



CODE THREE

A Palm Beach County P.B.A. Official Publication

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FEBRUARY 2008

A Tribute To Our Fallen Officers



Donta Manuel

Our hearts and prayers go out to the Manuel, Wallace and Fernandez families of PBSO. This tragedy highlights that choosing law enforcement is a lifetime commitment involving one's mind, body and soul. The sacrifices of these fine and hard-working deputies will never be forgotten and stand strong as testaments of the honor of those engaged in the every-day commitments of this profession. Each of these men represented their agency and the PBA with integrity, the memories of which will endure with the PBA, PBSO and our communities for years to come. God Bless Them.



Jonathan Wallace





President's Message

John Kazanjian

The Palm Beach County Sheriff's Office recently suffered the worst tragedy in the history of the department. With the tragic death of two highly respected deputies, Donta Manual and Jonathan Wallace, comes a sad and somber atmosphere at the Sheriff's Office. Our condolences go out to the families of Donta and Jonathan. I have met with Donta's wife, Suzette, and Jonathan's mother, Patricia, on several occasions, and they have asked me to let everyone know at the Sheriff's Office that both families appreciate all that is being done to help comfort them in their time of need.

As a result of this tragedy, the PBA has met with Representative Snyder from Martin County and has proposed new legislation in Tallahassee to make it felony murder if your flight from a law enforcement officer results in the death of a person from the perpetrator committing the act. Representative Snyder, who has served many years as a law enforcement officer, has agreed to present the legislation on our behalf.

I would also remind everyone to keep in their prayers the family of Deputy Timothy Crandall, who also lost his life tragically in a recent automobile accident. Our condolences go out to Timothy's family. Although their lives were short, those lives were well lived, and brought great joy to many.

A plan to create a foundation or to erect a memorial to honor the fallen deputies' lives, and to keep alive the spirit that so embodied their lives, needs to be done. The PBA will assist the families in any way we can.

I know firsthand what these families are going through, and what they need from us is to help them keep the memories alive of their loved ones. Like the motto says: "To serve and protect" was their oath, to honor them is our duty.

Palm Beach County PBA



Police Officers' Ball

April 26, 2008

The Mar-a-Lago Club

Contact the PBA Office for more information
(561) 689-3745

Officer Of The Month



Officer of the Month - September, 2007

Delray Beach Officer **Paul Weber** - nominated by PBSO Sgt. **Scott Smith**

In December, 2006, Det. Weber was assigned to the Palm Beach County Violent Crimes Task Force, which is comprised of detectives from numerous Palm Beach County agencies. Paul's first homicide investigation as lead investigator led to the case being presented to the Grand Jury with 1st degree murder and armed robbery indictments. A second homicide case in which Paul took the lead also was presented to the Grand Jury, with another 1st degree murder indictment. This second case was the quickest solved by the Task Force since its inception in 2006. Paul, through his experience and knowledge acquired in a short period of time, has demonstrated exceptional achievement in the performance of his duties with the Palm Beach County Violent Crimes Task Force.



Officer of the Month
September, 2007
Delray Beach Officer
Paul Weber

Officer of the Month - October, 2007

West Palm Beach Officer **Tom Janis**, nominated by West Palm Beach Officer **Troy Marchese**

Officer Janis was nominated as Officer of the Month subsequent to his involvement in three incidents in a one month period. Officer Janis, without hesitation, ran into a West Palm Beach townhouse fully engulfed in flames and rescued the homeowner, who was sitting on the floor surrounded by flames. Officer Janis' actions clearly saved this man's life. In the second incident, Officer Janis spotted a suspect's vehicle matching a North Palm Beach PD BOLO, which led to a felony stop and the arrest of a violent career criminal with convictions for 2nd degree murder and battery on a Law



Officer of the Month
October, 2007
West Palm Beach
Officer **Tom Janis**

Continued on next page

Officer Of The Month (continued)

Enforcement Officer. On Officer Janis' next night at work, Riviera Beach put out a BOLO for a vehicle used in an armed carjacking and shooting. While patrolling his zone, Tom spotted the vehicle and again through his quick actions, another violent criminal was apprehended. Officer Janis' work ethic and bravery deserve recognition.

Officer of the Month - November, 2007

West Palm Beach Officers **Raymond Spinosa**, **Don Eaton** and **Gerald MacCauley**, nominated by Officer **Troy Marchese**

Officers Spinosa, Eaton and MacCauley were dispatched to a call following a citizen reporting a shirtless man swinging a machete walking eastbound alongside Dreher Park. Their vehicles were placed in a manner to shield the public from a possible deadly force situation. The suspect was standing in the middle of the road during rush hour traffic, ignoring the officers' numerous commands, when he raised the machete above his head and ran at Officer Spinosa, attempting to kill him. Officer Spinosa had no choice but to defend his life. All officers involved maintained composure, got the scene locked down and, most importantly, checked on each others' physical and mental well-being during a very stressful situation.



**Officer of the Month
November, 2007**
West Palm Beach Officers **Raymond Spinosa**,
Don Eaton and **Gerald MacCauley**

Officer of the Month - December, 2007

West Palm Beach Officer **Sanjay Raja**, nominated by West Palm Beach Sgt. **Lou Penque**

Officer Raja was nominated for his excellent police work immediately following a double homicide at the Lake Arjaro apartment complex. Officer Raja was on patrol when he heard several gunshots and gave pursuit after a vehicle speeding out of the complex. Officer Raja attempted to stop the vehicle with no success, so he continued pursuit of the car. The pursuit ended when three suspects bailed out of the vehicle and began shooting at Officer Raja. Officer Raja exchanged gunfire with the suspects, who then fled the scene. Officer Raja's quick and brave response resulted in the suspects leaving several key pieces of evidence behind as they fled, including handguns and assault rifles. Two of the three suspects have been arrested and charged with two homicides.



**Officer of the Month
December, 2007**
West Palm Beach Officer **Sanjay Raja**

THE CODE THREE

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(561) 689-3745
Ernie George - Editor
Gail Seldomridge - Assistant Editor

Code Three is dedicated to the advancement of the law enforcement profession through better and stronger community relations. The opinions expressed in this publication are not necessarily the opinions of the Palm Beach County Police Benevolent Association.

Members or readers submitting letters to the editor or articles for publication are requested to adhere to the following: Submit letters or articles to: Palm Beach County PBA, Code Three, 2100 N. Florida Mango Road, West Palm Beach, FL 33409-6400. Letters and articles must be accompanied by the writer's true name and address. The name, but not the address, will be published with the article. All articles submitted for re-publication must be accompanied by a statement giving permission for the Code Three to republish the article. Unsigned letters and articles will not be used. The editor reserves the right to add an editor's comment to any article or letter submitted.

Disclaimer: \$12.00 of your dues per year is used for Political Committee/Committee of Continuous Existence Funds. The PBA opened a Justice PAC and active, individually billed members will contribute \$15.00 out of their dues to this PAC. IF YOU CHOOSE NOT TO GIVE THIS AMOUNT, PLEASE NOTIFY THE PBA IN WRITING.



HAVE YOU MADE YOUR NOMINATION?

Submit the names of your nominees before the end of every month.

Send your submissions to Gail@pbcdba.org

PALM BEACH COUNTY PBA

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new website

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Palm Beach County PBA

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Chris Roaf, Alt.
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Board of Directors Meeting Attendance - 12/19/2007

WELCOME NEW MEMBERS

OCTOBER

Ramesh Nandlal, PBSO
Robin Pleasant, Boynton Beach
Tiffany Russell, Juno Beach
Harvey Atkinson, PBSO
Adam Brown, Jupiter
Marisol Trifiro, PBSO Corr.
Joanne Figdore, MCSO Corr.
Carlos Negrin, South Palm Beach
Simon Kaboebo, West Palm Beach
James Flaton, West Palm Beach
Rade Momirovich, West Palm Beach
Edwin Goodbread, PBSO
Victoria Roberts, PBSO Corr.
Larry Nielsen, PBSO
James White, MCSO
Kevin O'sullivan, School Police
Willie Horne, PBSO

NOVEMBER

Thomas Svarc, Homeland Security
Jason Alexandre, Jupiter
Kasey Clutter, Jupiter
Usbaldo Lara Jr., PBSO
Vicky Williams, PBSO Corr.
Richard Clements, School Police
Darrell Easley, Jupiter
Stacy Fallon, Jupiter
John Rondone, School Police
Tina Slaughter, PBSO
Melissa Neinast, Greenacres
Justin Lundstedt, MCSO
James Mullins, School Police
Timothy Barbusio, Lake Worth
Kurt Graham, West Palm Beach
Andrea Izzo, West Palm Beach
Maximilian Lally, Tequesta
Sean Morrow, West Palm Beach
Jessica Siegel, West Palm Beach
Christian Tomas, West Palm Beach
Micki Allen, West Palm Beach
Raymond Johnson, West Palm Beach
Ariel Munoz, West Palm Beach
Haven Sipple, West Palm Beach

Raymond Korkowski, Tequesta
Jose Perez, Boynton Beach
Kathryn Clark, PBSO
Crystal Homic, West Palm Beach
John Brown III, West Palm Beach
Alisha Lalli, North Palm Beach
James Levy, Riviera Beach

DECEMBER

Amy Hoffman, PBSO
Carlos Yermanos, West Palm Beach
Gary Ferreri, Delray Beach
Yuniesky Acevedo, School Police
Randon Prasse, School Police
Michel Berroa, PBSO Corr.
Patricia Carlson, PBSO Corr.
Angela Hendrix, PBSO Corr.
Umphrey Jackson, PBSO Corr.
Flora Jenkins, PBSO Corr.
Chaka Jones, PBSO Corr.
Berthony Lorfilis, PBSO Corr.
Ronnie Lunford, PBSO Corr.
Gregoire Morency, PBSO Corr.
Anthony Porta, PBSO Corr.
Gil Rand, PBSO Corr.
Jermaine Roberts, PBSO Corr.
Sandra Snell, PBSO Corr.
Sheila Sowell, PBSO Corr.
Tom Williams Iii, PBSO Corr.
Tisha Wimberly, PBSO Corr.
Tangernika Ramcharitar, PBSO Corr.
Errol Walker, PBSO Corr.
Christopher Ayala, MCSO Corr.
Adam Pozsonyi, MCSO Corr.
Michael O'connor, PBSO
Andrew Collaretti, Delray Beach
Greg Albanese, Lake Worth
Elizabeth Allmond, Lake Worth
Edward Baird, Lake Worth
Pedro Colon, Lake Worth
Russell Huth, Lake Worth
Christopher Johnson, Lake Worth
Michael Murray, Lake Worth
Pierre Rouzeau, Lake Worth
Dennis Soto, Lake Worth
Amy Thomas, Lake Worth
Daniel Wiener, Lake Worth
Monique Wilson, Lake Worth
Leroy Houch, PBSO

Executive Board	
John Kazanjian	Yes
Ernie George	Yes
Rick McAfee	Yes
Lou Penque	Yes
Vinnie Gray	Yes
Bob Odell	Yes
Representatives	
Boynton Beach	
Craig Anthony	Yes
Toby Athol	Yes
Doc Davis	Unexcused
Henry Diehl	Yes
Kelly Harris	Unexcused
Frank Ranzie	Unexcused
Delray Beach	
Sal Arena	Yes
Joe Hart	Yes
Scott McGuire	Yes
Adam Rosenthal	Yes
Rodney Stevenson	Yes
Paul Weber	Yes
FAU	
Scott Broedel	Yes
Darren Courtney	Yes
Greenacres	
Joseph Rendueles	Yes
Josh Silvey	Yes
Dylan Vaughan	Yes
Juno Beach	
Pat Nicoletto	Yes
Jupiter	
Jeff Bernstein	Yes
Quinn Harris	Yes
Jason Levinstein	Yes
Mike Lilienfeld	Yes
Chris Smith	Yes
Lantana	
Chris Decker	Excused
Troy Schaaf	Unexcused
MCSO-LE	
Brian Bergen	Yes
Michael Dougherty	Yes
Mike Ferguson	Yes
Doug Moore	Yes
Tom Neild	Yes
Richard Parks	Unexcused
Bruce Pinkman	Yes
MCSO-Corr	
Jackie Gore	Yes
Tom Randazzo	Yes
Warren Rogers	Yes

North Palm Beach	
Rob Coliskey	Yes
Damian Izquierdo	Excused
PBSO-LE	
Mike Antonopoulos	Yes
Dan Burrows	Yes
Rich Diberardino	Yes
Ray Griffith	Yes
Kevin Igo	Yes
Terry Maguire	Yes
John McGuire	Yes
John Navarro	Yes
Charlie Nicastro	Yes
Paul Vrchota	Yes
PBSO-Corr	
Tammy Bussey	Yes
DJ Dowling	Yes
Jeff Jackson	Yes
Sandra Nealy	Yes
Will Pinto	Yes
Willie Powell	Yes
Patrice Quinn	Yes
Jerry Sneed	Yes
Pete Tartaglione	Yes
Palm Beach Gardens	
Greg Allen	Yes
Rich Geist	Yes
Jim Shackelford	Excused
Cecil Wagner	Unexcused
Palm Beach Shores	
Tom Clark	Yes
Michael Simmons	Excused
Palm Springs	
Rusty Lee	Unexcused
School Police	
Gregory Cafaro	Excused
John Hawes	Unexcused
Bill Lammie	Yes
Harry Rawlings	Yes
Bob Walton	Yes
James Wilkerson	Yes
Tequesta	
Charlie Weinblatt	Yes
West Palm Beach	
Matt Bessette	Yes
Brian Gaudette	Yes
Rick King	Yes
Mike Leas	Yes
Tony Lutz	Yes
Troy Marchese	Yes
Chris Roaf	Yes
Ed Thomas	Yes



Gary Lippman,
General Counsel

Ten Thirty Three

The Laws Of Physics At Work (Too)



Larry Fagan

This past summer, the statutes governing investigations of law enforcement and correctional officers were amended, again. These regular pilgrimages to Tallahassee are part of a continuing effort to preserve those statutes' original purpose; to ensure that officers from whom statements can be compelled in derogation of their Fifth Amendment rights are not further compromised by proceedings in which citizens cannot be compelled by police to participate.

Bear in mind that while Garrity "rights" and the statutory "rights of law enforcement officers and correctional officers while under investigation" are entirely separate matters, they are co-extensive recognitions of the unique circumstances attendant certain **public** employment. Yet, as the "liberal" Supreme Court in 1967 recognized, by accepting employment with a public entity/agency, officers do not surrender entirely their rights as citizens of our government(s). After all, citizens employed in the **private** sector (e.g., by Home Depot or McDonalds) cannot be compelled by the government to waive their Constitutional protection against self-incrimination under threats to destroy their vocation. As you all know too well, however, our members have become accustomed to such conditions upon continuing their careers.

The "balance" of individual rights as against government (which is what virtually all "rights" relate to in our democratic system) derives from a recognition that the government always will be more powerful than the individual; that the "playing field" is not level when the governed collide with their government. And so, it is no accident that our members got "Garrity rights" one year after suspects got "Miranda rights."

With Garrity, the U.S. Supreme Court (as constituted in the 1960s) determined that public employees are not relegated to a "watered down" version of the Constitution. That balance struck in 1967 will continue to evolve with changing times, changing circumstances, and changing judges, whose decisions will stake out the relative rights of government employees as against their government employers.

Similarly, Chapter 112 of Florida's Statutes, as it relates to government investigations of law enforcement and correctional officers, is evolving with changing times and changing circumstances, in a continuing effort to balance the obviously inequitable distribution of power during interrogations; to try and approximate a level playing field. So, amendments to Chapter 112 over the last several years have not been the product of bleeding-hearts with nothing better to do than to contrive obstacles to investigations of "crooked" cops and corrections officers. The amendments carried to Tallahassee by the PBA (and, occasionally by the FOP) have been responses to very real problems experienced by our members when summoned into such "administrative" or "policy" investigations.

Effective this past summer, "[a]ll identifiable witnesses shall be interviewed, whenever possible, **prior** to the beginning of the investigative interview of the accused officer." Section 112.532(1)(d), F.S. (emphasis added). The reason for such an amendment probably is obvious. While the statute previously did **not** require targeted officers' statements to be taken last, but most "professional" agencies did so anyway, there were some which chose to take targeted officers' statements **first**; preserving for themselves the prerogative to additionally charge our members with "untruthfulness" whenever "witnesses" recollections after-the-fact were at odds with our officers' recollections (often with regard to immaterial matters).

Effective this past summer, when the investigations of complaints against our members are "completed," the investigator shall, at the time the report is completed: a) Verify pursuant to s. 92.525 that the contents of the report are true and accurate based upon the person's personal knowledge, information and belief. (b) [and] 'swear, under penalty of perjury, that...[he or she has] not knowingly or willfully deprived...the subject of the investigation of any of the rights contained in ss. 112.532 and 112.533, Florida Statutes.'

See § 112.533(1)(a), F.S.

The reason for this amendment should be obvious, also. We've all seen too many "facts drawn from this investigation" which are not "facts" at all, and practices in certain places that are inconsistent with, if not in violation of, the plain language of the law.

Significantly, the same subsection makes clear that the newly required verifications "shall be completed **prior** to the determination as to whether to proceed with disciplinary action or to file disciplinary charges." Id. (emphasis added). While most amendments to Chapter 112 rights have become effective July 1, §112.533(1)(a), F.S. became effective when our Governor signed the Bill; **June 12, 2007**. (So, if you've been subject to an investigation/investigative report resulting in discipline between June 12 and June 30, 2007 and there was no verification, call us).¹

There remains the persistent issue, however, of investigators choosing not to recount or to ignore exculpatory evidence; e.g., choosing not to take a recorded statement from "identifiable witnesses" with accounts favorable to targets or, having taken their statements, choosing not to recount such evidence in their summaries/reports. As you may recall, a certain prosecutor in the Duke University "rape" case last year found himself behind bars and disbarred from ever practicing law again because he withheld excul-

¹ Your author recently made a Chapter 119, F.S. request for **all** the verifications relating to one agency's investigations going back to before the amendment became law, so there's no heavy lifting for some of our members.

patory evidence. And yet, "policy" investigators who omit such things continue to do so with impunity; presenting a puzzling problem for even the most artful legislative advocates.

Does the new verification requirement "that the contents of the report are true and **accurate**" ensure that the contents are **comprehensive**? How does a PBA attorney prove to the satisfaction of a busy prosecutor that an investigator's failure to take a recorded statement from a witness, or failure to recount certain information/"evidence" renders that investigator's report intentionally **inaccurate**? How does a PBA attorney prove to the satisfaction of a busy prosecutor that a refusal to provide a fellow "target" officer's statement for review (in advance of his/her "target" statement) is a "knowing[] or willfull[]" deprivation "of rights contained in ss. 112.532 and 112.533, Florida Statutes?"

As expected, there were some management-promulgated amendments to the subject statutes, also, providing for: an additional basis to toll the 180 days "limitations period" during "emergencies or natural disasters;" and, requiring our members to swear to the truth of their statements, and subjecting them to "prosecution for perjury" for "[k]nowingly false statements...." See §112.532(6)(a)5, F.S. and §112.533(1)(a), F.S., respectively. Practically speaking, the latter amendment really is nothing "new," however, it has occasioned at least one agency we deal with to generate an "Affidavit" for execution by our members very much like the one the investigators must sign, in a kind of "tit-for-tat."

You see, much like a law of physics provides that for every action there is an equal and opposite reaction, with every amendment by which we try to secure and hold safe certain protections, there is a reflexive "push-back." You read here last time about some gymnastic distinctions between "targets" and "witnesses" which, I suspect, is part of the "equal and opposite reaction." While this particular matter has yet to go to "critical mass," rest assured that the PBA is no less willing and able to push back, if necessary.

To the extent that the most current version of the foregoing statutes are not yet in the bound statute books, they are readily accessible on-line. If you're challenged when it comes to computers and the internet, feel free to stop by and pick up a copy.

Happy New Year to all, and to all a better year than this last one.

ARE YOU CURRENT?

Have you gotten married or divorced?
Had a baby?
Changed numbers or address?

Please contact Suzanne at the PBA Office
(561) 689-3745
to update your information. The PBA is
not notified of changes made within
your department.

D/S Timothy Crandall



"Gone, but Not Forgotten!"

The extremely tragic year of 2007 was closed sadly with the passing of PBSO Deputy Sheriff Timothy Crandall.

Timothy was ejected from his vehicle in an off-duty traffic accident in December.

Deepest sympathies go out to the Crandall family for their loss and the loss to our law enforcement community. He will be greatly missed.

Know Your Rights!

If you are under investigation, remember, as a law enforcement officer, you have rights. They include:

- THE RIGHT . . .** to have a PBA representative present during an interview
- THE RIGHT . . .** to know who's in charge of the investigation
- THE RIGHT . . .** to know what the charges are and the name of the person bringing the charges
- THE RIGHT . . .** to have the interview at a reasonable time and for a reasonable length of time
- THE RIGHT . . .** to have any interview tape-recorded from start to finish
- THE RIGHT . . .** not to be threatened, bribed or to have to listen to offensive language
- THE RIGHT . . .** not to be forced to resign

REMINDER

The legal defense policies of the Florida and Palm Beach County PBA have an important provision regarding representation. If a member elects to secure representation by anyone other than the PBA (a private attorney, for example) that member is considered to have waived representation by the PBA. Once this happens, it is the PBA's option whether or not to continue to represent the member in that matter. Please call the PBA office if you have any questions regarding this policy.

Boynton Beach News

The Police Pension Board is looking at possible future benefit enhancements to our current pension plan. Please read messages sent out by the reps and reply when necessary. We are a “young” department so I know most of you are not thinking about retirement just yet. However, it is wise to get informed from the beginning and plan ahead for your own future.

The January 28th Primary election is fast approaching which includes a vote on the proposed property tax reform bill from Tallahassee. Please get informed on this issue and vote. The outcome can affect your future. Remember, we still do have a wage re-opener in our contracts.

In addition, the 1st Annual Palm Beach County PBA Police Officers’ Ball is set for Saturday, April 26th at the Mar-a-Lago Club in Palm Beach. The price is outstanding for this event and we hope to see you all there as it should be a great evening.

Congratulations go out to Officer Mark Sohn (and K-9 Hutch), Officer Vincent Brooks, and Sergeant Thomas McCabe for being selected as the Officer of the Month(s) for October, November and December respectively. You are to be commended for jobs well done.

Last year (2007) was a great year, and hopefully 2008 will turn out even better. Stay safe and have a Happy New Year.

Submitted by Sgt. Craig Anthony, PBA Rep

School Police News

Well, the more things change, the more they stay the same. The School District continues to violate state law by not bargaining in good faith. We continually try to present our case, but seems it is falling on deaf ears.

The Board wants to change the pay structure again! They want to keep secret the career ladder! They want performance based pay to be paid on the ability to put together a nationwide training program. Did you know that when meetings are held, only two reps and the attorney are given time to negotiate; the other reps must use personal time if we want to attend. On the other side of the table, it is a stacked deck, with supervisors, administrators, principals, people from budget, PeopleSoft, so on and so forth. Seems to me, they are trying to bust us and test our resolve. Our resolve comes from the membership, so give us your backing and make us strong. If you check the PBA website, you can find out all the information, just click on School Police.

So what’s to be done, you ask? Let’s start with PBA meetings. The last meeting, we had standing room only at the PBA Hall. Your elected team was there with the PBA attorney listening to and trying to respond to your questions. Although some were not satisfied with the answers received, it was a start to hopefully getting us to open up and get this organization moving in the right direction.

Next, I would like to suggest that WE ALL talk to our principals to get a PBA bulletin board put up next to the CTA board. Why, you ask? Because we are only one or two in a school? This is so everyone in your school can see what goes on with our negotiations. You say that they don’t care. Well, they don’t care because they don’t know. Let’s tell the world about what’s going on with the PBC School Police. It seems like we are a secret society; hide the numbers from the public, and hide the numbers from the teachers, administrators, maintenance, and all employees in the District. Don’t forget a lot of what we do eventually becomes public record, so let’s let the public know. It has become time for our voice to be heard.

We have attempted to hold three meetings in the last five months. Yes, it is hard to get to a meeting because of time constraints. There is no easy solution when it comes to holding a meeting. The first meeting, although being advertised, was low in attendance, poor timing. The second meeting, flyers were given to supervisors but none of the flyers were delivered. Finally, the word got out on the third meeting and success; standing room only. From now on check the PBA website, www.pbcnpba.org. We will not be stopped from getting our message out. All correspondence will be on the website now, so when you get home from work check the site for any new information.

We, as your reps, will try to do all that is asked of us, as long as we have your support, your attendance and faith in us when we ask for your help and we get it in numbers of bodies. We need you to stand behind us. Our work will become more effective knowing that you are all with us.

I hope that your holidays were happy and you enjoyed your time off.

Submitted by: Police Officer Harry Rawlings, PBA Rep

EMERGENCY NUMBER!

Members, please be advised the emergency number is for CRITICAL INCIDENTS ONLY. Please contact our attorney(s) after hours only for critical incidents; that is, an officer-involved shooting, an in-custody death, or an on-duty vehicle accident with injuries.

If you have questions about an IA or any other work-related incident, please contact the Legal Assistant, Amy, at the PBA Office (689-3745) during business hours 8:30 AM-4:30 PM Monday through Friday.

Check out our PBA-friendly advertisers in the Business Directory on pages 21-27!

School Police News

I've been a PBA rep for about five or six years now and this is the hardest newsletter I have ever had to submit.

Simply put, the School Board cannot seem to justify not being able to give us a decent raise when the teachers just got a 3.5 to 5 percent raise plus up to ten years for private school experience. Look around at the amazing wealth of experience we have with our officers and we get absolutely nothing for that experience. How can you have funds available for that size of a raise for over seven thousand employees and then turn around and say you don't have enough for 130 cops?

The proposal to our counter proposal was to resubmit their initial offer. No meeting in the middle. "Take it or leave it." As the District negotiator put it: "This is the Board's best, last and final offer." A 2% raise, we give up language that allows us to grieve the career ladder, we give up the ability to earn our overtime rate on certain holidays, a pay for performance plan that if funded adequately will pay you a one time bonus almost ten months after you earned it (taxed at 35%) and an entire revamping of our pay schedule. That is what they want us to accept. That is their "best, last and final offer." The Board rejected everything we submitted.

I have been told that there has been talk on a law enforcement web site about the current state of negotiations and the representation in those negotiations. I haven't visited that site because from what I understand the vast majority of people don't sign their real names. They will win and we all lose.

Instead of negative talk, support your fellow officers and reps. Get your friends and neighbors to write letters to the Board members telling them that the School District Police Officers deserve a decent raise. When we go in front of the Board come out with your family and support us. Let them know that we will not tolerate their lies and union busting tactics. Write letters to the editor or get neighbors and relatives to do so. We can have success if we all work together and stand up to management and demand something better or at least demand that they return to the table and bargain in good faith.

The Board has 20 million dollars for Peoplesoft (which still can't get our pays correct). They seem to have millions of dollars for raises to the teachers and support staff. They even had 1.5 million dollars for software that protects the computer system so a 9th grader can't change his Algebra grade. 1.5 million dollars to get the best technology available to protect a computer system but no money to ensure protection for the kids in that system, the community's most precious commodity.

Let's stick together and join us in standing up for better pay and benefits for all officers. Now is not the time for back biting and complaining. Now is the time to stand together unified and demand better treatment. Help us fight for your rights.

Stay safe.

Submitted by: Sgt. Bill Lammie, PBA Rep

Palm Beach Shores News

Thanks to the efforts of the officers and dispatchers, we have coordinated a number of warrants that resulted in the arrest of a number of people in reference to drug and drug-related crimes. The efforts of Lieutenant Langevin have resulted in the implementation of Town ordinances that have cleared up a number of issues with rental property in Town. Due to his diligence and perseverance, conditions are now being met to curb exposure that has lead to much of our criminal activity. Chief Roger Wille has been a positive force working with and through the Town Mayor, Thomas Mills, to keep the Town on track with the actions of the police departments.'

We had two officers, Michael Simmons, and Blase Pfefferkorn, attend the IPMBA class and they will add to our community policing activities. The extra officers now on bicycles will provide additional hours of bicycle patrol which, given the size of our community, is very positive as well as meeting the request of the Town members for such activity.

Lieutenant Steve Langevin has completed the Attorney General's Courses for "Crimes Against The Elderly". This, along with his Crime Prevention Practitioner certification adds to his knowledge base for the Community Policing program, which he is in charge of.

Can't forget contract talks. At the first of the year, the officers will be meeting to ensure that I have covered all the important issues for the upcoming contract talks. The mayor has assured us that he, and the town, are pleased with our efforts, and will be open to our requests and/or suggestions for the upcoming contract.

Remember: Live simple, Love generously, Care deeply, Speak kindly - Leave the rest to God. Be Safe Out There.....

Submitted by: Officer Tom Clark, PBA Rep

MCSO News

Well, it's January already and I have to ask, where did the year go? The contract negotiations took up a large part of the time. The reps all worked hard attempting to find comparable salaries and benefits to put on the table. We went back and forth with the Sheriff's staff so many times I lost count. In the end, we agreed on the contract and as a whole the Agency is happy. MCSO is still fairly new to collective bargaining, but we are moving forward establishing a baseline to build upon.

I would like the Martin County Deputies to know how hard their reps worked during this time. Sgt. Mike Ferguson, Sgt. Brian Bergen, Sgt. Tom Neild, Sgt. Bruce Pinkman, and all of the reps spent literally hundreds of hours of their own time working on the numbers to make this contract complete.

I would also like to thank the Sheriff's staff for being so professional. Major Seaman worked hand and hand with us to come to a compromise on a fair contract.

Late nights, early mornings, thank goodness it's over, well, for two years anyway.

Hope your holidays were happy and God Bless! Deputies Jonathan Wallace and Donta Manuel will always be in our hearts and prayers.

Submitted by: Sgt. Mike Dougherty, MCSO PBA Rep

PBSO News

To all of you that work off-duty permits at PBSO, be warned that the exodus has started! Polo Club at Boca Raton has ended a 15 year partnership with PBSO! Why? Officially to cut costs (from a development with millionaire homeowners?), but in reality it is because of the actions of a few deputies who ‘worked’ the permit! Talking on the phone, sitting in one spot, not making any traffic stops!

To each of you I say this: start paying attention to the permit profile! This is found when you sign up for the detail, explaining what the permit holder wants done! This profile has been approved by the permit office, so there is no violation of policy or procedure. Follow this profile or do not work this permit! Leave it for someone who will! You are a representative of all PBSO deputies, and when you laze around and don't do what needs to be done, we all look bad!

This money comes out of YOUR pocket and MINE! Recently, permits posted approximately 100 details. These were taken within minutes of posting, so getting details is not easy! Treat these permit holders right and they will continue to pay for our services. Treat them wrong (not doing what they want) and they will bring in another provider (private security, FHP). If you don't care about this, STOP WORKING PERMITS!

The PBA has done all that we can do with this issue. We have worked with PBSO to devise a fair computer program to allow our members to work details. Now it is up to us to do the job the right way!

Submitted by: Terry Maguire, PBSO PBA Rep.

PBSO News

Sergeant John Pedone of the Main Detention Center retired as of 12-31-07. He served PBSO proudly for 22 + years. Many of you remember him as the jail's Quartermaster with responsibilities ranging from trustee work crews, kitchen, laundry and warehouse supply and distribution. John started in 1985 as a permanent tower deputy on East 3 and 4, along with his buddies, Arthur Rock and Jack Naismith. Eventually, he moved on to kitchen/utility deputy and shortly thereafter the Quartermaster of the Main Detention Center for at least a decade, where he was then promoted to sergeant in 1993.

In 1998, the Department's organizational structure changed and John was reassigned as a shift supervisor on Alpha shift for a couple of years until his expertise was then needed back in the kitchen, where he supervised the operation 24/7. Once the kitchen operation was back on track, Sgt. Pedone was then reassigned to serve the remainder of his career as a shift sergeant on "B" shift. His dedication and loyalty to corrections and PBSO will be sorely missed. We all wish John a healthy and happy retirement.

P.S. On a personal note: I have known John for 37 years. We moved down from New York together and attended the academy together. We have shared laughter on the job, war stories over dinner, and John has always been there for me. As a friend and brother-in-law, I wish him the very best that life has to offer. May God Bless You Always.

Submitted by: Pete Tartaglione, PBSO PBA Rep.

PBSO News

Before you know it, election time will be here. We must remember we are the best law enforcement agency in Palm Beach County. If you don't know how we got there, well, I'll tell you how: RIC BRADSHAW, that's how. If you can remember the last eight years of misery, I doubt anyone will disagree with me. In less than one year, we all have to get out and tell the people of Palm Beach County, Sheriff Bradshaw is the man we need to keep this county as good as it is. Crime is down, gangs realize we mean business. We are finally getting the tools we need to do our jobs more efficiently. Lap tops, high power rifles, and better training. Don't worry about complaints against us. The reason is because we are doing our jobs. Our Sheriff will back us up, I can assure you. He's been there and knows what we have to do to keep Palm Beach County the best county in Florida. When the time comes, we all have to pitch in and help with his re-election. I don't know if we could find another man to fill his shoes when he's ready to step down.

Submitted by: Charles Nicastro, PBSO PBA Secretary

PBSO News

Sheriff Bradshaw has announced that he would like to replace the agency's bullet resistant level IIA patrol vests for threat level IIIA vest. A two month test and evaluation period will begin in early February or March, with the final approval process and procurement to commence in June or July. Once this has begun, as your vest reaches its expiration date, you will be issued a new threat level IIIA vest. You will not be automatically set to receive a new vest. It is anticipated that approximately 260 vests a year will be obtained.

Remember, the PBA will support the Sheriff's efforts to protect YOU, the member, with equipment designed to protect YOU and help YOU do YOUR job better!

Submitted by: Terry Maguire, PBSO PBA Rep.



PBSO SCHOLARSHIPS PAYROLL DEDUCTIONS

PBSO has set up a payroll deduction for the PBA Charity Fund, Inc. If you are interested in giving toward this worthy cause, please contact the PBSO Payroll Department and request a payroll form.

If you have any questions regarding the payroll deduction, call Kaz at 689-3745.

Greenacres News

Chief Phillip Ludos has been with Greenacres Public Safety since October 1, 2007. Since he has been Chief he has shown a positive attitude towards the union and has been talking with the entire staff. No major changes or incidents have taken place. The police and fire/EMS radios have recently been reprogrammed to prevent accidental channel changing. Chief Ludos has ordered Chevrolet Impalas as our new road patrol marked vehicles and has ordered ball caps for both police and fire/EMS personnel to be worn on duty. Chief Ludos is working on having new exercise equipment available to Public Safety Employees for both Stations 1 and 2, and long sleeved uniforms for fire/EMS personnel, as well as updating the police uniforms. Chief Ludos has updated the Department awards and implemented a formal awards ceremony in order to honor employees for exemplary performance.

Respectfully Submitted: William Dylan Vaughan, Greenacres PBA Rep

Juno Beach News

On December 10th, we completed our fourth contract negotiation meeting with the Juno Beach Town representatives. Progress has slowed down a bit, but we are whittling away at most of the minor articles. Of course as we get closer to the articles of greater gravity, such as pay scale, it is predictable we should encounter more resistance. This is what negotiation is all about. The Town has made compromises, and so have we, in order to get the contract completed. We are expecting a fair continuation of give and take.

Ernie, Kaz and Larry have given us great counsel and support, and we are grateful for their presence on our side of the negotiation table. Thank you, gentlemen.

Our next contract negotiation meeting is set for December 28th, and we are hopeful to make great strides, if not complete agreement, on the remaining articles at issue. It would be great if we could wrap up our contract negotiations during this holiday season, but if not we should all enjoy this time of the year nevertheless.

We look forward to moving forward.

Submitted by: Pat Nicoletto, Juno Beach PBA Rep

Keep informed via e-mail!
Sign up for E-PBA at www.flpba.org

Lantana News

As everyone is aware, two months ago we entered the last year of our contract with a couple of re-openers being mutually approved. They included several articles receiving minor wording changes and just general "housekeeping" issues, like removing provisions for the annual physical abilities test. The two biggest issues that we were able to successfully negotiate were in the area of shift picks and the comp time bank. Basically, shift and squad picks will be based upon seniority unless management has an articulable operational need to deviate. Secondly the comp time bank limit was raised from 40 to 72 hours with no cap for additional hours earmarked for education/training, with the Chief's approval.

I was impressed by the logic and reasonableness that the Town brought to the bargaining table through Chief Lincoln and his bargaining team, and found that working with everyone was a pleasant experience.

Attending the November Pension Board Meeting was a representative from Bogdahn Consulting, regarding the status of the pension fund. During the past fiscal year, the fund had an overall increase of 16.02%, coming from our contributions, the Town's contributions, Chapter 185 contributions and, finally, the fund's investment returns. As of 9/30/07 the pension fund is worth \$5.292 million, up from \$2.443 million in 2003. A copy of the report is available from the Pension Board.

Officer Tom Boyer, a seventeen year veteran, is planning to retire this January. I know that everyone will send him off with our best wishes.

As we go forward in 2008 and begin negotiating a new contract I hope that everyone will become involved. I know that we are all interested in seeing how the property tax issue is going to be resolved when it goes to voters this January for approval. Once this happens we will have an idea of how the Town is going to be affected. I think that the biggest change that needs to be made is in the language of our STEP plan. Additionally, I would like to see a shorter time to reach the top out pay.

With all of the serious injuries and death occurring to our fellow officers, I have suggested to the Chief that the Department take the lead in mandating officer safety policy, such as the automatic dispatching of a back up officer on all alarm calls, disturbances, suspicious incidents/persons/vehicles, just to name a few. While I realize that any officer can call for a back-up, sometimes we get into the mind set that it's routine and we don't want to disturb our fellow shift mates. I truly believe that it is only a matter of time before something really bad happens to one of us and then, in hindsight, the policy is changed.

Submitted by: Troy Schaaf, Lantana PBA Rep.

EMERGENCY CONTACT PROCEDURE

To contact a PBA Attorney, day or night, seven days a week, use the following numbers:

Regular Business Phone:(561) 689 3745
 Digital Pager:(561) 326-8252
 Regular Business Fax:(561) 687 0154
 24 Hour Emergency Voice Pager:(561) 751-6298

[Call voice pager, leave message including a contact number, hang up. The machine will automatically dial the attorney's pager, and play back your message]

Keep calling. You will get a response.

NOTE: For updated PBA information, please visit our website at www.pbcdba.org

Jupiter News

Jupiter Contract Ratified – Performance Based Raises on the Horizon

The contract negotiated with the Town of Jupiter was overwhelmingly ratified by the membership in early November. The new raises have been put into effect and the month worth of retroactive pay has been disbursed. The negotiations themselves were not nearly as contentious as those for our previous contract, and both sides came away from the table with their major points of concern addressed to an acceptable level of satisfaction.

The police officers, sergeants, and communications officers represented by the PBA were all woefully behind many of the comparable agencies in the County in regard to compensation. The Town was responsive to our dissatisfaction with this and corrected the problem by immediately adjusting salaries substantially. The increases were applied across the board to all employees, not just to the starting and top out salaries. All employees covered by the contract will be capable of receiving up to an 8% increase each of the remaining two years of the contract.

The Town was adamant about going to a performance based pay system. This is being implemented Town-wide, and all attempts to negotiate a pure step plan were met with steadfast resistance. Given the fact the Town was willing to make such dramatic increases the first year, and agreed to at least a 2% salary adjustment the second year of the contract, the membership decided to give the performance based raises in the third year of the contract a try.

This was not an easy decision, and there are many who are still apprehensive about the pay for performance system. We have been assured by the Town, and our own Administration, that the PBA representatives and bargaining unit members will have direct input in how the evaluation system is formulated and how the evaluated areas are weighed. A committee comprising a cross section of the agency, PBA representatives, and police administration will convene in the very near future to discuss the evaluation process and scoring method. Once an agreement between the members and Administration is reached, the recommendation will be forwarded to the Town.

We came out of negotiations knowing that a pay for performance system is on the horizon for us no matter what efforts are made to dissuade the Town. I suppose the best we can ask for is what we got; a significant increase in salary and a commitment from the Town to include the input of employees in the development of the evaluation process.

Now is probably the most critical time in our Agency's history for members to become involved. Obviously, not everyone can sit on the evaluation committee, but certainly every member has a voice in how this will all unfold. We have been given an opportunity to play an active role in the development of the evaluation process we will all be subject to. It is very important that we all stay informed and voice our concerns, ideas, and suggestions to the members who will sit on the committee. The ultimate goal now needs to be the development and implementation of the fairest evaluation system possible.

The first meeting of this committee will likely be very non-productive, and more of an opportunity to establish the guidelines and ground rules for the committee to operate within. Once we have an initial committee meeting date set, a membership meeting will be scheduled to discuss these guidelines as well as the tone and atmosphere of the meeting. We will also pass along any information obtained at the meeting and solicit feedback and ideas from membership on how to proceed.

I know that a major concern of the membership was voting for an evaluation system that has yet to be implemented. At least we are being given the opportunity to have input, rather than just being told "This is it, like it or not." Now is the time to stick together and make the best of the situation we are presented.

I would like to take this opportunity to thank everyone who showed support during the negotiations. In a perfect world, we would walk away from the table with the perfect contract. I can assure you that we feel we did everything we could to walk away from the table with the best possible contract we could. I won't get into the other advances made in the contract, as the evaluation system is obviously the most important issue to address, but I can assure you that we moved forward in many areas.

Submitted by: Chris Smith, Jupiter PBA Rep.

NOTICE: LEGAL ADVISORY

POLICE SHOOTINGS, IN-CUSTODY DEATHS OR SERIOUS TRAFFIC ACCIDENTS

WHAT TO DO?

STAY CALM

Have you been ordered to write a statement about an incident that may be investigated?

DON'T FORGET YOUR RIGHTS! CALL PBA AT (561) 689-3745

Do not talk to anyone until you have consulted with a PBA ATTORNEY!

PROTECT YOUR RIGHTS

The following statement should be written as the first sentences on any statement, report, or memorandum an officer is ordered to write when the officer knows or has a reasonable belief that discipline may result:

It is my understanding that this report is made for administrative, internal police department purposes only. This report is made by me after being ordered to do so by lawful supervisory officers. I have not been permitted a reasonable amount of time to confer with a PBA representative or attorney. It is my understanding that by refusing to obey an order to write this immediately, that I can be disciplined for insubordination and that the punishment for insubordination can be up to, and including, termination of employment. This report is made only pursuant to such orders and the potential punishment/discipline that can result for failure to obey that order.

NEW BENEFITS OFFERED THROUGH THE PALM BEACH COUNTY PBA

The Palm Beach County PBA has recently negotiated additional benefits that will be available to ALL its actively employed members. These new benefits are now available.

Here is a brief summary of the offering:

- Funded in total by the Palm Beach PBA
 - \$5,000 of group term life
- Available on a Voluntary Basis
 - Permanent Term Life Insurance
 - Available for member and spouse
 - Children coverage available as a rider
 - Guaranteed Issue for active member – no physical exams
 - Guaranteed premium – no increases
 - Accumulation of Guaranteed Paid-Up coverage
 - Accident Coverage
 - Off the job coverage
 - Simplified Issue – no physical exams
 - Benefits paid in addition to other coverage
 - Accidental Death and Dismemberment
 - Hospital confinement benefit
 - Additional riders
 - Critical Illness Coverage
 - Available for member and family
 - Simplified Issue – no physical exams
 - Lump sum benefit payment
 - Benefits paid regardless of other coverage
 - Covered conditions
 - Heart attack
 - Stroke
 - By-Pass Surgery
 - Alzheimers
 - And more!!
 - Cancer Coverage
 - Available for member and family
 - Benefits paid directly to member
 - Benefits paid regardless of other coverage
 - Simplified Issue – no physical exams

All plans issued by "A" category rated companies by A.M. Best.



PBA/Town of Jupiter Arbitration

In Jupiter, the PBA, through our counsel (Larry Fagan and Michael Braverman), was able to win Officer Jeffrey Sprauer his job back at Arbitration. Officer Sprauer is a 23 year officer at the Town of Jupiter Police Department. The PBA grieved Officer Sprauer's termination (as outlined in the Collective Bargaining Agreement between the PBA and the town) and we went to Arbitration regarding the issues arising from an off-duty traffic incident that occurred out of the city limits.

The Arbitrator issued an award, following a two (2) day hearing and written post-arbitration briefs submitted and argued separately by the PBA and the town, that the town did not sustain its burden of proof regarding those criminal charges it alleged against Jeff and specifically as and similarly as to any alleged untruthfulness charge(s) levied against Jeff.

As a result of the PBAs hard work and experience, along with Officer Sprauer's non-culpability on these offenses, he was reinstated as a full-time police officer at his agency. He should be officially back to work as of the date of this issue.

Jupiter Officer in DUI stop to get job back

By ALLYSON BIRD • Palm Beach Post Staff Writer • January 04, 2008

JUPITER — A Jupiter police officer fired for his behavior after being stopped under suspicion of drunken driving will return to work.

A Stuart officer pulled over 51-year-old Jeff Sprauer in December 2006 after Sprauer drove into traffic in front of a patrol car without heeding a stop sign. Jupiter police and town officials terminated him in May for lying and not taking responsibility for his actions.

But an arbitrator's opinion, completed Wednesday, says Sprauer should be reinstated. The arbitrator sustained Sprauer's grievance that the town did not have "clear and convincing evidence" that he was intoxicated that night.

Sprauer had been at a holiday bowling party with two women and drank four or five beers, according to the arbitration report. The trio then headed to a sushi restaurant, where he had another four or five drinks.

Yet the dashboard camera from the Stuart officer's car does not capture an undoubtedly intoxicated man, the arbitrator ruled, and Sprauer never took a Breathalyzer test.

The arbitrator also found no proof that he was untruthful when questioned. Sprauer had testified honestly about the most damning details, including how much he drank and that he had initially lied to the Stuart police that he had been drinking, the arbitrator wrote.

Town Manager Andy Lukasik issued a statement that he was "in respectful disagreement" with the decision but that Jupiter would comply. Lukasik also

wrote, "It is still my opinion that his conduct during and after the incident of December 20, 2006, was unbecoming an officer and untruthful."

Lukasik had retraced Sprauer's path the night of the traffic stop and hired an expert to evaluate the dashboard camera video of Sprauer's sobriety tests prior to firing him.

Police Chief Frank Kitzerow did not respond to a request for comment.

Sprauer's attorney, Stuart Kaplan, said he had remained "polite but critical" of the town's accusations of DUI and lying. "I think we dispelled and put those issues to bed," Kaplan said.

The arbitrator did side with the town that Sprauer displayed conduct unbecoming of an officer because he repeatedly told the Stuart officers that he was a Jupiter cop during the traffic stop. The arbitrator also found that Sprauer failed to report misconduct, because he did not tell his supervisors about the stop.

Sprauer faced an internal affairs investigation in 2002 for conduct unbecoming an officer and failure to report off-duty conduct, in addition to other reprimands in his file, the arbitrator noted. But as a 23-year veteran of the Jupiter Police Department, he received good annual evaluations.

Sprauer will not receive any money or benefits he would have accrued since his May firing, and the town and the Police Benevolent Association will split costs of the arbitration.

"I'm happy to be going back," Sprauer said Thursday. "It's been a long nine months."

PBA/Martin County Sheriff's Office Negotiations

After Collective Bargaining Agreements were negotiated in Martin County, Sheriff Crowder and his command staff, including Terrence Nolan, MCSO Legal Adviser, and MCSO Major Chase broke bread with PBA President Kazanjian, Gary Lippman, General Counsel and the MCSO PBA Representatives. At the conclusion of the PBA/MCSO luncheon, John Kazanjian presented Sheriff Crowder with the PBA's \$1,000 donation to the MCSO Youth Ranches Benefit Fund.



PBA Tag Emblems:	\$3.00
	\$5.00
Mag Lite:	\$93.00
Bulbs:	\$5.00
Batteries:	\$34.00
Sure Fire Batteries:	\$25.00
Mini-Flashlight:	\$16.00
PBA T-Shirts:	\$8.00
PBA Men's Polo's:	\$20.00
PBA Women's Polo's:	\$20.00
PBA Hats:	\$12.00
PBA Throw:	\$25.00
PBA Keychain:	\$5.00
PBA Cufflinks:	\$5.00
PBA Tie Pin:	\$5.00
PBA Travel Mug:	\$7.50
PBA Notepad:	\$8.50
WPB O/T Polo's:	\$20.00
WPB O/T 511 Polo's:	\$36.00
Memorial Bands:	\$1.00
Misc. Lapel Pins:	\$5.00
Handcuff Keys:	\$7.00
James O. Born Novels:	\$20.00

In Loving Memory Of Kaitlin



Kaitlin A. Kazanjian Scholarship Golf Tournament

**Tee It Up
For A Good
Cause**

Golf Committee Members:

- John Kazanjian (561) 723-6904
****Committee Chairman
- Gino Composto (561) 758-0202
****Sponsor Chairman
- Alan Kazanjian (978) 375-0463
- Sonny Kazanjian (978) 376-1576
- David Gray (978) 423-0101
- Dan Burrows (561) 722-7965
- Rick McAfee (561) 723-8416
- Bill Gray (561) 723-8266
- Joe Berkery (561) 339-7034
- Kevin Igo (561) 906-2581
- Bob Cresswell (561) 301-1482
- Allan Ortman (561) 722-6736
- Bob Brown (561) 635-4973
- Ray Griffith (561) 436-8592
- The PBA (561) 689-3745

Date of Tournament: March 1, 2008 at 9:00am

Rain Date: 03/02/2008

Dear Scholarship Sponsor:

In November 2003 young Kaitlin was tragically lost. To preserve her memory and as her legacy, to help children bear the costs of higher education, a scholarship fund was created in her honor. In furtherance of this purpose, the 5th annual Kaitlin A. Kazanjian Scholarship Golf Tournament will be held at the Palm Beach Gardens Golf Club.

This tournament has become an annual tradition in our community, and with your generous assistance we will continue our mission for as many children of the Palm Beach County Sheriff's Office and the Police Benevolent Association as your help will permit.

The money raised in this year's tournament will be donated to the:

Kaitlin A. Kazanjian Scholarship Fund

If you would like to support Kaitlin's tournament with a hole sponsorship or donation, please complete the enclosed paperwork, or contact one of our committee members, or the Police Benevolent Association.

This is a 501(c)(3) charity and your generosity is completely tax deductible.

Please make checks payable to: Kaitlin A. Kazanjian Scholarship Fund
2100 N. Florida Mango Road
West Palm Beach, FL 33409

Again, thank-you for your support and your generosity.

Sincerely,


John Kazanjian
Golf Committee Chairman



Legal Brief: The Davis Rule

What should you do when a suspect who waived his Miranda rights says he might want a lawyer? This is the question that the US Supreme Court recently ruled on.

WHILE I AM PRESENTING THE FACTS ACCORDING TO THE US SUPREME COURT RULING, THIS IN NO WAY IS MEANT AS A GUIDE IN A FLORIDA STATE COURT! ALWAYS REFER TO YOUR DEPARTMENT'S LEGAL BUREAU, OR THE SA'S OFFICE FOR PARTICULAR RULINGS.

A fairly common scenario: you obtain a valid Miranda waiver from a suspect in custody and begin interrogation. Part way through your questioning, the suspect begins to feel uneasy about going forward and says something about remaining silent or talking to a lawyer. What then? Must you stop interrogating? Do you need to clarify his wishes, or can you keep talking? The US Supreme Court gave the answers in Davis v. U.S. The Supreme Court acknowledged its earlier ruling in Edwards v. Arizona that a statement obtained through police custodial interrogation will not be admitted to prove guilt at trial if it resulted from questioning that continued after the suspect's request for an attorney. But where it is not necessarily clear that a suspect who has already waived his rights is asking for an attorney, the court declined to place the burden of resolving the ambiguity on the police. If a suspect makes a reference to an attorney that is ambiguous or equivocal, in that a reasonable officer in light of the circumstances would have understood only that the suspect *might* be invoking the right to counsel, our precedents do not require the cessation of questioning. Rather, the suspect must unambiguously request counsel. He must articulate his desire to have counsel present sufficiently clearly that a reasonable police officer in the circum-

stances would understand the statement to be a request for an attorney. Finding that the statement, "Maybe I should talk to a lawyer," was not an unequivocal, unambiguous invocation of the right to counsel, the court upheld the admission of Davis' statements and unanimously affirmed his conviction and sentence. The five-member majority held that it is not necessary for officers to stop an interrogation when the suspect makes an ambiguous reference to invoking his rights.

There are no magic words that a suspect has to use to constitute a clear and unambiguous invocation of Miranda. Certainly a statement such as "No more questions", or "I want a lawyer" are unambiguous. Wishy-washy qualifications such as "I think" or "Maybe I should" would normally be ambiguous enough to come within the Davis rule that there is no need to clarify the suspect's wishes and no need to stop questioning. It is further noted that the Davis ruling only applies where the suspect initially gave a clear, unambiguous waiver when given his Miranda rights. Once he has waived, the burden shifts to him to clearly, unambiguously assert his rights if he wants questioning to cease. For example, if the suspect responds to the Miranda admonishment by saying something like, "I think maybe I should get a lawyer," you should not proceed without clarifying whether or not you have an invocation of counsel. It's only after a clear waiver has been obtained that the Davis rule kicks in.

NOTE: Not all states follow the US Supreme Court rulings on exclusionary issues. States are free to interpret their own constitutions as providing greater protection to criminals than the US Constitution provides. Where do you suppose Florida falls?

Be Safe

Det. Charlie Weinblatt, Tequesta PBA Rep.

Fallen Officers Raffle

The Palm Beach County PBA sponsored a Raffle for a 42" Flat Screen TV with the proceeds to benefit the families of fallen Deputy Sheriffs Donta Manuel and Jonathan Wallace. With the assistance of PBSO Detective Winston Favors, Detective Anthony Oats and Corporal Kenneth Gray (shown below), over \$17,000 was distributed to the families. The raffle was held on December 20, 2007, with Marie Daniel from the South Florida Water Management District having the winning ticket. We want to thank everyone who participated in this worthy cause.



President Kazanjian with Isaiah Favors picking the winning ticket.



Raffle winner Marie Daniel (left) with a friend.



Suzette Manuel



Mrs. Wallace



Bridgette Trawick

Lawsuits For Charges Based On Arrest Warrants

Sergeant Patrick Wright and I had the common law enforcement experience of being defendants in a frivolous law suit. This experience seemed unique to me at the time because we were being sued for malicious prosecution even though we never arrested or prosecuted anyone. I had filed for a warrant on a suspect for stalking. The State Attorney's Office took the case, and a letter of summons was sent to the suspect. The suspect appeared in court; he was never arrested. The charge was approved by a judge through arraignment before ultimately being dropped by another judge prior to having a trial. I later learned that our experience was not that unique after all.

We have all read the case law that supposedly protects us from civil liability if we file for a warrant, in lieu of making a physical arrest, as long as the warrant is proper on its face with full disclosure and truthfulness. The purpose of this article is to inform you that you are only as immune from civil liability as the judge decides you are, regardless of how you interpret case law.

The circumstances and probable cause in this case are not important. The important thing to know is that I filed for a warrant, and the State decided to prosecute the case. During our two day trial, the plaintiff's attorney never questioned my honesty while completing the documents for this investigation. He attacked the probable cause only. The argument was that the behavior exhibited by the suspect was covered under free speech and did not constitute stalking. Again, this was a decision left up to the State Attorney when the case was filed. The plaintiff's attorney consistently argued about the probable cause, and never took any angle contrary to the very case law that protects us. Our defense attorney, Fred Gelston, filed a motion to have the case against Sergeant Wright and me dismissed based on this logic. The judge quickly dismissed the case against PBSO, but not the case against Sergeant Wright and me as individuals. The judge, knowing exactly what Mr. Gelston's point was, even mentioned that if he was wrong that's what appellate courts are for. The trial, and waste of taxpayers' dollars, continued.

Mr. Gelston brought up the fact that Sergeant Wright and I did not prosecute the case. The plaintiff's attorney argued that I initiated the prosecution by requesting the warrant. He also pointed out that the last line of my probable cause affidavit stated that I requested a warrant be issued for the suspect. This specific line in my probable cause affidavit was stressed. Therefore, the plaintiff was able to sue us because we were the only links in the chain of the legal system without immunity. One of our witnesses was the representative from the State Attorney's Office who approved my warrant request for prosecution. Her testimony was as close to perfect for our case as possible. She testified that it was her decision to prosecute, not mine. She also testified that she still felt that if the judge who dropped the case had let a jury trial occur, the case would have been successfully prosecuted. She validated my probable cause and our defense that I didn't prosecute the case. The trial still continued all the way to the jury.

The trial ended in our favor and I actually learned and experienced some positive things. One of those things was that the Department was going to take care of us if at all possible because

we acted within the scope of our employment. The attorney provided to us by the department, Mr. Gelston, was outstanding in every way during this trial. I also learned that the State Attorney's Office, at least the representative who testified on our behalf, is willing to stand up for us and their decisions in cases like this. Another positive experience was that despite the ridiculous events and decisions of the two day trial, the six jurors took less than thirty minutes to decide in our favor.

The only suggestion on how to avoid, or possibly minimize the risk of being sued, is to close the probable cause affidavit with a different statement. In the future I will just close my probable cause affidavits with something like "based on my investigation I believe probable cause exists for violation of F.S.S. ***." Although there was nothing wrong with stating that I was requesting a warrant, it apparently left enough of an opening for an attorney to convince the judge that I was a prosecutor. As we all know, the constant abuse of our civil legal system makes getting sued part of our job. Anything we can do to minimize the risk of getting sued, including educating ourselves, will help.

Submitted by Sgt. Rich DiBerardino, PBSO Rep

Management Rights

I was once told by a scholarly gentleman that the contract article titled "Management Rights" should, more appropriately be called "Mis-management Rights." Although amusing, there is some truth in that statement.

In assessing the success of any organization one of the most important items is the management of the various divisions within the organization and how they relate to the senior management team. This contract article is sometimes used as a "catch all" by senior management to solve problems and put the muscle behind their decisions. Occasionally this power can be misused and poses problems for employees at all levels of the organization.

It is important to remember that today's work force is more diverse and employees are very much in tune with what goes on around them. Quite often their view of the issues confronting an organization is much clearer than management as a result of their vantage point within the agency.

By the time management begins to utilize this article to accomplish goals a great deal has already occurred within the agency. Mis-management can actually be the by-product of other elements, to include misinformation, misrepresentation, miscommunication, and poor decision-making. These elements (and others) can characterize the management team.

Regardless of the size of your department it is important to assess regularly and make adjustments, if necessary. If the warning signs of mis-management are present, it is imperative that the executive officers make changes quickly enough to turn the tide. This is what employees expect from their senior managers. Equitable and timely decisions that are grounded in common sense and logic are what employees deserve.

Submitted by: Lt. M. Rispoli, Palm Beach Gardens PD

PBA In The News

The Palm Beach Post

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FRIDAY,
DECEMBER 7, 2007

LOCAL

Grand jury's probe of West Palm's pay-to-play case nearly complete, **3C**

State high court rejects lawsuit filed by gay student, **3C**

Chases, though frequent, never routine

Officers face daily challenges getting people to stop.

By ROCHELLE E.B. GILKEN
Palm Beach Post Staff Writer

On the same day as the funeral for two deputies who died during a police pursuit, officers chased after criminals across the county — including a man who ended the chase by shooting his ex-girlfriend and then himself.

Almost every day in Palm Beach County, the chase is on.

On Wednesday, three people were caught running from cops.

Since Jan. 1, 517 people have been jailed on charges that included fleeing and eluding police, according to booking records.

That number does not reflect

those who got away.

"There's nothing routine about a vehicle pursuit. There's nothing routine about a normal traffic stop. Anything we do out here is not routine. Anything we do can end up in a tragedy," said John Kazanjian, president of the county Police Benevolent Association.

Last week, deputies Jonathan Wallace and Donta J. Manuel were killed when they walked onto State Road 715 and into the path of a K-9 unit trying to catch up to a stolen

car going an estimated 85 miles an hour.

The driver of the stolen car was charged with manslaughter, but Kazanjian said he is lobbying state legislators to change the statute so that causing a death while fleeing police will be felony murder punishable by life in prison.

"It took this tragedy to try to create a law. I don't think anybody's ever tried before," Kazanjian said.

It's not just the high-profile shootings and crashes that plague offi-

cers, he said. It's the daily struggle to get someone simply to stop.

When a suspect tries to evade capture, supervisors make a split-second decision whether to go after them and how fast and furious to continue the pursuit.

The time of day, seriousness of the crime and location are all factors.

Agencies don't keep statistics on how often they have to make that

See CHASES, 7C ▶

Three suspects fled officers in one day

▶ CHASES from 1C
decision.

Sometimes the suspects run a few red lights and disappear.

Sometimes their crime was serious enough to warrant a longer chase, such as the fatal chase on Wednesday.

A few hours after the deputies were buried, Riviera Beach police officers pursued a gunman after he kidnapped his ex-girlfriend from outside an apartment off Blue Heron Boulevard.

Officers chased the white Ford Mustang onto the Beeline Highway until around 11 p.m. when the car stopped, overheated and the grass beneath caught fire.

They then saw the flash from the shots, surrounded the car, broke the window and found that Isaac Benjamin, 37, had killed himself and his estranged girlfriend, 27-year-old Tonya Raines. The couple had been in and out of jail.

They both had multiple drug arrests and domestic disturbances, but neither

had been charged with fleeing police before. Raines had a no contact order against Benjamin from Aug. 23.

That night, they had gotten into an argument near the Broadmoor Apartments where he lives because Raines wanted clothes out of Benjamin's car and another man called her, said the Palm Beach County Sheriff's Office, which is investigating.

But Benjamin is not the only person who tried to get away that day.

In Boca Raton, 21-year-old Beau Donna Alexis ignored the lights and sirens following his Lexus and made quick turns onto 44th Street and Northeast Fifth Avenue before he stopped and surrendered, according to the arrest report. His passenger, Steve Dumerlus, 22, bolted from the moving car until he ran into a mailbox. Police charged them with snatching two cellphones from a T-Mobile store shortly before the chase. Dumerlus was one of seven people charged with resisting arrest that day.

In Lake Worth, Carlos Ferguson, 41,

also was charged with fleeing and eluding police Wednesday night. Details of his arrest were not available.

Officers don't chase suspects nearly as much as they used to.

West Palm Beach police Lt. Chuck Reed said there was a chase in the city almost daily about five years back until policies changed so that officers are authorized to go full-speed only in response to a violent felony, a similar guideline that other area law enforcement agencies follow.

Suspects may have gotten more brazen trying to get away knowing police won't go after them for a minor crime.

"If we try to stop a car that is stolen and they hit the gas and run a couple of red lights, we can't chase them," Reed said. Reed said criminals anticipate they'll be able to get away.

"They've told us that 'We didn't think you were going to chase us.'"

Staff researcher Sammy Alzofon contributed to this story.

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FLORIDA POLICE BENEVOLENT ASSOCIATION 2008 LEGISLATIVE AGENDA

- Equitable pay increases for state correctional, correctional probation, and law enforcement officers represented by Florida PBA, including but not limited to, pay compression and retention issues.
 - Legislation extending the period of DROP participation for Law Enforcement, Correctional and Correctional Probation Officers, at the rank of Captain and below, an additional 36 months (**Representative Julio Robaina – HB 501 and Senator Carey Baker – SB 706**)
 - Legislation including Institutional Security Specialist to the definition of Certified Correctional Officer. (**Representative Pat Patterson – HB 427 and Senator Ted Deutch – SB 924**)
 - Legislation allowing for purchase of Special Risk credit for certain academy time. (**Representative Anitere Flores – HB 379 and Senator Mike Fasano – SB 106**)
 - Legislation changing the Special Risk upgraded credit from two percent to three percent. (**Representative Ed Hooper – HB 397 and Senator Dave Aronberg**)
 - Support for legislation to place security cameras in certain late night business parking lots (**Representative Ari Porth HB 325 and Senator TBA**)
 - Support for legislation to add fleeing/eluding a law enforcement officer (PBSO Deputies Donta Manuel and Jonathan Wallace) to list categories for felony murder (**Representative Will Snyder – HB 321 and Senator TBA**)
- With reference to other legislation, authorization for the Director of Legislative Services to support legislation favorable to the membership or oppose legislation harmful to the membership.

Solving Problems

You know, we have never had the rift that we seem to be having now between the newer guys and the veterans.

Sure, you have the newer guys with the real heart for the job and they have the heart of veterans. They are not out there for themselves, they are truly there for the love of police work, the brotherhood and the camaraderie. Those things are truly there.

You may think you are just here for the money and you may think that you want to get out of police work as soon as you can possibly get out. But, whether you retire early or quit you will miss the job and the people when you leave. Even though we have all gone through the turmoil of different positions, the politics, the race of getting overtime jobs and the supposed inequality of getting said jobs, most will still miss the time that they were here. When all is said and done, you will be telling stories of what you did on the road, the antics, the jokes that you played on each other, the incidents that you got in trouble for and the incidents that you should have gotten in trouble for but didn't get caught, or the bosses didn't see.

You will also be telling the stories that you have heard about what the veterans before you have done. How they were able to do so much more than you can do now.

(I won't write about those here) These stories will have been morphed into something not even close to what had actually happened, yet are still fun to tell. You guys will be those guys in a few years and the new guys will be talking about your antics.

Hopefully, some of you will become good PBA Reps. When you think that

you are ready to step up to the plate, ready to approach and not just avoid the administration, you will need to be ready to actually have a conversation with them. You will have to be able to confront them on issues that you may feel uncomfortable discussing.

This may in fact impact your own internal police department aspirations. The bosses may not like you as a result of your association with the Union.

Will you be ready to stand up and back up your men as a union representative? Will you continue to be steadfast in your beliefs and step up to the plate to represent, "your generation?" Don't just float along and be one of those guys that tells his friends and anyone else who will listen, how he "would" and "could" do a better job confronting administration, or the guy who writes an anonymous letter. Why not take some of that hostile energy and try running for a union position?

Don't do it just to undermine the Union, either. You need to be there to help everyone. Put your energy to good use and make a difference; that is, if you're ready to put your money where your mouth is (or maybe you should just keep doing what you're doing now). Don't be the one always finding a problem and complaining instead of helping everyone with a union backed solution that will work.

Submitted by: Chris Roaf, WPB PBA Rep

Camaraderie

We don't always see eye to eye and get along. We all have different ideas and thoughts, that's what makes us individuals, such as our values and beliefs. Despite our differences, it was great to see everyone come together after the tragic deaths of our fellow deputies in Pahokee.

On Tuesday before the funeral services, Mark Bohne and I met at Cheney Bros. to pick up food and supplies for the reception luncheon which was to be held on Wednesday. As some of you know, Mark Bohne was shot in the line of duty back in the 80's. After Mark recovered he and several others formed an organization called LEAF (Law Enforcement Assistance Foundation). LEAF is made up of business men and women from the community, and provides assistance to law enforcement officers in times of need.

On Tuesday evening Mark and I met with several LEAF members at Billy and Dari Bowman's home in Tequesta, to start preparing food for the activities. We all laughed and joked while working and getting everything done. On Wednesday morning at 6AM we all met again at Bowman's home to fire up the grills and start cooking.

Around 10 a.m., a convoy of trucks and grills headed for Pahokee. Several of the men there I had never met before and some were from other agencies. But we all had one thing in mind; we all came together as family to help out the law enforcement community in a time of need.

When we arrived at Pahokee High School, we assembled on the basketball courts and prepared for all to eat. By this time there were about 50 people from different walks of life willing to assist. As the day progressed everyone came together as one.

Suddenly from the southwest I heard several helicopters approaching. As they flew our way everyone stopped working, talking, and moving and stood looking up with silence as they flew directly over us – what a moment in time! Everyone stopped to pay their respects; these people from all parts of our community. The day went on and we fed everyone who attended.

Well, I guess what I am trying to say is THANKS. Thanks to everyone in our community, our fellow comrades, and our friends, for coming together as family in a time of need. This is what camaraderie is all about!

Submitted by: Ray Griffith, PBSO PBA Rep

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Knowing What To Do After An Automobile Accident

As a PBA Member, we try to keep you informed by educating everyone on various technological issues that are present in your everyday working environment in addition to Labor Issues. The article listed below contains information that you need to know about should you ever be involved in a motor vehicle collision with a police vehicle. You must be cautious that you are never accused of untruthfulness if you are involved in a crash regarding your speed, seat belt usage, etc. Understand that information is stored inside your patrol vehicle computer and can be later retrieved for an IA Investigator as evidentiary data for your investigation. Drive Safe!!!

Submitted by: Vinnie Gray, PBA Secretary

Police Car Accidents: Evidence Spoliation Risk Alert

By Richard Ruth
October 11, 2007

If one of your Crown Victoria Police Interceptor vehicles has an accident with a civilian vehicle and people are injured, you naturally want to know the facts as to what happened. You may not yet be aware that 2005 and later Crown Victoria vehicles have a second, **much more powerful event data recorder than the Restraint Control Modules** found in 2001-2004 Crown Victorias. It is located in the Powertrain Control Module (PCM). If airbags or seat belt pretensioners deployed, the vehicle is designed to store vehicle speed, brake on/off, ABS on/off, accelerator pedal position, and other parameters for 20 seconds before the crash and five seconds after the crash at 0.2 seconds intervals. The vehicle is designed to set a data "locking" signal when airbags or seat belt pretensioners deploy. Under some circumstances, such as electrical short circuits caused by crash damage, or complete power loss in the vehicle, the locking signal may not get set. You need to be aware that in the absence of a lock signal that the recorder is designed to continuously overwrite itself, and after 25 seconds of power on without a lock signal, the data relevant to the event is overwritten and lost. If airbags do not deploy, but the key is turned off in less than 25 seconds of the event, there will be speed/brake/accelerator information relevant to the event that can still be retrieved.

There are documented instances where there was a severe crash, power was lost, but a well meaning investigator restored power to check other functions in the vehicle or read out the Restraint Control Module event data recorder. **That well meaning investigator unintentionally spoliated the best evidence of what happened during the event.**

Your department needs to be aware that the best way to preserve this evidence is to train driving officers to turn the key off as soon as possible after an event. (For example, if the key was turned off 15 seconds after the event, there would still be 10 seconds of pre-crash data available to investigators). Investigators can also be trained to secure evidence after a crash by pocketing the keys, and/or unplugging the Powertrain Control Module (PCM) under the hood. Unplugging the module is the most effective way to prevent accidental spoliation of any evidence remain-

ing in the PCM. The PCM can also be secured by removing it, it only takes unscrewing one bolt and pulling the PCM out of two clips to get it out. Your department may want to consider adopting policies or procedures for securing PCM evidence after a crash of one of your vehicles.

This data can be accessed using the Bosch "Crash Data Retrieval" (CDR) system with the new Ford PCM adaptor and new version 3.0 or higher software that is expected to be available approximately November 15, 2007, barring unforeseen problems developing during the final testing taking place at this time ([visit www.cdr-system.com](http://www.cdr-system.com) to order the Ford PCM adaptor when available). Beta testers can read modules now to aid internal investigations, with the understanding that modules should be re-read with the final production software and hardware if the evidence is needed for use in court.

If your department wants to get the data from a PCM, you have choices:

1. Hire someone who has the equipment and training to read it for you and to explain how to appropriately use the data in your specific accident. It can cost as little as \$500 for you to mail a module into a laboratory, get it read out, and have a skilled user spend up to an hour with your investigator explaining what the data means in your accident scenario.
2. Purchase a Bosch CDR System for approximately \$2600 + \$395 for software, and send an officer to training for one day to operate it and 3-4 days additional days to analyze the data and use it properly in an accident reconstruction. If you already have a Bosch CDR kit with a current annual software upgrade subscription to automatically receive the Version 3.0 update when released, the only additional purchase would be a Ford PCM adaptor and cable hardware kit when it becomes available around Nov. 15, 2007. The cost will be less than \$1000 (Bosch has not set pricing as of this writing).
3. You can network with other agencies that have a trained/certified operator and have purchased the software upgrade and PCM hardware kit already.

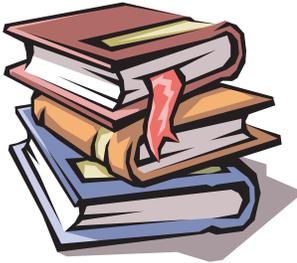
While the primary intent of this letter is to alert you to the risk of evidence spoliation in accidents involving your own police vehicles, you should also be aware that this event data recorder is in many other Ford vehicles and can be of significant value in traffic homicide and other serious injury automobile accidents. The Bosch CDR kit has been able to get pre-crash vehicle speed out of many 1999 and earlier GM vehicles, but this new release can get pre-crash vehicle speed out of Ford vehicles equipped with Electronic Throttle Control (ETC). It was first introduced in low volume in 2003, is in more than half the 2005's, and is in almost all new Ford vehicles today. Until this new Bosch release, only Ford Motor Company could read the modules for law enforcement. This new release raises the percentage of vehicles covered by CDR from approximately 20% to about 25%. Subject to successful completion of field testing, the new release is intended to cover selected 2005 and later Chrysler vehicles as well.

PBA Scholarships

The annual Scholarship Applications are now available at the PBA Office.

The deadline is April 15th, 2008.

Good luck to all applicants.



CHARLIE CRIST
GOVERNOR

*Letters
to the
P.B.A.*

January 4, 2008

John Kazanjian, President
Palm Beach County Police Benevolent Association, Inc.
2100 North Florida Mango Road
West Palm Beach, FL 33409-6400

Dear John:

Thank you for taking the time to write to me recently. I sincerely appreciate your kind words. I will attend the services of our fallen officers whenever possible, as they should be honored and showed the utmost respect. I am honored to serve the People of Florida, and I look to our future with great excitement.

Please do not hesitate to call upon me, and my best wishes for the New Year!

Your Friend,

Charlie Crist

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Twenty dollars of the proceeds from the tag will be deposited into a charitable fund, the **Florida PBA Heart Fund**, for the Association's members.

The intent of the Heart Fund is to provide financial assistance to the families of members who are killed or injured and permanently disabled in the line of duty under certain circumstances. An added plus is that contributions made to the Heart Fund are **tax-deductible!**

Support Law Enforcement tags may be purchased at the County Tax Collector office.

We're proud to serve those who serve our communities.

For more information on our Florida PBA-endorsed retirement programs, call 800-282-5855 to speak with Ed Caldwell (ext. 63421) or Tom Howard (ext. 63424).



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Retirement programs can be funded by group variable annuity products (H-14581; NY & FL: H-14972; H-15811; HVA-11002 and HVA-21002 series; HVA-14000; HVA-14001; HVA-20000; HVA-21000; HVA-21001; HVA-21002; HVA-21003; HVA-21004; HVA-21005; HVA-21006; HVA-21007; HVA-21008; HVA-21009; HVA-21010; HVA-21011; HVA-21012; HVA-21013; HVA-21014; HVA-21015; HVA-21016; HVA-21017; HVA-21018; HVA-21019; HVA-21020; HVA-21021; HVA-21022; HVA-21023; HVA-21024; HVA-21025; HVA-21026; HVA-21027; HVA-21028; HVA-21029; HVA-21030; HVA-21031; HVA-21032; HVA-21033; HVA-21034; HVA-21035; HVA-21036; HVA-21037; HVA-21038; HVA-21039; HVA-21040; HVA-21041; HVA-21042; HVA-21043; HVA-21044; HVA-21045; HVA-21046; HVA-21047; HVA-21048; HVA-21049; HVA-21050; HVA-21051; HVA-21052; HVA-21053; HVA-21054; HVA-21055; HVA-21056; HVA-21057; HVA-21058; HVA-21059; HVA-21060; HVA-21061; HVA-21062; HVA-21063; HVA-21064; HVA-21065; HVA-21066; HVA-21067; HVA-21068; HVA-21069; HVA-21070; HVA-21071; HVA-21072; HVA-21073; HVA-21074; HVA-21075; 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817.311 UNLAWFUL USE OF BADGES, ETC.

(1) (817.311 SS) From and after May 9, 1949, any person who shall wear or display a badge, button, insignia or other emblem, or shall use the name of or claim to be a member of any benevolent, fraternal, social, humane, or charitable organization, which organization is entitled to the exclusive use of such name and such badge, button, insignia or emblem either in the identical form or in such near resemblance thereto as to be a colorable imitation thereof, unless such person is entitled so to do under the laws, rules and regulations of such organization, shall be guilty of a misdemeanor of the first degree, punishable as provided in S. 775.082 or S. 775.083.

(2) This section shall be cumulative to any and all laws now in force in the state.

Florida Statutes (1987).

PLEASE NOTE

843.085 Unlawful Use of police badges or other indicia of authority:

(1) Unless appointed by the Governor pursuant to chapter 354, authorized by the appropriate agency, or displayed in a closed or mounted case as a collection or exhibit, to wear or display any authorized indicia of authority, including any badge, insignia, emblem, identification card, or uniform, or any colorable imitation thereof, of any federal, state, county, or municipal law enforcement agency, or other criminal justice agency as now or hereafter defined in S. 943.045, which could deceive a reasonable person into believing that such item is authorized by any of the agencies described above for use by the person displaying or wearing it, or which displays in any manner or combination the word or words "police," "patrolman," "agent," "sheriff," "deputy," "trooper," "highway patrol," "Wildlife Officer," "Marine Patrol Officer," "state attorney," "public defender," "marshal," "constable," or "bailiff," which could deceive a reasonable person into believing that such item is authorized by any of the agencies described above for use by the person displaying or wearing it.

(2) To own or operate a motor vehicle marked or identified in any manner or combination by the word or words "police," (etc.) Or by any lettering, marking, or insignia, or colorable imitation thereof, including but not limited to, stars, badges, or shields, officially used to identify the vehicle as a federal, state, county or municipal law enforcement vehicle or a vehicle used by a criminal justice agency as now or hereafter defined in s. 943.045, which could deceive a reasonable person into believing that such vehicle is authorized by any of the agencies described above for use by the person operating the motor vehicle, unless such vehicle is owned or operated by the appropriate agency and its use is authorized by such agency, or the local law enforcement agency authorizes the use of such vehicle or unless the person is appointed by the Governor pursuant to chapter 354.

(3) To sell, transfer, or give away the authorized badge or colorable imitation thereof, including miniatures of any . . .

(4) NOTHING IN THIS SECTION SHALL PROHIBIT A FRATERNAL, BENEVOLENT, OR LABOR ORGANIZATION OR ASSOCIATION, OR THEIR CHAPTERS OR SUBSIDIARIES, FROM USING THE FOLLOWING WORDS, IN ANY MANNER OR IN ANY COMBINATION, IF THOSE WORDS APPEAR IN THE OFFICIAL NAME OF THE ORGANIZATIONS OR ASSOCIATIONS.

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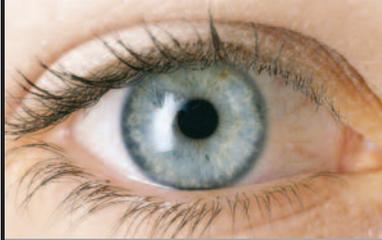
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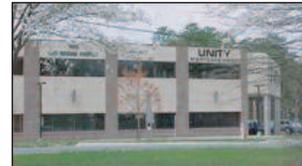


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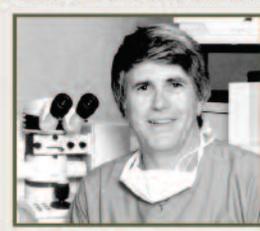
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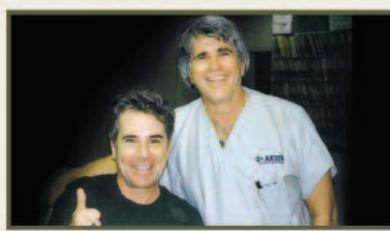
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