



CODE THREE

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

VOLUME 26 NUMBER 1

PUBLISHED QUARTERLY FOR MEMBERS

February 2010

PBA OLDIES NIGHT held on JANUARY 22, 2010 at the CARS OF DREAMS





President's Message

John Kazanjian

I want to wish everyone a happy and healthy New Year. If you haven't been marooned on a desert island for the past year, you certainly know what's going on with our economy. This year may be a repeat of 2009. We really don't have much to look forward to when it comes to negotiating Collective Bargaining Agreements. The Cities and Counties continue to tell us that they have no money in order to maintain our current Contracts and they continue to tell the PBA that we have to be willing to make cuts to our benefits. However, we are willing to take some reductions but it is difficult to sit back and watch employees take these cuts while politicians and administrators maintain the status quo for their special projects. I can assure you, the PBA will continue to fight in order to keep the salaries and benefits for which our members fought so hard, and so long.

Our fundraising efforts have not proven to be as fruitful as in previous years. However, we will continue to be a pro-active presence in our communities. We will also continue our efforts to raise monies for our members who may suffer a catastrophic event in their lives and for our Scholarship Fund to help our children off-set the rising cost of tuition. I want to wish the best to our members who have suffered tragedies in their lives, and to let them know the PBA will continue to support and help them in their times of need.

I would like to take this opportunity to acknowledge the hard work and efforts of Ernie George, Lou Penque, Gary Lippman and Ralph King at the recent West Palm Beach Impasse Hearing. They did an outstanding job in preparing and presenting our side. Anyone who was present would have to agree that Ernie, with 35 years experience and long-standing involvement with the West Palm Beach PD contract, did an exceptional job of presenting all the facts related to the impasse articles. Ernie and Lou had all the correct facts and figures. In contrast, WPB Asst. City Attorney Zoe Panarites and Finance Director Randy Sherman (both with only two years with the City) were clueless (at best) as to the issues! Even Mayor Lois Frankel interrupted the City Attorney while she was summarizing in her presentation due to her being so unprepared. We now wait for the City Commission's resolution of the disputed articles, which then, will be subject to the Bargaining Units' ratification.

God Bless and Be Safe!



Officer Of The Month



Officer of the Month - September 2009

PBSO Detective Anthony Johnson

Nominated by: Sgt. Tom Gendreau

In May, 2009, District 1 (PBSO) had a series of business burglaries. Detective Anthony Johnson collected evidence and even made plaster casts of footprints at crime scenes. On April 18, 2009, Detective Johnson stopped two (2) suspicious vehicles, and the driver was questioned. As a result, Det. Johnson was able to recover multiple pieces of evidence



PBSO Detective Anthony Johnson

and obtained confessions of the suspect to eight burglaries. Later, he obtained a search warrant for a residence yielding \$500,000 worth of stolen items. Some 37 victims recovered their property due to his investigation.

Officers of the Month - October 2009

PBSO Detectives Brian Hermanson and Troy Raines

Nominated by: Sgt. John McGuire

PBSO Detectives Hermanson and Raines were assigned to the Gang Unit's "Operation Deep Six" investigation, primarily centering on Palm Beach County's most violent criminal street gang, "Top 6." Their efforts have helped to provide for all of us:

- 19 Federal Firearms arrests
- 13 Federal Narcotic arrests
- 21 Federal arrests from Title III wire intercept of Mexican Source of supply
- 32 Federal arrests from Title III wire intercept of a Local Source of supply
- 12 Racketeering arrests with the Office of Statewide prosecution
- 12 Federal Aggravated Felon Re-Entry Deportations
- 53 Arrests on numerous State charges, to include several for homicide
- The solving of several open homicide investigations



PBSO Detectives Troy Raines and Brian Hermanson

Continued on next page

Officer of The Month Continued

Officers of the Month - November 2009

Boynton Officers Gregg Koch and Robert Thomas

Nominated by: Sgt. Craig Anthony

On September 5, 2009, Boynton Beach Police Department officers, Thomas and Koch, with the Marine Unit, were on patrol and observed two (2) juveniles in distress treading water. Because of the water depth and the height of the breakers, the officers conducted a water rescue. The officers rescued the children, bringing them to shore without injury.



Boynton Officers
Robert Thomas and
Gregg Koch

WPB Impasse Public Hearing

Submitted by Louis Penque, Treasurer

On Monday, February 1, 2010 we had our long awaited public hearing addressing the Impasse issues in the 2009-2010 C.B.A. Although I believe we made a persuasive presentation, our commissioners tabled the Articles and were not prepared to vote at this time. I was less than impressed with the member turn out. Only 60-70 officers made the meeting, and worse yet, a majority of the officers at the meeting had over 10 years of service. The officers with less than 10 years made a poor showing. I do commend the members who took time to come; you should be encouraging your co-workers to do the same. The Union's strength comes from its members' participation.

Your Union leaders spent over two weeks preparing for this presentation, several public records requests and endless hours going over budget items, and crunching figures. Every member should take the time to thank Ernie George, Rick King, and Gary Lippman for their hours of work spent on preparing for the Special Magistrate Hearing and most recently, the public hearing. Without their knowledge, participation, and effort, our presentation would not have been as effective and professional as it was.



This was one slide from our presentation.

THE CODE THREE

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PBA Official Publication

The CODE THREE is our official
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the supervision of the
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West Palm Beach, FL 33409-6400
(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.

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Matt Bessette
Chris Roaf, Alt.
Mike Leas, Appt.
Kevin Coppin, Appt.

Board of Directors Meeting Attendance - 12/16/2009

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	Yes
Henry Diehl	Excused
Kelly Harris	Yes
Frank Ranzie	Yes
Delray Beach	
Sal Arena	Yes
Joe Hart	Yes
Scott McGuire	Yes
Adam Rosenthal	Yes
Rodney Stevenson	Yes
Paul Weber	Yes
FAU	
Darren Courtney	Yes
Gary Grande	Yes
Greenacres	
Joseph Rendueles	Excused
Josh Silvey	Excused
Dylan Vaughan	Yes
Juno Beach	
Julio Rios	Yes
Jupiter	
Jeff Bernstein	Excused
Quinn Harris	Yes
Jason Levinstein	Yes
Mike Lilienfeld	Excused
Chris Smith	Yes
Lantana	
Chris Decker	Yes
MCSO-LE	
Brian Bergen	Yes
Michael Dougherty	Yes
Mike Ferguson	Yes
Doug Moore	Excused
Tom Neild	Yes
Richard Parks	Yes
Bruce Pinkman	Yes
MCSO - Corr	
Jackie Gore	Yes
Tom Randazzo	Yes
North Palm Beach	
Damian Izquierdo	Yes

PBSO-LE	
Mike Antonopoulos	Yes
Dan Burrows	Excused
Rich Diberardino	Yes
Ray Griffith	Yes
Kevin Igo	Yes
Terry Maguire	Yes
John McGuire	Yes
John Navarro	Yes
Charlie Nicastro	Yes
Paul Vrchota	Excused
PBSO-Corr	
Tammy Bussey	Yes
DJ Dowling	Unexcused
Jeff Jackson	Yes
Will Pinto	Yes
Willie Powell	Yes
Patrice Quinn	Unexcused
Jerry Sneed	Yes
Pete Tartaglione	Yes
Palm Beach Gardens	
Greg Allen	Excused
Rich Geist	Yes
Jim Shackelford	Yes
Cecil Wagner	Unexcused
Palm Beach Shores	
Tom Clark	Yes
Michael Simmons	Unexcused
Palm Springs	
Darrell Diez	Yes
Sean Grant	Unexcused
School Police	
John Hawes	Unexcused
Bill Lammie	Yes
Harry Rawlings	Yes
James O'Sullivan	Excused
Stuart	
George McLain	Unexcused
Tequesta	
James Pike	Unexcused
Charlie Weinblatt	Yes
West Palm Beach	
Matt Bessette	Excused
Kevin Coppin	Yes
Brian Gaudette	Yes
Mike Leas	Unexcused
Troy Marchese	Yes
Chris Roaf	Yes
Ed Thomas	Excused

WELCOME NEW MEMBERS

NOVEMBER

Michael Richards - Greenacres
 Jamison Beaupre - PBSO Corr.
 Jose Rivera - Boynton Beach
 Krystal Johnston - PBSO
 Stepahnie Mauler - Greenacres
 Damien Ferraiolo - Delray Beach
 Brittany Samples - PBSO
 Terria Sanford - PBSO
 Raynaldo Soriano - PBSO
 John Ware - PBSO Corr.
 Christopher Chase - Riviera Beach

DECEMBER

Andrew Hinds - Riviera Beach
 Adnan Raja - Riviera Beach
 William Shepherd - Riviera Beach

DECEMBER (continued)

Teresa Haag - Palm Springs
 Annette Marvin - PBSO
 Christopher Schalk- Boynton Beach
 Glenn Hickok - PBSO Corr.
 Kenyatta Polite-Sweet - MCSO Corr.
 Walter Fonger - PBSO Corr.

JANUARY

Angela Brito - Palm Springs
 Endora Thurmond - PBSO Corr.
 Joseph Passaro - Riviera Beach
 Jose Rendon - PBSO Corr.
 Chad Alpert - FAU
 Michael Smith - PBSO
 John Kianka Jr. - PBSO
 Alberta Point-Du-Jour - PBSO
 Darin O'Brien - PBSO

Officer of the Month



HAVE YOU MADE YOUR NOMINATION?

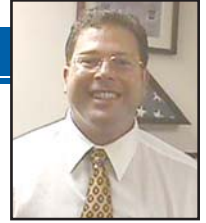
Submit the names of your
nominees before the end of
every month.

Send your nominations to

Gail@pbcnpba.org



Gary Lippman,
General Counsel



Larry Fagan

Ten Thirty Three

Sticks and Stones Have Broken Bones, but Words Have Denied Some Remedies

Submitted by Gary Lippman, General Counsel

More than 100 years ago, two characters in Lewis Carroll's Through the Looking Glass had an argument about the meaning of words:

"When *I* use a word," Humpty Dumpty said, in rather a scornful tone, "it means just what I choose it to mean – neither more nor less."

"The question is," said Alice, "whether you *can* make words mean so many things."

"The question is," said Humpty Dumpty, "which is to be master – that's all."

Unless you've been subject of a Sheriff's Office Hearing Review Board proceeding, you may be unaware of the extent to which a mere word has been the "master" of many deputies' careers. To those of you accustomed to collectively bargained grievance procedures ending in arbitration of discipline, the fact that logic and reason and centuries of jurisprudence recently have penetrated the ad hoc bodies convened in most Florida sheriffs' offices is of no consequence. To many of your brothers and sisters in green, however, what happened a few counties to the west of us this past October, is seismic.

The story begins with a deputy by the name of Kimberly Falk getting dismissed from her employment with the Lee County Sheriff's Office. Deputy Falk completed the paperwork that was put into her hands, and animated the procedure by which she could "appeal" that decision to the Lee County Sheriff's Office Civil Service Board; and that really is where this story ends, also. But as we all know about stories, between their beginnings and their endings, there are middles. Now, the middle.

At the conclusion of Deputy Falk's hearing, the Lee County Sheriff's Office Civil Service Board issued a final order by which it affirmed her dismissal. The Board affirmed the dismissal after having determined, also, that Deputy Falk failed to carry her "**burden of proof**" that the dismissal was without "just cause." To Falk, as to most of you familiar with such things, it seemed unfair to be burdened with proving something should not have been done. (Whatever our differences might be about the administration of justice, I'd expect all of us would take issue with a criminal defendant being required to prove he or she didn't commit the crime. Wouldn't we?).

The Board burdened Falk as it did and, likely as it had done to many other deputies before her, because she was "appealing" her termination; which made her an "appellant." On "appeals," the parties "appealing" are the ones expected to show, affirmatively, that there was something wrong about a decision. "Appellants" have the burden of proof on "appeals." As you can see, the **word**

assigned to what Falk was doing out in Lee County, determined the process by which it was done.

Falk's attorney filed with the circuit court a "petition" for writ of certiorari. When such a petition is granted, the writ of certiorari permits a court to inspect the records of an inferior authority in order to determine whether there have been any irregularities. A writ of certiorari gives the circuit court very narrow jurisdiction over the lower tribunal's concluded proceedings; it is not a license for a judge to re-try the matter or, otherwise, to second-guess. In Falk's case, the writ would have permitted the circuit court to determine from the Civil Service Board's records, whether the Board's quasi-judicial conduct afforded her procedural due process, "whether the essential requirements of the law were observed," and whether the Board tried to apply the correct law. Without making this middle part of our story too long, suffice it to say, the circuit court **denied** Falk's petition; finding that Falk's proceeding before the Board had been consistent with the essential requirements of the law. Yet, among the other things the circuit court found, was that the Lee County Sheriff's Office had the burden of proof. So, Falk's attorney filed another petition with an even higher authority; the Second District Court of Appeal.

And now, the end of the middle of our story. The 2nd DCA determined that the circuit court got it right about the burden of proof properly belonging to the Lee County Sheriff's Office, but got it wrong on which law applied. (Frankly, I got lost briefly at this point, because it seems to me the circuit court should have granted the petition even under the erroneous statute). In any event, the District Court of Appeal **granted** Deputy Falk's petition. In granting the petition, the court pointed out what Lewis Carroll's Alice might gently have explained, if she had spent only a little time in a court of law (emphasis added and citations omitted by me):

The fact that the aggrieved employee must initiate the hearing . . . or that such action is denominated as an 'appeal' does not alter the proposition that the burden of proving the basis for the termination rests with the employing agency.

The granted petition only gets Kimberly Falk a "do-over" before the Lee County Sheriff's Office Civil Service Board, which could turn out to be a trip down a rabbit hole for her. But that's the end of the story for the rest of us.

When it comes to words and the way things are done in this world, Humpty Dumpty and the 2nd DCA agree: "The question is, which is to master – that's all."

Palm Beach Gardens News

The high-tech and state of the art MaCom – Open sky radio system is being updated to improve the quality of transmissions/reception. Testing has taken place to improve conditions throughout the city.

The administration has developed a revised version of the policy that governs extra duty details. Unfortunately, they did not include any of the points that our reps. felt were important, especially pertaining to the Honda Classic. They did, however, add another level for discipline. By the time you read this, the Honda Classic is either about to begin, being played, or is over. The meetings have been going on for months to plan for the event, but those meetings have been closed.

In the past, officers have gone hours on the same post with little/no relief. Certain posts are assigned to certain individuals and assignments appear to get special titles in an effort to make them more specific and inaccessible to some. The goal is to make it fair/equitable for all.

Contract negotiations will be starting soon and the contract(s) are being reviewed by members of both bargaining units (Sergeants/Officers) and (Lieutenants).

We say good-bye to Major Robert Artola who retired in December after 25 years of service to the city. We hope he has a healthy and happy retirement with his family.

Retired Lieutenant Richard Blood passed away after a long battle with illness. He also served 25 years with the city. Our thoughts and prayers are with his family.

Wherever you work-Make a difference!

Submitted by: Lt. M. Rispoli

Palm Beach Shores News

The Department is now under a new Contract and raises were not part of the plan. The members did not lose any of the other Articles that had been fought hard for in our last Contract. As was mentioned, the Salary Article is the only item to be reviewed every year until the economy improves, while the rest of the Contract remains in place for three years.

The Town of Palm Beach Shores has decided on a Blue Options health program. We have had discussion with other agencies with Blue Cross Blue Shield and had mixed reviews. Compared to the last plan issued by the Town, Blue Options is a great improvement. From the members who have had to use the plan already, the results have been positive. "Here's hopin'...."

As was posted months ago, Chief Roger Willie retired and is doing quite well. He stops in on occasion to check on us and kick up a few 'war stories' - *Holy Crap.. How did we make it...?*

As a follow up note, Chief Steve Kniffin has been working exceptionally hard to establish his vision for the Department. Chief Kniffin has been in the office on an average of six days a week and his efforts are noticeable. A number of "speed bumps" were thrown at him by Department and Town issues but he has maintained his course. The Chief is making new inroads with the Town Commission, and positive things are coming of his efforts. It appears that he has proven a good case for our manpower issue, and we will be getting back the road patrol position that had been cut last year due to hard economic times. We are looking at moving a well established part-timer into the opening, which will provide the extra coverage to the shifts without the excessive over-time that was created by that opening.

Lt. Steve Langevin and Detective Sergeant Kelley have picked up additional responsibilities due to the management change. They too have been pushed a little harder, but are responding to the challenges placed before them by the Chief.

The Department has been plagued with injuries (workers' compensation) and illnesses but those officers who have been asked to cover the workload are keeping the Department in order, despite some of the inconveniences it has caused. The replacement of the lost position will help us out, and again this should be credited to the Chief for his efforts. *Thank You Chief Kniffin.*

Remember: Live simple, Love generously, Care deeply, Speak kindly – Leave the rest to God.

Be Safe Out There.....

Submitted by: Officer T. Clark Sr., PBA Representative

ARE YOU CURRENT?

Have you gotten married or divorced?

Had a baby?

Changed numbers or address?

Please contact Suzanne at the PBA Office at
(561) 689-3745
to update your information.

The PBA is not notified of changes made
within your department.

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.pbcpcbpa.org

Priorities

Submitted by Lt. M. Rispoli
Palm Beach Gardens P.D.

We all have priorities in our personal and professional lives. We have all learned how to deal with things by their importance and/or seriousness. In law enforcement, we are on the "front line" as society changes and we strive to meet each challenge. We train and adapt new tactics and approaches so that we may keep ahead of the next trend. This is, of course, based on priorities and what our common sense tells us is important. Unfortunately, common sense is not all that common.

You can tell a lot about any organization from the priorities that are set. What is really important to an agency? What are the mission, direction, core values, and vision for the agency and its employees? What is the number one priority? All of these things will tell a vivid tale about that group.

Some have a knack for turning that priority list on its head; placing what should be on top at the bottom. By the time the priorities list is turned upside-down within a department, many unfortunate things have already occurred contributing to the inversion. Have you ever heard the motto, "Safety Last"?

There is no logical reasoning behind this type of operation. It is more easily explained by describing what is lacking than what exists. The **lack** of common sense, security, competence, and the ability to effectively prioritize and move forward means failure. Attempts to conceal this from employees can only last so long.

If the ability to prioritize, really prioritize, is lost, and the important things are pushed aside, the employees will undoubtedly recognize this and the agency will become the by-product of the failures. There are no longer symptoms, but the disease. We all understand priorities and how they may change quickly, but when the focus is on a set of priorities that, to all others, is backward, any attempt at progress is superficial, shallow, and completely obvious to all employees, regardless of tenure. This creates a dangerous atmosphere for all employees.

But we can find solace in the fact that this too will pass, but in the meantime remember—SAFETY FIRST!

PBA Scholarships

The annual Scholarship Applications are now available at the PBA office and on-line at www.pbcpcb.org. We will be accepting applications through April 15th, 2010. Good luck to all applicants!

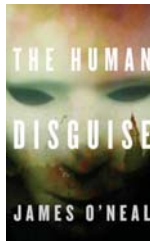


Shock Wave ♦ Walking Money ♦ Escape Clause ♦
Field of Fire ♦ Burn Zone

Our own FDLE Agent / PBA Member - James O. Born
Autographed Copies Available - Personalized Upon Request
Hardcover - \$20.00

The Human Disguise

James O'Neal is the pseudonym of crime novelist of James O. Born.



A crime story set in the near future that explores the social changes as well as the political issues that could face a world shattered by disease and war.

Detective Tom Wilner struggles to raise his two young children while facing the devastating fact that his wife has left him for another man. A veteran of the Second Iranian war, Wilner has seen more misery than most. But Tiget Nadovich, the man who stole his wife, has plans to make part of the now desolate Florida his own. Leaving a path of violent conflict in his wake, Nadovich seeks a safe haven for his people, and he doesn't care how many must die to attain his goal.

Wilner comes between two families that have been feuding for centuries, controlling history and causing untold sorrow. He must piece together the evidence to discover the identity of the families, stop a terror attack and reunite his family while the world goes to hell around him.

Watch for the sequel - The Double Human coming in 2010

www.jamesonealbooks.com



Show your support
for Palm Beach Co.
PBA!

See the list of PBA wearables and
collectibles on page 14.

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.

Hard Times

Submitted by D/S C. Nicastro
V.P. Sheriff's Office PBA

As you all know the economy is at its worst. Sheriff Bradshaw is trying his best to get us out of this mess. To do this, we all have to pitch in and help. Every little thing we do to pitch in will help. Things like don't keep your vehicle running all day. Gas prices are high right now. Keep your equipment in good shape so it will last a little longer. It doesn't take that much. The biggest cost to our Agency is when we get sued. People have very little money, so when they see a chance to make a buck, they will. Watch what you say and do. It doesn't take much to set them off. Believe me, if they see a chance to make a buck, they will. You all know we are not well liked, except when they need us. That's just part of this job. So remember people, let's all pitch in to help our Sheriff. We will come out of this mess. Let's not give up.

**Check out our PBA-friendly
advertisers in the Business
Directory on pages 16-19!**

PBSO SCHOLARSHIPS PAYROLL DEDUCTIONS

PBSO has set up a payroll deduction for the PBA Charity Fund, Inc. If you are interested in giving towards 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.

Sergeant Richard Ragali "Rags"

Submitted By Major Tony Araujo
PBSO – Western Regional Bureau

As many of you know, Sgt. Rich Ragali (Rags) recently suffered some horrendous injuries while on a motorcycle ride in the Keys. From the moment of the incident until now, there have been countless selfless acts of care and kindness extended to both Rich and his family from many – Sheriff Bradshaw, PBA, Parks Division, other law enforcement agencies, citizens, nurses and doctors that continue to care and support Rich and his family.

A heartfelt "thank you" goes out to the off-duty PBSO Deputies and civilians that took immediate action on scene to save Rich from much worse. Also, "Hats off" to FHP, Miami – Dade Police Department, the Monroe County Sheriff's Office, Monroe County Fire Rescue, and Miami – Jackson Hospital. Their timely and exemplary first response, trauma care, assistance and on-going investigations not only gave Rich a fighting chance during the "golden hour," but they have given Rich and his family the confidence to know that those responsible for this incident will be held accountable.

On behalf of the family and those of us that have called Rich a friend for many years, I want to thank all of you that have and continue to make such a positive difference in Rich's progress.

Once again, law enforcement has answered the call to help our own, reinforcing what is seldom said out loud, but shouted with our actions, and that is, that we **are** our "brother's/sister's keepers." My hope is that we never lose sight of this and that we carry ourselves as such daily and not only when bad things happen.

Continue to be safe in all you do and demand the same of your peers.

With Admiration and Respect,
Major Tony Araujo

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.

PBA OLDIES NIGHT **held on JANUARY 22, 2010** **at the CARS OF DREAMS**





National Law Enforcement Officers Memorial Fund

January 2010 Officer of the Month

Officer Matthew Medeiros, Boynton Beach P.D.

Washington, DC – The National Law Enforcement Officers Memorial Fund (NLEOMF) has announced the selection of Officer Matthew Medeiros of the Boynton Beach (FL) Police Department as its Officer of the Month for January 2010.



The Medal of Valor is the highest honor a police department can give one of its officers for gallantry in action. It is only fitting that the first ever Medal of Valor presented by the Boynton Beach Police Department was awarded to Officer Matthew Medeiros.

On August 17th, 2008, a witness advised Boynton Beach police officers that a gunman, later identified as Tarvis Wilson, had just fired a gun at someone at an intersection. Moments later the radio dispatch relayed the message that a gunman in a green Nissan Altima had attempted to shoot at a group of people nearby; however, Wilson's gun had misfired or jammed. Dispatch also relayed the fact that Wilson had just recently been released from prison. The pursuit was on.

Officer Michael Arco and Officer Medeiros spotted the suspect's green Nissan fleeing toward Interstate 95. Officer Arco attempted a traffic stop, but Wilson refused to stop and led the officers on a 37-minute pursuit through Broward County and back to Palm Beach County. Once the suspect entered the Delray Beach area, officers used "spike strips" and were able to successfully deflate the vehicle's front left tire.

The pursuing officers soon learned that the suspect's mother lived nearby and he was most likely heading to her home. Wilson led pursuing officers from several departments to within a block of his mother's house before he bailed from the vehicle and took off on foot. Sergeant Rich McNevin of the Boynton Beach Police Department attempted to cut off the suspect. He quickly exited his patrol car and began running toward the suspect's expected destination. Unknowingly, Sergeant McNevin and Tarvis Wilson were running directly at each other.

Sergeant McNevin ran into the suspect in the carport of the suspect's mother's home where he attempted to place the suspect into custody. Wilson broke Sergeant McNevin's grip and continued to flee with Sergeant McNevin close behind. In an instant, Wilson pulled his gun, turned, and fired at Sergeant McNevin. The shot was a near fatal hit striking Sergeant McNevin in the lower

abdomen but stopped by his bullet resistant vest. Stunned by the impact, he fell to his hands and knees. Wilson seized the opportunity and fired two more rounds barely missing the officer.

At that moment Officer Medeiros appeared. Seeing how vulnerable Sergeant McNevin was, Officer Medeiros immediately placed his body between the injured officer and the suspect. Officer Medeiros and Wilson continued to exchange shots as Officer Medeiros shielded Sergeant McNevin and Wilson fled. Wilson continued to flee officers until he was ultimately shot and apprehended. As soon as he realized that Wilson was no longer a threat, Officer Medeiros began administering first aid to Sergeant McNevin. He continued to reassure him that he would be all right and stayed with his colleague until paramedics arrived.

In a letter supporting Officer Medeiros' nomination for the Officer of the Month award, Sergeant McNevin wrote, "In all likelihood, Officer Matthew Medeiros saved my life that day. In complete disregard for his own personal safety, he placed himself directly in the line of fire. He acted with courage, bravery and honor."

On May 9th, 2009, the Boynton Beach Police Department held its 31st Annual Police Memorial Ceremony to honor fallen officers and recognize those officers who went above and beyond the call of duty. For the first time since the inception of the Department's Award Program, Officer Medeiros was awarded the Boynton Police Department Medal of Valor.

In addition to his Medal of Valor, Officer Medeiros was awarded the Combat Cross in December 2008 and the Officer of the Month Award for August 2008. Officer Medeiros is the first officer from the Boynton Beach Police Department to be awarded the NLEOMF's Officer of the Month Award.

Located in the nation's capital, the NLEOMF is a nonprofit organization dedicated to honoring the service and sacrifice of America's law enforcement officers. The NLEOMF Officer of the Month Program began in September 1996 and recognizes federal, state and local officers who distinguish themselves through exemplary law enforcement service and devotion to duty.

Officer Medeiros, along with the other Officers of the Month for 2010, will be honored at a special awards luncheon in Washington, DC, in May 2011 during National Police Week. In addition, their stories of heroism and service will be featured in the Memorial Fund's 2012 calendar.



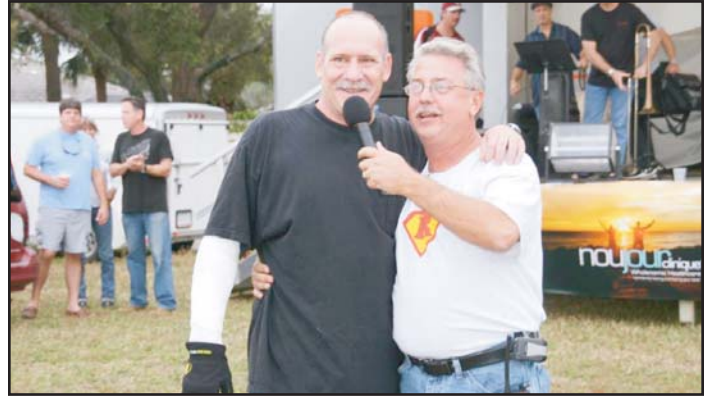
REMINDER

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.

PBSO Sergeant Rich Ragali Benefit BBQ and Poker Run January 23, 2010



Former Sheriff Richard Wille, Rich and Sheriff Ric Bradshaw.



Rich with Event Organizer D/S Kevin Rawdon.



The Grilling Team with Friends.

ATTENTION: RETIREES

Please take notice that pursuant to §95.11(3), Florida Statutes, lawsuits, including "an action founded on negligence," and "for assault, battery, false arrest, false imprisonment, or any other intentional tort..." must be filed "WITHIN FOUR YEARS" of the incident date.

To the extent that such lawsuits may be brought against you after you retire, you need to consider continuing your membership for four (4) years beyond your retirement.

If you are retired but have returned to law enforcement and are currently paying a "RETIREE MEMBERSHIP," you should be aware that if you are subject to such actions at a time when you no longer are paying the appropriate dues, the PBA cannot provide legal assistance. See Palm Beach County Policy 12-1.

Enjoy the full peace of mind your retirement should mean.

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

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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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, please call **Richard Snyder at 888-442-4230** or **Bill Smith at 860-843-3932**.



*The Hartford is The Hartford Financial Services Group, Inc., and its subsidiaries, including issuing company Hartford Life and Hartford Securities Distribution Company, Inc. ("HSD").

HSD member PBA and SPIC, a registered broker/dealer affiliate of The Hartford, has established certain service programs for retirement plans, including defined contribution and fixed annuity retirement benefit plans, through which a sponsor or administrator of a Plan may invest in mutual funds on behalf of Plan Participants.

Retirement programs can be funded by group variable annuity products (H&L-4891, NY & IL; H&L-1872, H&L-1811, H&L-1302 and H&L-2107 series; H&L-4802, H&L-4821, H&L-2000, H&L-7422, H&L-1848; H&L-7402, H&L-1810) (with Rider H&L-1897) and group variable funding agreements (H&L-4893 and H&L-1893) (NY), as applicable, issued by Hartford Life (Solvency, CT). Group variable annuity contracts are underwritten and distributed by Hartford Securities Distribution Company, Inc., where applicable. Retirement programs can be funded by group fixed annuities (H&L-1998) issued by Hartford Life (Solvency, CT) and can also invest in mutual funds through variable accounts.

*Florida PBA is The Florida Police Benevolent Association, Inc. The Hartford pays fees to the Florida PBA in exchange for an endorsement of our programs. As part of the endorsement, The Hartford is invited to participate in various programs, meetings, and conferences offered by the Florida PBA in order to allow us to market our programs.



Brian Chappell Memorial Scholarship Fund

Louis Pengu
2100 N. Fla Mang Rd.
W. Palm Beach, FL 33409

12.30.09

Louis:

I have closed out this account. The enclosed checks represent the remaining balance. Please place these checks in the charity account. For the record: The \$12,000. that was initially donated to this fund has paid out over \$21,000. to the kids, and with this almost \$10,000. balance remaining — ain't too bad. Brian's mother and I are confident that Brian's memory will be kept alive at your May meetings. I would like to continue attending, but my 80% hearing loss makes it impractical. We wish you all the best in the future years, and the West Palm Beach Police Dept. will always be special for us.

Yours very truly,
Tom & Julia Chappell

Letters
to the
P.B.A.



What's Really Causing My Headaches?

By Sandra Hernandez, D.C.



If you are one of the many people who suffer from headaches on a regular basis, you should know that there is a solution and it definitely is not normal to have daily or even weekly headaches. There are different causes of headaches, but they all boil down to one common denominator,

and that is stress. Stress comes in a variety of forms, from mental and chemical stress to physical stress. Let's discuss how to determine the cause of your headaches and some possible solutions.

Mental and emotional stress is an obvious cause of headaches. If you know that you are under a lot of stress at home and work, find time on a daily basis to do deep breathing exercises. This brings oxygen to the brain and helps relax the muscles. When under stress, we may clench our teeth and tighten our muscles without realizing it, so deep breathing exercises throughout the day helps counteract this effect. Regular exercise helps relieve stress, so a morning stretch to get the blood flowing to the brain is helpful, and if you can squeeze in a cardio routine of 20-30 minutes in the morning, even better.

Chemical stress is a possible cause of headaches which may be the most overlooked. Things we are exposed to or ingest can cause headaches. Be aware of certain fumes or cleaning products you come in contact with on a daily basis. Certain foods and by-

products can cause headaches. Acidic foods in excess, like tomatoes, MSG, and caffeine. People trying to cut back to a more acceptable 1-2 cups of coffee or soda a day should do so gradually to avoid those bad caffeine withdrawal headaches. And let's not forget some medication can have headaches as a side effect, as well as some oral contraceptives.

Physical stress is often overlooked as a cause of headaches. Obviously if you hit your head, that can cause a headache, but if that headache lasts more than a day, you need to have that bump checked out further. If you over exert yourself, especially on a sunny day, you can cause a headache, so protect your eyes with sunglasses and a hat if necessary and drink plenty of water. This helps hydrate the body and prevent a headache. Headaches can be organic in nature and caused by tumors

What if you've explored all these options and none seem to be the cause of your headache? Stress in your neck due to pinched nerves can cause headaches. If you get a chiropractic exam including x-rays that show misaligned bones in your neck, there's a good chance that this is the cause of headaches. So if you've explored all other options and still suffer from headaches, make sure you visit your chiropractor for an evaluation.

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1st Annual SWAT Challenge

The 1st Annual SWAT Challenge was held on October 31, 2009 with all donations going directly to the Palm Beach County PBA Charity Fund for the benefit of West Palm Beach Captain Danny Sargent. Danny was presented with a check and a Palm Beach County SWAT Team T-Shirt by West Palm Beach SWAT Lt. Tom Hale, PBSO SWAT Commander Lt. Scott Smith, Boca Raton Capt. Shawn Fagan and PBA President John Kazanjian. Executive Director Ernie George and West Palm Beach Lt. Tom Wills were also present.



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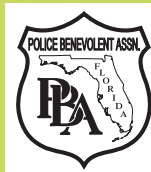
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Alan M. Soloway, RFC



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Our presenter has been in the financial services industry for almost two decades helping families with insurance and retirement planning. Many of you may already know Alan since he is also a part-time Deputy for the Palm Beach County Sheriff's Office. Don't miss this opportunity!

What should I do with my DROP/deferred comp monies when retire?

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How can I make sure the DROP/deferred comp monies are available for my spouse?

What are the advantages/disadvantages of FRS vs. the investment option?

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Should I consider a Roth IRA conversion?

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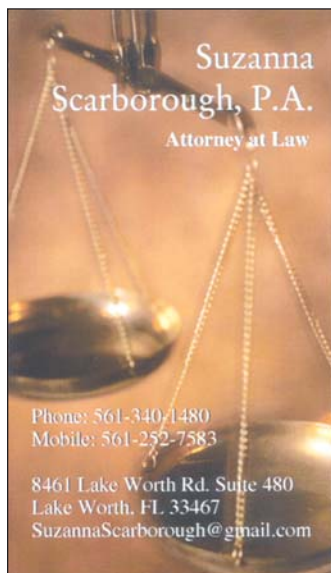
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