00 p.m. Critical Incident Stress Management Awareness \*\***
- 4:00 p.m. Closing Remarks**



**RSVP by October 20th using QR code or go to  
[www.fopohio.org/2025FOPWomen](http://www.fopohio.org/2025FOPWomen)**

**\*\* Classes are pending CPT approval**



## STAFF SPOTLIGHT



**George Macris**  
Staff Representative  
[GMacris@fopohio.org](mailto:GMacris@fopohio.org)

### George Macris, Staff Representative

George Macris brings a wealth of experience and proven dedication to our members. Though newer to the FOP/OLC team, George is no stranger to the world of labor and law enforcement. With more than 22 years as an Associate and bargaining committee leader with the OLC while employed by a Sheriff's Office, he successfully negotiated contracts, established critical minimum staffing requirements, assisted with grievance filings, and guided members through arbitration cases, always with a focus on protecting and advancing the interests of those he serves.

George brings a deep background from his long career with the Stark County Sheriff's Office, where he served from 1999 through 2024 as a corrections officer. His work at the Sheriff's Office was diverse and impactful. George led the Sheriff's Office sex offender registration efforts with an impressive 99% compliance rate. George also instructed at the Stark County Sheriff's Training Academy, serving as both an extradition officer and a training officer for new personnel. George's career in law enforcement has been defined by professionalism and leadership.

His commitment to excellence and service did not go unnoticed. George was honored by the Sheriff as Officer of the Year in 2018, a recognition of his skill, work ethic, and ability to go above and beyond.

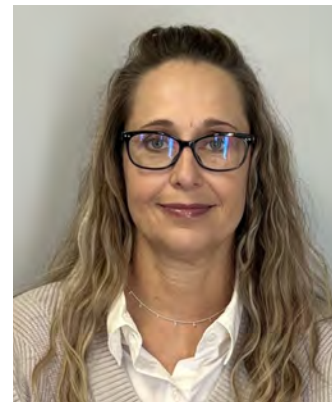
George's blend of law enforcement expertise and labor advocacy makes him a strong asset to the FOP/OLC and to the members we represent. His dedication to fair representation and his long track record of results-driven leadership stand as a testament to his unwavering commitment to serving others.

### Shannen Poulos, Part-time Staff Representative

Shannen brings over 25 years of experience in public safety, starting her career as a dispatcher in 1994 and transitioning to roles as a police officer, community service officer, and union representative.

Shannen's career has been marked by dedication and leadership. As a police officer, she served in various specialized roles, including Field Training Officer, Gang Specialist, Juvenile Officer, and Boat Patrol Officer. She has been recognized for her exemplary service with numerous awards, including the prestigious Purple Heart. Following her retirement as a police officer, Shannen returned to dispatching, where she continues to serve with distinction while advocating for her colleagues as a union representative.

Shannen's union experience includes negotiating contracts, handling grievances, and managing labor relations issues. She is adept at legal research, writing, and navigating labor laws at all levels. Her unwavering commitment to serving and supporting others has been evident through her involvement in community programs, including Shop with a Cop, Special Olympics Law Enforcement Torch Run, and numerous fundraisers for the FOP and other causes.



**Shannen Poulos**  
Staff Representative  
[SPoulos@fopohio.org](mailto:SPoulos@fopohio.org)



***The Fraternal Order of Police/Ohio Labor Council congratulates the following recently retired members:***

**Kris Parsons, Police Officer, Sandusky Police Department**

**Mary Zielinski, Deputy, Lucas County Sheriff's Office**

**Kim Bever, Dispatcher, Lancaster Police Department**

**We are truly proud of your accomplishments, and we were honored to represent you!**

**Godspeed and Thank You for Your Service!!!**

**Please let us know when your co-workers are about to retire so that we can recognize them.**

We need their name, agency, title, years of service, specialized units and any notable achievements.

Send this information to: Dan Ozbolt, at [dozbolt@fopohio.org](mailto:dozbolt@fopohio.org).





## Negotiations Update



| <u>Employer</u>                | <u>Wages</u>  | <u>Other Details</u>  |
|--------------------------------|---|---|
| Van Wert County Corrections    | Wage adjustment 2025, 3%<br>2026, 3% 2027   | Cleaned up language to state that<br>“Employees shall be eligible for union<br>membership on the first day of<br>employment.” Added Good Friday as<br>a holiday ,Uniform increase, larger<br>OPERS contribution, and more |
| Owens Community College<br>(B) | 2025- \$0.50 per hour plus 3.0%<br>2026- \$0.50 per hour plus 3.0%<br>2027- \$0.50 per hour plus 3.0% | Added ability to roll over comp time,<br>double time on the 7th straight day of<br>work, shift diff of .30 for 2nd and .60<br>for 3rd, .45 weekend diff and more  |
| Lima (G)                       | \$3.00 adjustment & 3% - 2025,<br>3% - 2026,<br>3% - 2027   | Added \$ 0.50 shift differential and the<br>Juneteenth Holiday  |

## It's Pumpkin Season!

### Pass Along...

Use the QR code to access  
the dues card!

*Have you completed your dues card?*

*Do you need to update the information?*

The FOP/Ohio Labor Council, Inc. tries to make sure that the information that we gather is correct. If you are unsure if you have filled out a dues card, or if the information on the dues card is incorrect you can now follow the QR code and complete it electronically.



Just open your phone's camera until you see the yellow box and then tap within the box.

If you have any questions, contact Aaron Crawford, Deputy Director.  
[ACrawford@fopohio.org](mailto:ACrawford@fopohio.org)

Stay Safe!

