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Florida COPS

Official Publication of the Palm Beach County PBA

JANUARY/FEBRUARY 2016

Dream On

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COVER PHOTOS BY JON SELVEY

COVER STORY.....PAGE 16

Dream Weavers

Oldies Night at Cars of Dreams brought out the best in the Palm Beach County PBA: A chance to revel in some of the most classic rides around; the phenomenal feast that Ray Griffith always serves up at PBA events; rockin' out to great music; and the camaraderie that makes this organization so powerful. Guests also came from across the state to be part of the PBA fundraiser that inspired the generous donations that will make dreams come true for members and their friends and families.

Carry Away

The Florida State Legislature is considering passing an "Open Carry" bill that would allow citizens to carry firearms without have to conceal them. What would happen if HB 163 was passed into law?Page 20



Touched by an Angel

The first Angel Run honoring the memory of Kaitlin Kazanjian started the New Year like no other. Hundreds came out on New Year's Day for this first-ever event that raised money to benefit PBA Scholarships.....Page 23

In Memorium

PBCPBA members said farewell and paid tribute to two of its most revered brothers, including its first president.....Page 28

Tee Time

Once again, the Kaitlin Kazanjian Scholarship Golf Tournament is setting up to be better than ever. Read all about what is being planned for the 2016 eventPage 31

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THE PRESIDENT'S MESSAGE

Off and running in 2016 with a positive energy and attitude



**JOHN
KAZANJIAN**

We got off to a great New Year right from the get-go with our first Angel Run on New Year's Day. And then we had a great Oldies Night at Cars of Dreams, and these two successful events have not only helped our charity fund, but given our members a great sense of camaraderie and accomplishment from the first of the year.

Listen, we are going to have plenty of time and effort devoted to trying to restore FRS COLA, lobbying for equitable pay raises, enhancing survivor benefits and ensuring reliable guidelines for the use of body-worn cameras. I was in Tallahassee in January for the opening of the state legislative session, and I can assure you that our legislators know what is at issue for law enforcement and PBA members. We will be working tirelessly to keep the pressure on, including politicking against this "Open Carry" bill.

But for now, we have some real positive energy fueling to celebrate. With the way the media has covered and vilified us the past year, what a way to start the New Year with this run and fundraiser. Right around the corner we have the golf tournament and the Policemen's Ball, and these four events really remind us of how much we do for our community, our residents and our members.

It reminds us that we are absolutely and always fighting for the cause. We are there to protect our members if they should suffer an illness or a catastrophic event. That's the positive from within our organization, and it reminds us that the other crap from the media will never take away the service we do and the good things we achieve.

I want to thank everybody for their help and participation with the first Kaitlin Run and the Cars of Dreams fundraiser because it will do so much to help so many. We weren't sure we could pull off the run with only one month to prepare, but the fact that so many runners showed up meant so much.

Of course, it's therapy for me, and I can't thank you enough for that. And the money we are raising to support the scholarships and the charity fund in general; listen, we put a lot hard work into it, but it pays off. At the end of the day, to be able to send those kids off to college to further their education really sends chills through us. It's awesome when



we can pull that off.

And here's the value that comes with working so hard on all these events: We get people to attend from all around the county, all the agencies we represent. That sense of camaraderie that comes from all the hard work is something we should never minimize. And never forget. ♥

John Kazanjian
JOHN KAZANJIAN, PRESIDENT

PALM BEACH COUNTY PBA

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New vehicle issue in West Palm is driving us crazy



**LOU
PENQUE
TREASURER**

In the City of West Palm Beach, our members are dealing with the ultimate road block.

We were supposed to have a big purchase of vehicles, but the order did not go through as it was supposed to on Oct. 1. Now it's keeping us from maximizing coverage and efficiently deploying officers. This has caused members to endure changing schedules. The fleet is so diminished at this point we now have to hot-seat many vehicles of those left in service.

As a West Palm Beach police officer for 28 years and a PBA union representative for more than 20 years, I'm not sure I have seen something this illogical. It started back in 2008 with the economic turn-down. The city could not financially keep up with the purchase and upkeep of the police fleet. Officers on road patrol work "four on, four off," and prior to December 2015, if they lived within a certain radius, they were able to bring vehicles home during their four-day work cycle. This allowed for overlapping shifts and maximized coverage throughout the city.

Fast forward to 2016. We knew many of our cars were approaching 140,000 miles or more than eight years of service and, according to the CBA, had to be removed from service. There are now fewer cars and the shortage has put us into crisis mode. Many vehicles had to be hot-seated, running 24 hours a day. This has prevented us from overlapping shifts at peak service hours. Members must end their shifts before the next one can be deployed, resulting in the holding of calls for service to ensure enough units can respond to critical calls.

We have been meeting about this situation since December 2015 when we discovered the cars, thought to have been ordered in October, had not yet been purchased. The city administration has promised the situation will be rectified by October 2016, but we are dealing with a fleet director whose changes to practices and policies have resulted in delays

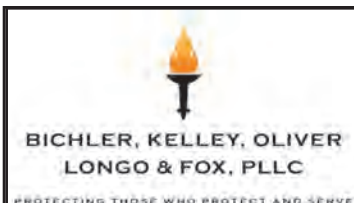
on multiple fronts. These changes had negatively impacted the city's ability to obtain, deploy and repair vehicles in a timely manner.

One example of these changes defies logic. Patrol vehicles are outfitted with lights, radios, computers and other equipment. We had a local company that had been doing this for the past four years, Dana Safety Supply (DSS-Miami). DSS does a fantastic job, efficiently and in a timely manner, but the city fleet director wanted to have the dealer handle upfitting of these cars. A test was done: 10 cars were upfit with DSS and nine were sent through the dealer (which used another upfitter out of Orlando). The cars done by DSS were deployed before October 2015. The cars done through the dealer, as of January 1, were still not all delivered and most still had repairs to be made. It also appears the dealer costs the city \$2,000-3,000 more than those done by the existing method. As of January 2016, the fleet director plans future purchases to be done via this more expensive and more time-consuming method.

We brought this up to the city administration, but we have not received a logical response as to why these vehicles are being upfitted by an outside vendor that costs more and takes longer than DSS, which has performed effectively and efficiently over the last several years.

The city's Internal Audit Department is currently conducting an audit of the Fleet Department. We are awaiting those results, due imminently, to fully explain the situation. In the interim, we continue to work with the city to find a more acceptable solution and return to more effective and efficient operations.

In the meantime, it is frustrating and embarrassing that the largest municipality in Palm Beach County is unable to provide sufficient vehicles for our members to do their jobs as efficiently and effectively as their citizens expect. It is not like the city was blindsided. We had discussions leading up to this crisis and basically someone failed to respond. Somebody dropped the ball.



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Board of Directors Meeting Attendance - Dec. 16, 2015

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Cory Gray, OfficerExcused
 Henry Diehl, SgtUnexcused
 Daniel Dugger, Det First GradeUnexcused
 Toby Athol, Det First Grade√
 Joseph DeGiulio, Appt., CaptainUnexcused
 Doug Gilbert, Appt., Officer√

Delray Beach

Gary Ferreri, OfficerExcused
 Edward McCabe, Officer√
 Brian Cambell, Officer√
 Vinnie Gray, LtExcused
 Meer Deen, Alt, OfficerExcused
 Paul Weber, Alt., Sgt√
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 Bill Hernandez, Alt., Officer√

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Welcome New Members

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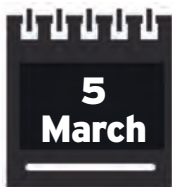
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About Kevin

Embrace Home Loans is proud to have Kevin P. Coleman as a part of our team. Kevin is a go-getter; he is always up for new challenges and finds it very rewarding to help people become a new homeowner or refinance with an excellent loan. His responsibilities include mortgage origination and gaining new business through realtors and personal referral sources in the state of Florida. Kevin loves being a helpful and reliable source to his team and loyal customers. His goal as a loan officer is to gain a mortgage client for life. 100% of his current mortgage business is from realtor/client referrals along with being a preferred mortgage lender for law enforcement as well. Kevin has been in the mortgage industry for over 9 years. Kevin graduated from the University of Central Florida with his degree in Finance and learned the mortgage process working in Operations and Underwriting for the first year of his mortgage career. He moved to the mortgage origination side and has always been a Top Senior Originator ever since. Due to all his hard work, Kevin has been awarded numerous awards throughout the years for being a Top Producing Loan Officer and Account Executive. Kevin promises to give every potential buyer superior customer service and help them achieve homeownership or help them refinance to a loan that will benefit his client's long term success with their home finances in life.

SAVE THE DATES

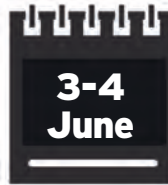


March 5

The 12th Annual Kaitlin A. Kazanjian Scholarship Golf Tournament

Palm Beach Gardens Golf Club
11401 Northlake Boulevard, Palm Beach Gardens
9 a.m.

To preserve Kaitlin's memory and as her legacy and to help children bear the costs of higher education, a scholarship fund was created in her honor. All proceeds from the event benefit the Kaitlin A. Kazanjian Scholarship Fund. A foursome is \$140 per golfer and various prizes will be awarded throughout the day. To register or become a hole sponsor, contact the Palm Beach County PBA at 561-689-3745.



June 3-4

9th Annual Palm Beach County PBA Police Officers Ball

PGA National Resort & Spa
400 Avenue of the Champions, Palm Beach Gardens
Join the Palm Beach County PBA at the 9th Annual Ball celebrating the Officer of the Year Awards on June 4. More activities, like a cookout, will take place throughout the weekend. For information, contact the Palm Beach County PBA at 561-689-3745.



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It's all about trust, I've been told



**GARY
LIPPMAN,
GENERAL
COUNSEL**

It's been nearly one full year since I first wrote about "Body Cameras and Collective Bargaining." Back then, I'd already made several requests for collective bargaining to agencies starting to talk about affixing cameras to members, and offered my opinions in response to an invitation by the Labor Relations Information System to do a podcast on body cameras and collective bargaining on the issue.

Since then, there have been plenty of conferences and seminars, and at least one law enforcement summit at a resort in Orlando focused entirely on body cameras and related issues. And, in fits and starts, there have been

heated demands from community "stakeholders" locally to affix cameras to bargaining units' members. The one thing there hasn't been much of: collective bargaining.

The various agencies' reasons for not engaging in actual collective bargaining – parties meeting to exchange written proposals in good faith "with the intent of reaching a common accord" – regarding affixing cameras to members range from "cameras aren't an issue, yet" to "cameras are equipment, so they're not subject to bargaining." At best, that first reason is dangerous avoidance behavior; at worst, it's dangerously misleading. But that second reason is just dangerously ignorant. The danger derives from a failure by the primary stakeholders, law enforcement employers and law enforcement labor unions, to get out ahead of the matter to ensure the cameras will serve the intended purpose of improving police work.

As a union lawyer, I have to formally request collective bargaining as soon as I hear about the possibility of body cameras at an agency. By law, a failure to demand timely collective bargaining and to negotiate ground rules for the use of the cameras can conclusively constitute a waiver of the union's right to negotiate the operation of cameras; and, a waiver of the right to negotiate the uses of the images and sounds garnered from those cameras. Unless the purpose is to lull us into a "waiver by inaction," I don't understand why law enforcement agencies are so resistant to negotiating about them. If it's from a reflexive response from agency command, or an outside law firm's advice to resist whatever the union is proposing, then that's just dangerously ignorant, too.

But let's get a couple of things out of the way: No police union is against holding law enforcement officers accountable for their conduct; and, more often than not, video recordings exonerate the men and women we represent. The problems with video recordings that I've experienced, long before body cameras, were occasioned by those recordings being withheld from officers before they were questioned about the incidents captured on the recordings. That particular investigative technique was designed specifically to preserve agency employers' career-ending "gotcha" prerogatives when officers' recollections were inconsistent with a recording. And under the best of circumstances, human recollections always are inconsistent with recordings.

Before the 2009 amendments to the Florida law governing disciplinary investigations of police established officers' rights to review video evidence of incidents in advance of giving their statements about those incidents, videos always had been withheld from them. When I'd ask Internal Affairs investigators if



videos were in their files, and if my officers would be provided them for review, the answers regularly were, first, "Yes" and then, "No." When I asked why such readily available and material evidence was being withheld, the answer usually was, "We do what the law requires; nothing less, nothing more." Yet, that particular answer always was untrue.

Complainants' and their witnesses' statements against police officers always have been recorded by agency investigators; albeit by the law, and to this day, only subject officers' statements are required to be recorded. So, agencies always have done a little more than what the law required. And officers reasonably could perceive that extra effort as calculated only to ensure their employers could meet a burden of proof in disciplinary proceedings against them premised upon complainants' and witnesses' recorded statements. Agencies withholding video recordings from subject officers in the absence of any statutory prohibitions requiring them to be withheld reinforced their officers' perceptions and sowed the seeds of officers' distrust.

Shortly after the 2009 amendments, and in response to the new statutory due process rights, some law enforcement agencies actually promulgated internal investigation procedures which eliminated entirely subject officers' statements. These new procedures specifically were designed to avoid providing videos, GPS and "all other existing evidence" of incidents to police officers before questioning them based upon the fact that if the subject officer isn't subject to interrogation, none of the rights established within s.112.532(1), F.S. apply. In fact, the procedures expressly warn supervisors not to engage the subject officer about the conduct. The practical effect of such procedures has been to deny police officers a meaningful opportunity to explain the conduct captured on videos before an initial decision is made to discipline them for that conduct. Agencies establishing investigative procedures enabling them to connect-the-dots directly from "allegations" of misconduct to officers' discipline without ever getting their officers' side of the story didn't encourage trust in their agency employers.

The ease with which video recordings facilitate these post-2009 disciplinary procedures couldn't be expected to encourage officer trust in deployments of body cameras. And with knowledge of the effects upon human memory of traumatic events (and few things

are more traumatic than being in a fight for your life), agencies implementing investigative procedures for officer-involved shootings that expressly deny officers the opportunity to review videos in advance of making their statements can only cement the distrust between officers and administrations. Such investigative procedures as a term and condition of an officer's employment are subject to collective bargaining.

With the clamor to use body cameras rekindled with each tragic use of deadly force, and with very, very little to report here regarding collective bargaining about body cameras, there are two developments to report: the establishment of committees within some agencies to talk about body cameras; and a novel, ominous, and extraordinarily gymnastic application of *Graham v. Connor* to justify prohibiting officers from reviewing available video recordings of their uses of deadly force in advance of giving statements about those uses of deadly force.

While the committees may be well-intentioned and reasonable efforts to establish how body cameras will be utilized (I'm willing to suspend my own reflexive suspicion that these "meetings" are end-runs around collective bargaining), the tortured use of *Graham v. Connor* is neither well-intentioned nor reasonable.

The new *Graham v. Connor* argument making the rounds for withholding video recordings from officers in advance of their statements goes like this: Because the U.S. Supreme Court determined that officers' use of force "must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight," allowing an officer to review a video recording of an incident before giving a statement will result in the officer modifying his or her description of the facts and circumstances to match the video; and, therefore, the subsequent account of the officer's perspective will be, at best, an "unintentional untruthfulness."

Those "split-second judgments" officers make "in circumstances that are tense, uncertain, and rapidly evolving" under *Graham v. Connor* are made under circumstances police psychologists have identified as "expectable cognitive distortions, including auditory perceptual exclusion (he didn't hear the shots he fired), visual perceptual enhancement (he saw the slide of his handgun come back in slow motion), and memory impairment (he doesn't recall how many rounds he fired)." I won't attempt to inventory here the wealth of clinical, forensic and even some personal, anecdotal evidence of officers' memories distorted by sudden traumatic encounters.

In Palm Beach County, we've been following a peculiarly transparent investigative protocol pertaining to officer-involved shootings which features officers voluntarily re-enacting the incidents on-scene, and answering questions about what and why they did what they did shortly after the incident has concluded. This "protocol" is unique throughout Florida; virtually non-existent anywhere in the U.S. absent a court order and counter-intuitive to any attorney representing officers subject to OIS homicide investigations.

After responding to approximately 100 critical incidents and accompanying an officer into one of the last Grand Jury proceedings convened in this county to consider criminally charging a police officer in a fatal officer-involved shooting, I've come to reconsider the "protocol." And maybe local law enforcement agencies and our state's attorney ought to reconsider it, too. My reconsideration comes after observing investigations of officer-involved uses of deadly force that unnecessarily, if not recklessly, made officers' voluntary cooperation more challenging precisely because the officers involved were denied the opportunity to review readily available video recordings of their actions in advance of being questioned in detail about those actions. And the questioning was by detectives who had reviewed the video recordings. I'm referring to uses of deadly force that properly were determined to be "justified" being made more challenging for stressed officers to explain comprehensively and, in consequence, more challenging for their

agencies to defend.

One agency has generated an operating procedure that not only prohibits officers from reviewing videos of their uses of deadly force before "re-enacting" them, but actually insinuates its agency investigators into those officers' union attorney-client relationships. The agency procedure I'm referring to expressly provides that if a command decision is made to allow the involved officer's attorney to review a video of the incident, the attorney is prohibited from conferring with the officer afterward in making the decision as to whether a voluntary statement will be given.

Bear in mind that officers become suspects in homicide investigations when they use deadly force. The on-scene re-enactments and open Q&A sessions law enforcement officers in Palm Beach County have been providing on the fly inside the yellow tape for more than 20 years have been in proceedings voluntarily exposing themselves to incarceration. Asking a law enforcement officer to recount and re-enact, step-by-step, how the original call for service came over the radio, how he or she came upon the scene, each and every observation upon arrival at the scene, each and every movement of his or her own and of suspects, and each and every reflexive response to each and every perceived threat culminating in a use of deadly force only moments after surviving that encounter, invariably produces demonstrably inaccurate recollections. The recollections are replete with "expectable cognitive distortions;" inaccurate, cognitively distorted recollections and re-enactments given under oath. The result is that the video recordings of those "re-enactments" are user-friendly uniquely for attorneys and media experts among others judging the uses of force with the 20/20 vision of high definition hindsight the Supreme Court once warned us about.

From where I stand, investigators reviewing video recordings of officer-involved shootings before questioning the officers involved who've been denied the opportunity to review the videos, presents a far more troubling challenge to the *Graham v. Connor* standard than what the flacks withholding video recordings are offering. Transparency and cooperation are good things but require trust. Law enforcement officers involved in uses of deadly force need to know that their on-scene, voluntary and virtually immediate video recorded re-enactments and answers to questioning will be fair; that the "expectable cognitive distortions" and "memory impairment" will not be used to impeach the truthfulness of their perspective and the reasonableness at the moment of the uses of deadly force. While there can't be guarantees, there are ways of ensuring that involved officers' voluntary cooperation (and waiver of their Fifth Amendment rights) is informed and knowing.

Unfortunately, the current tenor of discussions about officer-involved shootings has ensured that anyone's efforts to slow the roll toward body cameras so as to engage collective bargaining regarding them makes him or her an apologist for the most patently egregious misuses of force. The debate can very quickly devolve all of us to cartoons of ourselves.

Body cameras may help educate everyone about police work, and the images captured by the cameras certainly will provide evidence material to the evaluation and investigation of police officers' work. But affixing body cameras so as to record each and every citizen contact will serve the purpose of improving police work only if and when law enforcement agency employers demonstrate trust in the officers asked to use the cameras. Allowing, if not requiring, officers to review video recordings of their uses of force before being questioned about the incidents is essential to building the trust between officers and their agencies that's necessary if police work is going to be improved. And law enforcement employers and their employees' unions meeting to exchange written proposals in good faith for the purpose of reaching a common accord regarding body cameras is how we begin to invest in trust. ❤️

2016 legislative round up

Protecting, paying officers tops PBA's lobbying efforts



**MATT
PUCKETT**

The Florida Police Benevolent Association (PBA) is promoting the following initiatives throughout 2016's legislative season:

- **Equitable pay raises** for State Law Enforcement, Florida Department of Law Enforcement (FDLE) Special Agents, Lottery and Florida Highway Patrol bargaining units represented by the Florida PBA.

Submitted proposals create a step-pay plan for sworn officers equaling 5 percent at the 2-year, 5-year, 10-year and 15-year marks. The initial request will raise salaries for all officers consistent with each officer's time in service.

- **Creating a career development plan** for state-employed first responders.

HB 621, sponsored by Rep. David Kerner, and SB 1580, sponsored by Sen. John Legg, will create a First Responders Career Development Plan, require agencies to create career development plans to attract and retain high-quality first responders in law enforcement, firefighting, corrections and correctional probation.

- **Reinstating the cost of living adjustment (COLA)** in the Florida Retirement System (FRS).

State law requires the Florida State Legislature to designate available funding and enact sufficient employer contributions to fund the expiration of the COLA suspension formula provided for in subsection 4 of section 121.101 in the Florida statutes.

Statute requires that an impact study be conducted before any

benefits increase is enacted. Data will determine the cost of reinstating COLA at the 3-percent value.

- **Enhancing the Survivor Benefit** for first responders killed in the line of duty.

Sen. Jeremy Ring and Rep. Mike Hill have sponsored FRS special risk death benefits legislation (SB 7012 and HB 87, respectively) which will increase death benefits for the family of a member of the Special Risk Class killed in the line of duty to 100 percent of the officer's salary at the time of death.

Currently, survivors receive one half of the officer's salary if the officer was enrolled in the FRS pension plan. Investment plan participants receive the contents of the account at the time of death.

The legislation allows survivors to have funds transferred into the pension system. By participating, surviving spouses and children are eligible to receive annuitized benefits.

Rep. Rene Plasencia will present legislation (HB 917) that corrects the disparities.

- **Allowing the re-employed to enroll in the investment plan.**

SB 7014, sponsored by Sen. Jeremy Ring, and HB 881, sponsored by Rep. Dan Raulerson, allows renewed membership into the FRS Investment Plan beginning July 1, 2016. Under this proposal, those who have retired (or separated service with a disbursement from the investment plan) and return to FRS employment will have the opportunity to re-enter the investment plan.

Currently, any person who retired or with a disbursement from an FRS employer then re-employed by an FRS employer is prohibited from enrolling in either plan.

- **Creating uniform guidelines for body-worn cameras.**

Sen. Chris Smith and Rep. Shevrin Jones have filed legislation (SB 418 and HB 93, respectively) creating guidelines for law enforcement body-worn cameras, requiring agencies to establish uniform policies guiding the use, maintenance and storage of the cameras and data recorded. The legislation would also create an exemption to requirements to receive "two-party consent" for footage captured.

- **Support for countering terroristic threats.**

Legislation would provide that a person commits the crime of terroristic threats if he/she communicates, directly or indirectly, a threat to commit specified acts including threats against law enforcement officers and their families.

SB 436, sponsored by Sen. Wilton Simpson, and HB 259 sponsored by Rep. Jimmie Smith, were in reaction to the inability for law enforcement to charge someone with a felony who posts a credible threat to shoot up a school. Currently, if the same person threatened to "blow up" a school, that person could be charged.

- **Protecting the identity of a felony witness.**

Rep. Edwin Narain filed a public records exemption for a witness to a felony (HB 475) which would protect "each witness until the conclusion of the prosecution of the felony or expiration of the statute of limitations period for the felony, whichever occurs first."

Sen. Charlie Dean will sponsor similar legislation (SB 1314).

- **Requiring sheriffs, others to be elected.**

Support for a constitutional amendment that will require certain county office holders, including sheriffs, must be elected. Bills SB 648 and HB 165 are sponsored by Sen. Travis Hutson and Rep. Frank Artiles. ♥

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Representative Jolly supports Thin Blue Line Act

On the eve of National Law Enforcement Appreciation Day on Jan. 9, Representative David Jolly (R-Florida), took to the House floor to speak about the importance of the Thin Blue Line Act and call on the House to show its support for our nation's law enforcement community by passing the legislation.

"This legislation simply says if you take the life of a law enforcement officer, be prepared to lose your own life," Jolly stated in his speech.

The Thin Blue Line Act would make the murder of a police officer, firefighter, or first responder an aggravating factor in death penalty determinations and would be applicable whether the person is murdered on duty because of the performance of their duty or because of their status as a public official.

The legislation covers every law enforcement officer whether federal, state or local, as well as any firefighter or first responder. The only requirement is that the homicide provide federal jurisdiction. This includes the interstate homicide of an officer, a homicide of an officer who is serving on a joint federal/state/local taskforce, such as Organized Crime Task Forces, Drug Enforcement Task Forces, Human Trafficking Task Forces and an officer, deputy, firefighter, first responder killed on federal land.

COPS Reauthorization bill

NAPO worked with members of Congress and the Administration to enact the Community Oriented Policing Services Program (COPS) in 1994 and has supported its mission ever since. However, Senator Amy Klobuchar's (D-Minnesota) Reauthorization bill introduced in December needs changes.

The COPS Hiring Program provides funding directly to state, local and tribal law enforcement agencies for the hiring and re-hiring of entry-level career law enforcement officers in an effort to promote community policing and law enforcement prevention efforts at the state and local level. The program has assisted more than 13,000 jurisdictions with more than \$14 billion in funding to hire more than 127,000 community police officers across the nation.

Klobuchar's bill would add additional funding areas including a community prosecutors program, grants to hire school resource officers, technology grants and grants to help institute procedural justice, police legitimacy and collaborative reform programs.

NAPO believes these proposals would move the COPS Program away from its original objective of helping state and local law enforcement agencies hire, retain and train officers to perform community-oriented policing. Further, the COPS Program is authorized at more than \$1 billion; however, it only received \$187 million in fiscal 2016.

The program has continually been underfunded and the additional program areas would take resources away from much needed funding for the hiring, retention and training of officers. NAPO believes that the new funding areas proposed under the legislation do not belong under the COPS program.



Congress cuts \$1.2 billion from Asset Forfeiture program

The Bipartisan Budget Act of 2015 and the Consolidated Appropriations Act of 2016 together rescinded \$1.2 billion from the Department of Justice (DOJ) Asset Forfeiture program, causing

the DOJ to suspend the program and its equitable sharing payments. The DOJ announced that it would defer payments under the equitable sharing program.

This shortsighted decision by Congress to gut the program will have a significant and far-reaching impact on state and local law enforcement and the communities they serve.

The resources provided by the equitable sharing program have allowed state and local agencies to participate in joint task forces to prevent serious criminal activity and terrorism, purchase equipment, provide training, upgrade technology and better protect their officers.

The suspension of equitable sharing payments not only will cause agencies to cut training for officers and it may cause some agencies to reconsider their ability to participate in joint task forces with the federal government.

Congress and the DOJ failed to consult with its state and local partners before taking this drastic step on a program of such critical importance to the law enforcement community.

NAPO has joined with the sheriffs and chiefs as well as district attorneys in fighting the cut to the Asset Forfeiture program and calling on the DOJ to immediately reverse course and reinstate the equitable sharing program.

Push for independent prosecutors for cases of police use of deadly force

Representative Steve Cohen (D-Tennessee) introduced the Police Training and Independent Review Act on May 13, 2015. The goal of this legislation is to incentivize states to adopt laws requiring independent investigations and prosecutions of law enforcement officers in cases where one of the alleged offenses involve an officer's use of deadly force.

The incentives are penalties to the Edward Byrne Memorial Justice Assistance Grant (Byrne JAG) Program, a critical resource for law enforcement. This legislation has the potential to jeopardize public safety through Byrne JAG penalties.

NAPO fears that an independent prosecutor would be under a great deal of pressure to justify his or her work. There is a risk that decisions to prosecute would be made based on politics, not on the law and admissible evidence. NAPO is concerned that an officer would be indicted, even if he or she did nothing wrong.

While the bill had little movement in 2015, there is a renewed push to pass it in 2016 as part of an effort to reform the criminal justice system. NAPO will lobby to ensure that the Police Training and Independent Review Act stays in Committee and does not move forward. ♥



Requiem for a Dream

PBCPBA Oldies Night at Cars of Dreams museum perpetuates the service and camaraderie that drives the organization

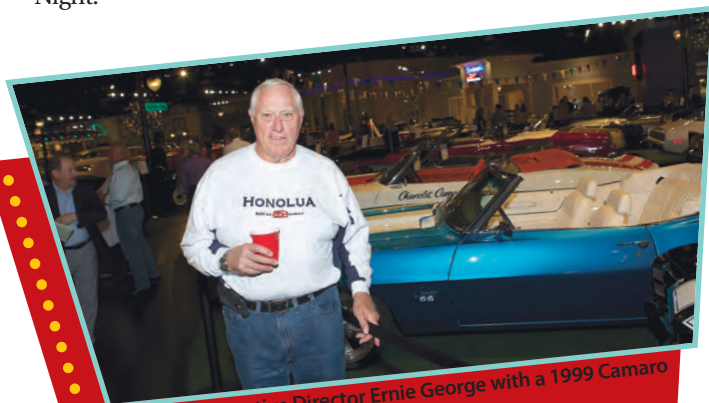
■ BY ARNIE ROSENBERG

■ PHOTOS BY JON SELVEY

Ernie George eyed the 1969 Camaro SS on the museum floor and grinned with nostalgia. The gleaming classic — with the exact blue-and-white paint job — was his first new car.

"I bought it when I graduated from college in '69," he remembered. "Back in those days, everybody my age wanted one of those. They were fast."

He kept those wheels only about two years, and although the Chevy is only a memory, George was drawn back to the classic-car museum by emotional ties that run a lot deeper. For George — past president of the Palm Beach County PBA and its current executive director — there's no place he'd rather have been on Jan. 15 than the sixth annual PBA Oldies Night.



PBCPBA Executive Director Ernie George with a 1969 Camaro SS, the first new car he owned.



More than 300 PBCPBA members, family and friends enjoyed the festivities at the sixth annual Oldies Night at the Cars of Dreams museum and many made their way out to the dance floor.

"There's nothing like this," he said, scanning the floor of the Cars of Dreams museum in North Palm Beach, packed with some 300 PBA members, family and friends. "I still remain so close with all of these guys. And as for John (Kazanjan, who succeeded George as president), he's taken the charity work to a whole new level."

And charity is what PBA Oldies Night was all about.

This year it raised \$10,160, according to chapter Treasurer Lou Penque. Always a sold-out event, it helps fund the PBA Charity Fund, which assists members and their families who experience a serious tragedy or a catastrophic event. It also funds the organization's three student scholarships: the Palm Beach County PBA Scholarship, for children of any active PBA member; the Kaitlin A. Kazanjan Memorial Scholarship, for children of Sheriff's Office PBA members; and the Brian Chappell Memorial Scholarship, for children of West Palm Beach PBA members. Last year, the PBCPBA awarded more than \$140,000 in scholarships, chapter Vice President Rick McAfee noted.

George wasn't the only retired law-enforcement officer and long-time PBA leader soaking in the museum's Coney Island-themed vibe, surrounded by vintage Mustangs, T-Birds and Caddys; a firetruck; and, of course, a police motorcycle.

"I was 23 when I became a police officer, and grew up together in police work with these guys," said Art Apicella, a PBCPBA member since 1977 and chapter secretary-treasurer for more than 20 years. "It's one of the closest group of guys. Once you meet, you stay together in good times and in bad times."

The PBCPBA, in fact, runs in the family for Apicella, whose wife, Patsy, was PBA office manager for 20 years.

"I'll do this till the day I die," he continued. "It's one of those events where you have a good time, and the money you pay for tickets does something good."

Some of the busiest PBA volunteers throughout the evening were those running the bar and the silent auction which was added to the event this year, but equally appreciated, though less visible, was the man who fed the crowd.

Ray Griffith —traditionally the PBCPBA's chief cook for everything from wakes to funerals to the annual golf outing — spent much of the evening behind the museum with his crew, grilling beef and chicken. But, like his fellow members, the night was about more than entertaining and letting loose on the dance floor.

"It's all for the good of the order," Griffith said, "because it helps out guys in need. It's about the camaraderie, loyalty and the friendships made. We all have our hearts in it."

And, he asked with a wry smile, "What event do you go to that people aren't pulled together by food?"

To be sure, Oldies Night brought members together from across the PBA's three-county membership area, but it also attracted visitors from outside its ranks, notably the Palm Beach County's top law-enforcement officer, Sheriff Ric Bradshaw, who praised the PBA and the way both labor and management within the Sheriff's Office work toward common goals.

"I'm here to support them," Bradshaw said. "We both have the same goal: to have the best professional police agency we can possibly have. We both have a job to do and both have an agenda to push forward, but we can disagree."

"We don't have to fight with each other," said Bradshaw, the only top-cop to attend the fundraiser. "The better I treat my employees, the better the morale, the better the service they provide and the better the PR we get."

And it wasn't just law-enforcement officers, either, who turned out to support the PBCPBA at Oldies Night. Circuit Judge James Martz of Palm Beach County Juvenile Court and Federal Immigration Judge Rex Ford praised the PBA for its charitable work.

"I support the PBA in a big way," said Ford, who is vice president of the Law Enforcement Assistance Foundation (LEAF), which helps families of officers lost in the line of duty. (The Detroit native also is a classic-car buff, who rattled off the pedigree and back-story of plenty of the vintage rides.)

"It's great for the law-enforcement community for everyone to come



For the first time this year, Oldies Night included a silent auction that contributed to more than \$10,000 raised for PBCPBA charities.

together," Ford added. "There are so many law-enforcement organizations in the county (here) that I wanted to come by, see friends and help raise money for the PBA."

Likewise, Martz made the scene because of the PBA's good work.

"I don't know another agency in Palm Beach County that does as much for kids as the PBA," he said. I see all the things they do and not take credit for, like the Guardian Ad Litem program. We get incredible support for our efforts from the Palm Beach County Sheriff's Office and the PBA."

The PBCPBA's community outreach, its charitable program and its scholarships haven't escaped the eye of state and national PBA officials, either.

Mick McHale attends dozens of police fundraisers across the country each year in his role as president of the National Association of Police Organizations (NAPO). And he came across the state from Sarasota, where he's a police sergeant, for Oldies Night to show his appreciation.

"These members are showing the community they're more than just officers in uniform," McHale said. "The Palm Beach County PBA is one of the top organizations in the state of Florida. They have a commitment to members of their community in a non-law-enforcement capacity."

John Rivera, president of both the Florida State PBA and Dade County PBA Chapter, echoed the same sentiment.

"When people see (the charitable and community activities), it shines a light on law enforcement and brings it to another level," he said. "The PBA is doing these things for the right reasons."

While PBCPBA members look forward to Oldies Night as the chance to socialize with their colleagues in other agencies, reconnect with old friends and celebrate the charitable work done by their own organization, it might take someone from the "outside" — beyond Palm Beach County — to put the real reason behind the event into perspective.

"We've got a job to do and a duty, and sometimes we have to do unpleasant things," McHale said. "But these guys don't issue a press release every time they perform a charitable function. It's our civic duty to protect our communities, on-duty or off." 🟢





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HIGH DOOM

Open Carry law would be a nightmare for law enforcement officers



■ BY MITCHELL KRUGEL

The thought of “Open Carry” – the bill in the Florida House of Representatives that would eliminate the prohibition of openly carrying firearms in the state by licensed residents – becoming law in Florida could be a police officer’s worst nightmare, or at least leave them lying awake at night imagining the worst:

You make a simple traffic stop and the person in the car is wearing a gun on his hip or otherwise on his body unholstered, perfectly lawful according to the Open Carry law. You ask him to step out of the car, and suddenly, even inadvertently, his hand moves toward the firearm. Your training kicks in and the split-second, life-or-death decision that needs to be made leads to use of deadly force.

“A guy has a gun at his side and makes a motion, it’s within your rights to use deadly force because you fear for your life,” opines John Kazanjian “People think there are a lot of police shootings now. Wait to see what happens if they pass Open Carry.”

Lying there at night, you can count the headlines like so many sheep as Open Carry turns Florida into bit of the Old West:



“It’s going to bring us back to the dark days. You will see people walking down the sidewalk not knowing who is a friend and who is a foe. The public is going to be scared, and the criminals are going to be the ones with the guns.”

JOHN KAZANJIAN

High Doom.
Wild, Wild West Palm Beach.
Shootout at the Osceola Corral.

Law enforcement officers, and certainly PBA members, might be able to rest a little easier, however, with State Representative David Kerner marshalling forces against HB 163, also known as the Open Carry bill. Kerner, the former City of Alachua police officer who also worked as a part-time law enforcement officer for the Florida Wildlife Commission while in law school, is the ranking member of the Florida House Judiciary Committee, which is the committee of jurisdiction for the Open Carry bill.

"This is a major shift in firearms policies in the state of Florida, and as the ranking member of the Judiciary Committee, I have led the debate and opposition against this bill," asserts Kerner, who represents District 87 that includes West Palm Beach, and prior to getting elected, served as a special prosecutor in Palm Beach County. "(HB 163) is, in a sense, the epitome of election-year grandstanding and immature legislation."

The current status of the law requires those desiring to carry a firearm to obtain a Concealed Carry Permit from the state of Florida. The requirements for obtaining the license are pretty basic: no felonies; show proficiency with a firearm; pay a fee. The privilege granted to a licensed holder is the ability to carry a handgun so long as it is concealed. HB 163 would allow firearms to be openly carried on the hip, in the small of the back, in a holster, not in a holster, even in the hand.

HB 163 has passed all of its committees of reference, except for Judiciary. Kerner expects it to be heard in Judiciary soon, and then to be ready for a full vote on the floor of the House of Representatives. The bill has received bipartisan opposition (both Republicans and Democrats have voted against the bill), and in the last committee stop, it passed by only one vote.

"That's very unusual," Kerner notes, perhaps as a harbinger that the bill might get shot down in a House vote.

Open Carry is being pushed by the National Rifle Association (NRA) as a Second Amendment issue and also on a longshot based on a challenge that law enforcement officers have arrested citizens for accidentally displaying their concealed weapons. Opposition by the Florida State PBA and all its major charters, including Palm Beach County, the Florida Sheriff's Association and the Florida FOP, among other law enforcement organizations, has created an awareness of what the law would do to cops.

"It's going to bring us back to the dark days," Kaz warns. "You will see people walking down the sidewalk not knowing who is a friend and who is a foe. The public is going to be scared, and the criminals are going to be the ones with the guns."

There is nothing positive for law enforcement that can come from this bill. But it is way more important than that. This bill is really about the NRA bullying legislators and pointing the finger at police officers and saying they are the problem."

DAVID KERNER



In what Kerner calls a very disappointing and bizarre maneuver, the Florida Police Chief's Association came out in support of the bill, provided certain amendments were adopted. However, several chiefs have spoken out against HB 163, including issuing formal letters against the Chiefs Association's position. Additionally, Kerner and West Palm Beach Police Department Chief Bryan Kummerlen held a press conference to speak out against Open Carry.

"It is my belief that the Chiefs of Police Association endorsement was a result of confusion, inexperience or lack of willpower on behalf of leadership," Kerner explained. "Their endorsement has caused untold confusion, resentment and anger within the law enforcement community, and has given the bill exponentially more chances of passing."

The best bet to avoid a showdown with those taking the NRA position appears to be sticking to the facts. The Second Amendment and, more precisely, Article I, Section 8 of the Florida Constitution, Kerner says, does not require states to allow the open carrying of weapons. "Of course, the NRA has never produced a legal theory that supports that it does," he continues, "and, in my belief, they just say these things to get the really right wing NRA folks all riled up and mad."

As for the NRA wanting Floridians to believe that law enforcement officers are rounding up and arresting law-abiding citizens en masse for accidentally exposing a concealed weapon, well, raise your hand if you have ever heard of this happening. What is more likely and what voting members of the House will hopefully consider is that when seeing a firearm accidentally displayed because of a shirt flying up or an ankle holster becoming momentarily exposed, most officers will stop the license holder and explain to be more cautious.

"I've been doing this for 30 years, and I have never heard of anybody getting arrested for accidentally exposing their firearm," Kaz reports. "I have asked the question, and

nobody has been able to give me a good reason why we need this law. Not one answer."

At the end of the debate, officers have to hope that legislators make Open Carry an issue of safety. All law enforcement officers go through exhaustive and ongoing weapons use and retention training throughout their careers to protect their weapon from attack, theft and being used against them. Cops carry their weapons in a Level III holster. But HB 163 requires none of this, and Kaz contends that it will be a path for criminals to find and steal guns more easily rather than citizens carrying being a deterrent for crime.

Imagine how the nightmare could turn into reality:

Do officers want to have to intertwine every call for service with the possibility of witnesses, victims or offenders wearing a gun on their hip or stuffed into the back of their shorts?

Do officers want to have to worry about exponentially higher firearm thefts and assaults because untrained license holders are now permitted to walk around the streets without their guns exposed?

Do officers want to respond to disturbance calls where people have guns on the waists?

"The examples can go on for days," Kerner submits. "There is nothing positive for law enforcement that can come from this bill. But it is way more important than that. This bill is really about the NRA bullying legislators and pointing the finger at police officers and saying they are the problem."

As a result, Kaz says it's time for officers to point back, or talk back more succinctly. He is calling for all members to contact their local representative or senator and make their opposition known. Loudly, if need be.

"Tell them you are an officer from Palm Beach County and you deeply oppose HB 163," Kaz implores. "We've got to keep the pressure on. If the bill passes the House and the Senate, the governor is going to sign it."

And if that does happen, it could be *High Noon* throughout the state. ❤️

MEET THE PBA STAFF

'The more work I have, the better off I am'

■ BY MITCHELL KRUGEL

The refrain can be heard throughout the offices of the Palm Beach County PBA sometimes a dozen times a day.

"Ask Angela."

When a question comes up regarding a membership or legal matter; when somebody calls to find out how to apply for a PBA Scholarship; when there is an IT issue; when information is needed for *Florida Cops Magazine*; when President John Kazanjian needs just about anything.

"Ask Angela."

"I love it," says PBCPBA Office Manager Angela Twomey. "It never bothers me. If I don't have the answer, I will find the answer. If it's out of my realm, I will put you in touch with the person you need to speak with."

Twomey, who began working with the PBA in 1989 and joined the staff first as a part-timer in 2000 and then full-time in 2011, is proud to carry on the tradition of being the key cog in the organization's machine that she inherited when a very dear friend Gail Seldomridge passed away in August. Like Gail, Angela brings the energy to the job every day to handle so many vital tasks.

"I don't like to sit still," she explains. "I tend to create projects for myself. The more work I have, the better off I am. And the happier I am."

A native of Alabama, Twomey's path has seemed to draw her to union service. She started working at a union grocery store, and after moving to Florida in 1983, she started working as a legal assistant in



Meet Angela Twomey

2011-present: PBA Office Manager / Legal Assistant

2000–2003: PBA Membership Secretary

What I love about my job: Working with and helping people whose lives are changing every day.

My approach to my job: Give 110 percent at all times.

1989. She then moved to a position handling labor and employment matters. One of the firm's largest clients was the Palm Beach County PBA.

When her husband Sean had a job opportunity in Colorado, she briefly relocated in 1999. When that didn't work out, Twomey returned to Florida, and Ernie George, the president at the time, hired her to work part-time with membership services and as the front-desk person from 2000-2003.

In 2003, she went back to work for the labor law firm that still had the PBCPBA as a client. Then, in 2011, she came back to the PBA.

She has made the rounds working in the PBA's legal department and backing up Gail with whatever she needed. What members always seem to evoke about Twomey is that pleasant demeanor of a front-desk person that will always be a part of her.

"That's my role," Angela asserts. "If somebody walks in, I will stop what I'm doing and talk to them. It's a people job, and I love dealing with and helping people whose lives are changing every day."

Armed with a philosophy that it takes more energy to be unhappy than happy, she believes her job is also to come to work every day with a smile on her face. Any PBCPBA member will confirm that Angela's happiness is so infectious that you can almost hear her smiling over the phone.

She says that comes from the 5,000-plus members making her feel like she is part of their family. So in turn, she likes to treat them all like they are part of her family.

"Some of them have been friends for 30 years and some of them have been like a father figure to me," she confides. "I have tremendous respect for so many of them. I've seen some of them go through some really hard times and come out on top. It's admirable, the drive they have for the organization and that it's not about their time, it's about a group of people, a family if you will, that has one common goal."

As for her own family, she and Sean just celebrated their 28th wedding anniversary. Their oldest son, also named Sean, graduated high school when he was 16. He recently got married and works for Samsung in the mobile division.

Her younger son, Christopher, is in high school, and apparently has caught the police bug from mom. He wants to pursue a career in law enforcement, ultimately with the FBI perhaps, and maybe starting by going through the Academy in Palm Beach County. And if Chris needs to know something about being a police officer in Palm Beach County, he can merely do what so many other cops do:

Ask Angela. ♥

YOUR FAMILY CREST

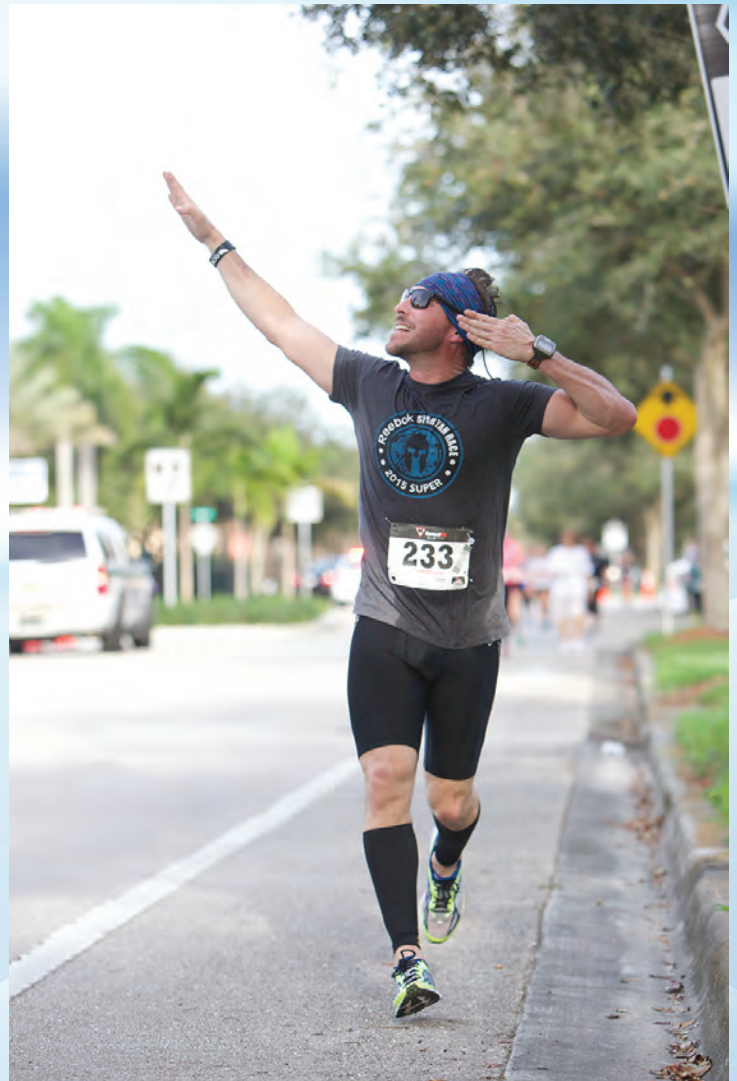
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work and dedication to
making treasures that will
be passed down for
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Palm Beach County PBA President John Kazanjian and his wife Joanne cheer on the runners at the New Year's Day "Angel Run" in memory of their daughter, Kaitlin.

The Amazing Runners

PBCPBA members hit the New Year running at Kaitlin's "Angel Run"

■ BY JENNIFER TRATTLER
■ PHOTOS BY JON SELVEY

Mere hours after ringing in 2016, more than 200 law enforcement officers and supporters kicked off dual New Year's resolutions of staying fit and promoting safety awareness among teenage drivers.

At the inaugural hour-long "Angel Run" in honor of Kaitlin Kazanjian, runners lapped the 1.1-mile loop to remember the beloved 16-year-old while raising money for the scholarship fund in her name. Last June, the Kaitlin Kazanjian Scholarship Fund awarded \$150,000 to help teenagers pursue their academic dreams.

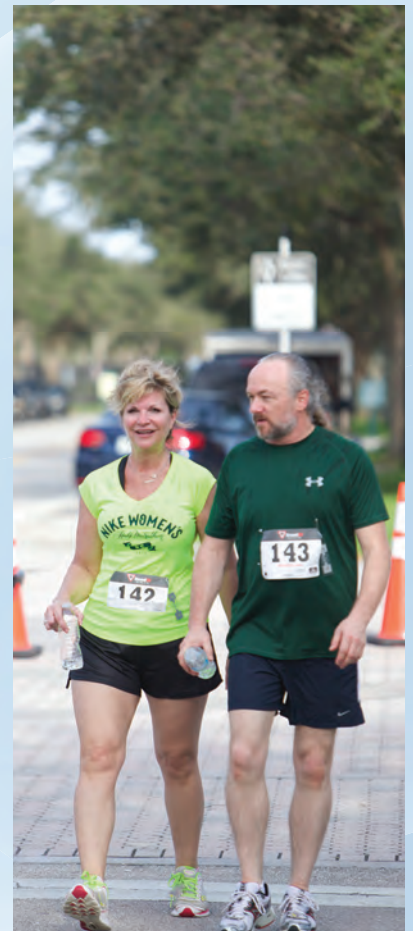
"Angel Run is named after my daughter and it's the therapy I receive by keeping her memory alive, which is important to me, my wife and

kids," recognized PBCPBA President John Kazanjian. "To see everybody come out and celebrate the event means a whole lot to me and the family; that they support us and support the PBA."

Kaitlin's tragic passing due to a distracted driver has led to a full-force effort from the PBA to address the dangers of using cellphones behind the wheel. In addition to participating in events like the "Angel Run," officers will continue brining attention to the cause by educating newly licensed drivers and their parents on safety.

"The next step is to get into the schools and meet with these teenage kids getting ready to get their license and tell them the dos and don'ts," acknowledged Kazanjian. "The number one cause of death for teenagers is driving. If we can curb that, we can save a few lives. That's a home run and this event was a step in that direction."

The Angel's Army





Fastest Angels

These were the top finishers by division in the inaugural Angel Run

Overall Male Runner:
John Reback

Overall Female Runner:
Tracey Matuszko

Male Cross Train: Rodolfo Burgos

Female Cross Train: Toni Medvetz

Male 17 & Under: Stephen Leighton

Female 17 & Under: Sofia Helzerman

Male 18-39: Matthew Young

Female 18-39: Caitlyn Johnston

Male 40-54: David Moss

Female 40-54: Ilene Alford

Male 55-64: Perry Feyk

Female 55-64: Julie Bishop

Female 65-74: Dianna George

Female 75+: Marguerite Kazanjian

For complete results visit
www.pbcpsba.com.



PALM BEACH COUNTY PBA OFFICER OF THE MONTH HONOREES

August 2015



PBSO Agent Sean McMichael

Nominated by PBSO Sergeant Byron Smith

Agent Sean McMichael identified two primary suspects after conducting an extensive background investigation on a vehicle involved in four armed robberies. Agent McMichael determined the suspects were targeting two pawn shops, monitored their movements until two PBSO SWAT teams conducted an assault on the vehicles and both suspects were arrested. Because of Agent McMichael's tireless efforts, two violent suspects are in custody.

September 2015



PBSO D/S Daniel Delia

Nominated by PBSO Sergeant Christopher Caris

Through his training and experience, D/S Delia located a missing troubled teen whose life was at stake. By staying in constant contact with the teen's parents, he provided constant reassurance that she would be located. D/S Delia made contact with the Jacksonville Police Department and recovered her from the Duvall County Youth Assessment center. It is solely because of D/S Delia's professionalism and work ethic the youth was recovered.

October 2015



PBSO D/S John Ross

D/S Ross was responding to a call about a fight between neighbors, where it was described that "someone may be around." Walking north, D/S Ross saw an unknown male pacing in a driveway with a machete in his right hand. The suspect had just wounded two people and began running at D/S Ross, holding the knife aloft and screaming before D/S Ross commanded him to drop the knife. The man continued advancing and D/S Ross fired his weapon, stopping the threat and safeguarding citizens. The suspect died at the scene, as did one of his stabbing victims.

November 2015



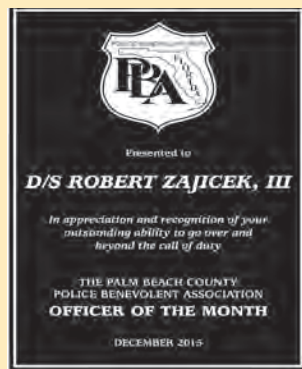
Greenacres Officer Richard Gilmore

Nominated by Greenacres Sergeant Matthew DeJoy

Officer Gilmore of Greenacres apprehended a violent suspect responsible for the attempted homicide and carjacking of a BSO detective. Officer Gilmore conducted a stop on the vehicle and recognized the suspect from a BOLO. Officer Gilmore positively identified the suspect and arrested him.

PALM BEACH COUNTY PBA OFFICER OF THE MONTH HONOREES

December 2015



PBSO D/S Corey Anthony and Robert Zajicek III

Nominated by PBSO Sergeant Rick McAfee

D/S Anthony is an example that hard work pays off – he deadlifted 755 pounds, hoisted 405 pounds in an overhead press and squatted 900 pounds, making him the strongest man on the Treasure Coast and one of the strongest in the country. D/S Zajicek brought home a gold medal for lifting 523.6 pounds, setting a new national record for Police and Fire Division of the USA Powerlifting Federation.



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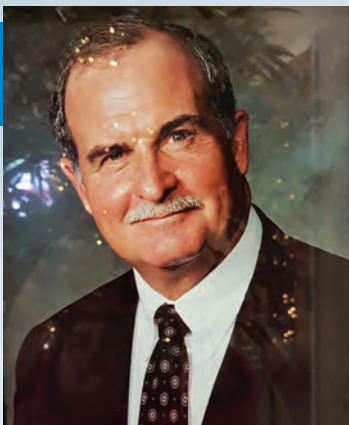
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In Memorium

Farewell founding father

PBCPBA says goodbye to Ron Sowers,
the visionary who started it all

■ BY JOSHUA SIGMUND

Many officers are content putting in their 25 years without rustling any feathers. Some work for the promotion, looking to climb the ladder to affect change from the top. Others choose to fight the good fight from among the rank and file, working with the union to advocate for fellow members. And then there are the select few pioneers who, without any preexisting structure and facing an uphill battle, choose to pave the way, allowing others to succeed. Tracing the history of the Palm Beach County PBA leads directly to one such pioneer: Ron Sowers.

When the retired West Palm Beach PD Lieutenant passed away on Dec. 6 at the age of 68, he left the union he founded in 1973 with a heavy heart, and those who knew him best tasked with remembering the good times, rather than mourning his death. More than 200 of those he touched did so at a Dec. 14 "Celebration of Life" ceremony at the PBCPBA Hall.

"We were told he wanted to have his wake at the PBA office," recalled PBCPBA Executive Director Ernie George, the chapter's third president. "He wanted officers to come and have a good time remembering him, and that's what we did."

Frequently heard among those conversations was how Sowers was a union guy 100 percent, and a great cop to boot.

"He was for the people; for the guys who did the job. He wanted it right for the cops. If you did your job he took care of you. That's the impression I got immediately from him," attested Jim Spatara, who worked with Sowers at the West Palm Beach PD, and succeeded him as the PBCPBA president in 1982 following Sowers' nine-year reign. "I really appreciated Ron's faith in me to take over, because he really loved the organization."

Sowers began his distinguished law enforcement career in 1970, and was instrumental in negotiating the first collective bargaining agreements in Palm Beach County. His first battle put him up against an administration that was forcing officers to work overtime hours – going to briefings and filling out paperwork – without pay.

"Back in those days in the '70s we had no clue what we were doing initially as far as employee rights," George explained. "But Ron was the type of guy you couldn't push around. He would give you a fight if you were trying to screw him over and that was what was going on. He (started the union) so employees could have some rights."

By the time Sowers stepped down as PBA president, the union consisted of fewer than 200 members, mostly from West Palm Beach – nowhere near the current countywide roster pushing 6,000.

"We were doing fine, but we were very small," George noted. "Ron would still do whatever he was asked to do (after he stepped

down as president). He was always still involved. He was still a fighter, and just a great guy who looked out for the people who couldn't look out for themselves."

Sowers never shied away from leadership roles. Notably, he was tasked with becoming leader of the West Palm Beach SWAT unit, and was instrumental in putting together the team and obtaining the best equipment he could for his officers. The last several years before he retired in 2000, Sowers was in charge of the organized crime division.

"He was a tremendous leader and it showed in the union," Spatara added. "And he was a great friend. When I heard of his passing, I was devastated. We were very close. We laughed and loved life together."



Holding an image of Ron Sowers are, from left, PBCPBA Past Presidents Ernie George, Jim Spatara and President John Kazanjian.



In Memorium

A lasting impression

PBSO Officer 'JJ' Morrissey's memory will endure

■ BY JENNIFER TRATTLER

If a picture is worth a thousand words, then there's a 300-page novel to be had on John "JJ" Morrissey. The story would encapsulate the zealous spirit infusing all areas of Morrissey's life, from his career with the West Palm Beach Police Department and Palm Beach County Sheriff's Office (PBSO) to his love for his family and anything water-related.

Morrissey passed away on Jan. 6 at the age of 59, after battling liver failure for almost two years, which rocked the Lake Worth community where he lived and served.

Look through all 213 pictures in the photo album family and friends uploaded to Morrissey's online obituary to see how much he was loved.

Morrissey was a devoted family man who spent summers riding roller coasters with his two children—Patrick and Megan—at amusement parks when he wasn't swimming in the ocean, taking his boat out for a sunset cruise or embarking on a fishing expedition.

The New Yorker turned Floridian was first a firefighter before attending the police academy in West Palm Beach, where his dedication to law enforcement began and lasted for more than 25 years until retiring in 2010.

"He was definitely a cop's cop and would do anything to help a fellow officer, whether in the (Palm Beach) Sheriff's Office or another municipality," explained Lantana Police Department Sergeant Chris Decker who was friends with Morrissey for more than 20 years. "Everybody always knew they could count on JJ if they needed something."

Decker was introduced to Morrissey through a mutual friend when he was interning with the Lantana Police Department. Morrissey — a sergeant at the time with the PBSO — had a reputation for helping other officers and proved willing to lend an ear to listen and offer sound advice.

"He was very much a mentor to me," recognized Decker. "He just had a very big heart and was very loving to all of his friends."

Morrissey, an animal-lover, was also a K-9 officer with the department. After scrolling through a few photos, Morrissey could be seen working, playing and sharing a meal with his German Shepherd.

The ability to intertwine his career and family life was a skill he excelled at, always finding time for his children, whether opening presents Christmas morning in full uniform after a shift or creating photo opportunities next to the patrol vehicle.

Morrissey's commitment to his community reached beyond his duties as an officer. He was bestowed with the honor of acting as the Grand Marshal at Lake Worth's 6th Annual St. Patrick's Day Charity Parade in 2010 benefiting Wheels for Kids, a local charity



that provides wheelchairs to handicapped children in Palm Beach County.

That's why hundreds of officers, local business owners, family members and friends met on Jan. 18 at Brogues Down Under — a restaurant in Lake Worth and a favorite of Morrissey's — for a memorial to honor their late friend.

"Someone from every part of society was there, friends (of his) from New York even came down," recollected Decker. "It was very crowded and everybody was telling stories of JJ. He meant so much to me and everyone (in the community)."

Education sensation

Scholarship opportunities inspires wave of applications

■ BY JOSHUA SIGMUND

On the list of the “most important” things to Florida cops – getting home safely at the end of the shift; getting fair pay for a hard day’s work; getting a fair shake from the public – the PBCPBA would add that family is central and education is paramount to the list.

“Even though we go outside every now and then to help the public, we take care of our own,” asserted PBCPBA President John Kazanjian. “All of the well-known scholars have said ‘education, education, education...’ then everything after that – family values, life – will fall into place.”

After 11 years, news of the PBCPBA’s quadfecta of scholarships – the Kaitlin Kazanjian Scholarship Fund (open to children of Palm Beach Sheriff’s Office deputies), The Brian Chappell Memorial Scholarship Fund (open to children of West Palm Beach officers), and the Palm Beach County PBA Scholarship (also open to children of any member) – isn’t revolutionary. Nor should be the fact that in 2015, the scholarships awarded more than \$150,000 to college-bound offspring.

But the growth of the scholarship awards and its impacts on members not only illustrates the increased aspiration for education; it leaves the PBA in a position to have to accommodate the demand.

“This year we changed the protocol a little bit,” Kaz explained, noting – but never complaining about – past years that saw a handful of PBCPBA judges interviewing 150 candidates in one day. “It was a daunting task. We were like a machine with a revolving door.”

At the core of the new scholarship selection process is a selection committee. And instead of every candidate coming in for an interview, each application will be accompanied by an essay along with the transcripts, which will be reviewed by the three-person committee.



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The 4-1-1

How to apply for the 2016 PBCPBA Scholarships:

- Download and fill out the application by logging onto pbcpcb.org
- Attach transcripts and essay, up to 500 words
- Scholarship deadline: April 15

Applications will be narrowed down, Kaz estimates, from 150 entries to 75 or so to about 15-20 applications that will become eligible for the three available scholarships, given all criteria is met.

The 500-word-or-less essays ask applicants to talk about themselves: What have you done in the past? What are your future goals?

“The kids tear it up. You’d be amazed,” boasted Kaz. “In the small (PBCPBA) universe we are in, you’re talking about a few thousand kids, and it’s just amazing how intelligent these kids are. It blows my mind.”

Nobody goes home empty-handed, though. For every other submission that doesn’t earn a scholarship, first-time applicants will receive a \$1,000 scholarship; repeat applicants get \$500.

“No matter what,” Kazanjian emphasized, “as long as you fulfill the requirements, you will be awarded a scholarship of some amount. Even if you have received other scholarships, this is over and above.”

That’s how important education is to the PBA. ❤️



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A golf tournament like no other

This is the time of the year when PBA members and friends would be encouraged to make plans to play in the 12th Annual Kaitlin Kazanjian golf tournament and help generate the funds the event raises for the Kaitlin Scholarship and other Palm Beach PBA charities. But there really aren't any spots available to play in the March 5 golf outing at Palm Beach Gardens Golf Course.

The 12th Annual Kaitlin A. Kazanjian Scholarship Golf Tournament

March 5

Palm Beach Gardens Golf Course

"We don't even advertise," reports Palm Beach PBA President John Kazanjian. "The guys who played last year call back right away to reserve spots for the next year."

If you want to play, maybe try appealing to Kaz and the golf tournament committee on the chance that there might be an opening. He might even give up his spot, which he has done the past several years to get another person into the 144 golfers that make the 8 a.m. tee off. Or see if you can show up for the food and festivities making this day one of the best of the year, with or without golf.

"We get people from all over the country to come to our event," Kaz adds. "I've played in a lot of great, high-end tournaments and golf outings but we feel we take this to another level. We just go all-out."

Much of the inspiration for that, of course, is honoring the passing of Kaitlin. Three months after her untimely death due to a car accident in 2003, the Palm Beach PBA put on its first golf outing and raised between \$50,000 and \$60,000, according to Kaz.

But inspiration also comes from the highlight the tournament has become for so many. Ray fires up the barbecue even before tee off, and with Retired West Palm Captain Alan Ortman providing his comic stylings and enthusiasm as the event emcee, well, it's a day like no other.

"The food is fantastic, the prizes are fantastic and we get the frozen drinks fired up and drive them around early in the day," promises PBCPBA Treasurer Lou Penque, who has been part of the organizing committee since the tournament's inception.

Having been there from the beginning, is there one year or one memory from the event that stands out for Penque? "Every one of them," he responds.

Other fun features on the course include the "Longest Drive" hole

for which players use a "potato gun" to shoot balls out onto the fairway. And there is usually a Monte Carlo hole at which players can wager an amount of money, and if they hit their ball on the green they win a corresponding pay off in raffle tickets.

Featured prizes in the raffle are flat screen televisions, free greens fees for a foursome and many different gift certificates. And then there's the food: The day starts with cooking breakfast then Ray piles high with the chicken, ribs, pork, cheesy potatoes, corn on the cob and other surprises.

"We've absolutely made the event a staple in the community," Kaz exclaims. "It's become a part of me and as soon as it ends, I'm ready to jump in for the next year."



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FINANCE

Attention all FRS Investment Plan and DROP participants



STEVE OLSON

It has come to our attention that a number of PBCPBA members are invested in mutual funds with very high expenses (some more than 3 percent per year) and that are potentially underfunded. This could cause your retirement to be at risk. Here is a look at some of the funds:

FUND	EXPENSE RATIO	TOTAL ASSETS	MORNINGSTAR RATING
Pacific Financial Core Equity Investor	2.90%	\$303.74 Million	*
Pacific Financial Explorer Investor	2.64%	\$225.65 Million	*
Pacific Financial International Investor	3.13%	\$59.94 Million	**
Pacific Financial Strategic Cnsvr Investor	2.85%	\$95.95 Million	*
Pacific Financial Dynamic Alloc Investor	3.38%	\$103.91 Million	

Note: There are other Pacific Financial funds that have similar expense ratios and funding levels. Data was obtained from Morningstar as of Nov. 30, 2015. Morningstar rates mutual funds 1 to 5 stars based on a variety of criteria.

Simply put, if you're invested in a fund in which expenses are 3 percent per year, in order to have a 6-percent annual return the fund must earn 9 percent. This could cause the fund manager to take excess risk with your money and in this scenario, you're losing a third of your return.

Mutual funds work a lot like the bank teller window, except they're invested and not insured by the FDIC. They have to be redeemed on demand at the Net Asset Value (or value of the mutual fund at the close of business). The first ones to the teller window with their hands out get their money back.

In the investment world, your money is not sitting in cash. So when you redeem shares, this forces the fund managers to have to sell the stocks and bonds they hold in the mutual fund to pay you back.

In a fund with inadequate assets, this could cause a domino effect and rapid decline in value if enough investors try to redeem their shares at the same time – causing the manager to sell the holdings and causing the investor significant losses.

If you're invested in these funds, please get a second opinion from another financial advisor. ♥

Steve Olson is an independent financial advisor and is available to you at the PBA. He will meet with you at no-cost. He can be reached at 561-459-9276 or steve@centerforplanning.com.

HEALTH UPDATE

Take a few steps, reach a healthier weight

Obesity is a major contributor to some of the leading causes of death in the US.

What criteria determine obesity?



In 2008, 67 percent of adults older than 20 years of age – nearly 149 million people – were either overweight or obese. For adults, overweight and obesity are determined by using weight and height to calculate a number called the body mass index (BMI), a gauge of the proportion of body fat. BMI equals weight in kilograms divided by height in meters squared

(kg/m²) or weight in pounds divided by height in inches squared, times 703 [(lb/in²) × 703].

- An adult with a BMI between 25 and 29.9 is considered overweight
- An adult with a BMI of 30 or higher is considered obese

Surprisingly, more than 75 percent of first responders are overweight or obese by BMI criteria. A survey of law enforcement officers (LEOs) in a Midwestern police department found that the percentage who were overweight or obese exceeded levels found in the general population of the same area.

What are the risks?

All overweight and obese adults 18 or older with a BMI over 25 are considered at risk for developing many serious health conditions, including hypertension, high blood cholesterol, heart disease, stroke, diabetes and some types of cancer, including endometrial, breast, prostate and colon cancers.

Why are first responders particularly vulnerable?

Some of the observed prevalence of overweight and obesity among LEOs is due to the unpredictable nature of their work schedule, with fast food often the only feasible choice. Night shift work can also adversely affect eating behavior, causing some LEOs to consume meals with high levels of fat and carbohydrates.

Can obesity and its complications be prevented?

Tax-free payments to Palm Beach officers quickly approaches \$1 million; potentially millions left to be claimed



**GEOFF
BICHLER**

For those of you who have been following along, you know that my law firm has been working with Palm Beach PBA members since we opened our office there in August. In that relatively short period of time, we have secured substantial tax free impairment payments for officers and retired officers with previous work injury and/or Heart Bill claims. Of the roughly 50 cases currently being investigated or litigated in Palm Beach County, 25 of our clients have now received payments. Amounts have ranged from a few thousand dollars in the smallest cases to tens of thousands in many instances. Several cases have even implicated payments well in excess of \$100,000. So much for the assurances of risk management representatives that these payments had been issued appropriately.

Given the relatively small sample size (25 officers paid thus far), it is reasonable to suggest that millions of dollars in payments owed to both current and retired officers who have had either work injury or Heart Bill cases are still out there to be claimed. We estimate that there may have been 300-500 Heart Bill cases/claims involving Palm Beach officers where these payments were either never issued or were paid incorrectly. Our goal remains to identify each case and then make sure the member and/or the family is properly compensated.

In the next issue of *Florida Cops Magazine*, I hope to give readers some case studies of specific officers who were shocked to learn that they were entitled to tens of thousands of dollars in additional compensation for Heart Bill claims and other work injuries. In the interim, I would ask that anyone reading this article share this important information, and help identify any

and all officers who may be entitled to this tax free compensation.

Since the approach we have taken thus far has been successful, I would reiterate the following four rules for dealing with Heart Bill and other work injury claims:

1. Any law enforcement officer, or retired officer, with hypertension, heart disease or any old work injury should assume they are owed money.
2. No law enforcement officer should accept or negotiate an unsolicited check from USIS or any entity purporting to pay "impairment benefits."
3. Any officer that has already negotiated a check purporting to pay "impairment benefits" should assume that they have been underpaid.
4. No officer or retiree should trust adjusters, nurse case managers, treating physicians or risk management personnel when it comes to these payments. ♥

Geoff Bichler is the Managing Partner at Bichler, Kelley, Oliver, Longo, & Fox. Bichler/Kelley is a statewide legal practice with a sole focus of assisting first responders with disability claims related to work injuries and occupational disease. A large percentage of the firm's work involves litigation under Florida's Heart Bill. Questions and inquiries can be directed to 866-245-8977 or log on to www.bichlerlaw.com. All consultations are free and there is never a fee unless we make a recovery on your case.

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Obesity is one of the most important modifiable risk factors for the prevention of type 2 diabetes and heart disease. Programs that emphasize lifestyle modification through better diet and regular physical activity have been shown to improve the overall wellness and fitness of first responders.

A study designed to assess the effectiveness of a health and fitness program among 1,504 police trainees observed a reduction in percentage of body fat and a significant improvement in cardiovascular fitness, general muscular strength and flexibility.

Recommendations for preventing obesity include:

- **Exercising regularly**, aiming to achieve 150 to 250 minutes of moderate-intensity activity every week, such as fast-paced walking and swimming;
- **Eating healthy meals and snacks**, such as fruits, vegetables and whole grains, while avoiding saturated fat and limiting sweets and alcohol;
- **Keeping a keen eye on situations that trigger out-of-control eating**, such as watching a favorite sports team in a tight game;
- **Monitoring your weight regularly** can help you detect small weight gains before they become big problems;
- **Being consistent in your approach to weight control** increases your chances of long-term success.

This message is sponsored in conjunction with HERO, Stay Healthy Stay Strong.

THANK-YOU NOTES TO THE PBA

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Friday Nov 20, 2015

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do care about our security and
those taking care of us. Continue
to do the great job you are doing.

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December 7, 2015

Mr. John Kazanjian
2100 N Florida Mango Rd
West Palm Beach FL 33409

Dear John, *Kaz*

I make it a habit to catch up on my reading during flights from Washington. I recently read the article in Florida Cops about Kaitlin and the honorable work your organization is doing in her memory. The first annual Angel Run will be a beautiful event and benefit to the Kaitlin Fund and Charitable Foundation. I was inspired by the many ways your family works to honor Kaitlin, from the Kaitlin Golf Tournament to the millions of scholarship dollars provided by the Kaitlin Fund and Charity, and now the Angel Run. Due to these efforts, Kaitlin's legacy continues to grow and enrich the lives of others.

I am also inspired by you, John. You live with extraordinary loss and through your strength of character continue to serve the police officers who protect our community. Thank you for your service.

Sincerely,

Patrick Murphy

Patrick E. Murphy
MEMBER OF CONGRESS

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KAZ,
It has been an honor and pleasure
working with you and the members
of the Palm Beach PBA. I hope to
continue working with you and your
group for years to come.
*Respectfully,
Paula*



Beat the Heat of Palm Beach County



January 6, 2016

To: Palm Beach County PBA

On behalf of Beat the Heat and the members who participated, I want to thank you for your support of our 2015 World Finals Event. The venue at the PBA hall was great and we were able to provide a Thanksgiving meal to members who travelled here and could not be with their families. Attending members, current and retired law enforcement and firefighters, were impressed with the PBA hall. Special thanks to John Kazanjian, Rick McAfee, and Lou Penque for their support!

Beat the Heat, Inc. is a nationwide 501(c)(3) charitable organization dedicated to preventing injuries and deaths from illegal street racing. Our message is clear: Race at the track and not on the streets. Your support helped us further this mission so thank you!

Lt. E. Shaivitz

Lt. Eli Shaivitz
(561) 688-5420

www.BeatTheHeatInc.org



To All the Officers and Staff,

We can't thank you enough for hosting Ron's life celebration at the PBA Hall. I can't describe how proud I was that night that so many people took time to come together and remember. The PBA is such an important part of our lives - I suppose it always will be.

You were so generous to have everything worked out for us. I will forever be in debt to you all for your time, effort + caring.

Charlene Sowers & Family

Thank You



PBC PBA Member Benefits

KNOW AND ASSERT YOUR RIGHTS!

Remember, as a sworn officer, you have the right...

- To be represented by a PBA attorney during any interrogation.
- To be provided any complaint, all witness statements, and all existing evidence (e.g., audio and video recordings, GPS locator information) for review with an attorney before the beginning of any interrogation.
- To be interrogated at a reasonable hour (e.g., at a time when a PBA attorney can be present for the review and interrogation).
- To refuse a polygraph.
- To refuse to respond to questions if an investigator intentionally fails to comply with requested requirements after being advised of his or her violations of those requirements.

As a dues-paying member, a Palm Beach County PBA attorney can be with you every step of the way.

If you are a member in good standing, and you are suspended or fired, Palm Beach County PBA has attorneys to assist you.

Carry the card of confidence...your PBA Membership Card

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 the Palm Beach County PBA at 561-371-7200.

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.

Legal 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 to continue to represent the member in that matter.

Please call the PBA office if you have any questions regarding this policy.

We want our members to be the first to know...

There's a great new way to stay up-to-date with the PBA on up-to-the-minute breaking news, events, money-saving specials and much, much more by receiving PBA texts and emails directly to your mobile device.

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*Be sure to add mail@pbc-pba.com to your approved sender list.

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Timely news about what's up at the Florida PBA, helpful information regarding legislative issues, quick tips, and best practices for members. Knowledge about PBA issues is the strength of our Association.

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Receive PBA's weekly "Capitol Report" newsletter during the legislative session via E-PBA, PBA's free e-mail service! To sign up, visit www.flpba.org or call 1-800-733-3722 today. The "Capitol Report" is only available via E-PBA.

Emergency Contact Procedure

Please be advised that the emergency number 561-371-7200 is for **CRITICAL INCIDENTS ONLY!**

Our attorney(s) should **ONLY** be contacted after hours for critical incidents; that is, an officer-involved shooting, an in-custody death, an on-duty vehicle accident with injuries or if Internal Affairs investigators are responding right now to an incident.

If you are attempting to contact a PBA Attorney for any matter that is not a critical incident, please contact the PBA Office 561-689-3745 during regular business hours 8:30 a.m.-4:30 p.m. Monday through Friday.

PBCPBA Charity Fund Deductions

The Palm Beach County PBA Charity Fund was established in 2004 to assist our members and their children with scholarships to defray the costs of higher education. In addition, the Charity Fund now helps provide charitable assistance to our members and their families who have experienced a life-altering tragedy or a catastrophic event.

The PBA Charity Fund, Inc. is a 501(c)(3) organization. Contributions to the fund are fully tax deductible.

If you are a PBCPBA employee and wish to contribute to the Charity Fund, please visit www.pbcpba.org for instructions on donating or contact Elizabeth at the PBA 561-689-3745.

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 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.

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).



Palm Beach County Police Benevolent Association, Inc.

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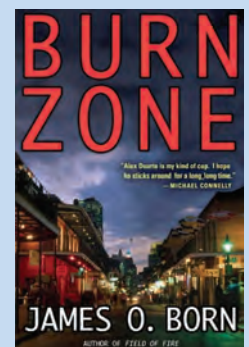


Get your PBA “Support Law Enforcement” Tag

Proceeds for purchases of The Florida PBA “Support Law Enforcement” license tag are deposited into the Florida PBA Heart Fund. Please ask for the PBA “Support Law Enforcement” tag when you visit your tag office and purchase this tag for your vehicles.

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Activ. Fee: \$36/line. Credit approval req. **Plan:** Limited time offer. No discounts apply to access charges and early upgrade add-on charge. Includes unlimited domestic Long Distance calling and texting while on the Sprint network. Data allowance as specified. Third-party content/downloads are add'l charge. Select int'l svcs are included—see sprint.com/globalroaming. Max of 10 phone/tablet/MBB lines. **Data:** Includes 40GB of on-network shared data usage and 100MB off-network data usage. Add'l on-network data usage: 15¢/MB. Add'l off-network data can be added by opt in only for 25¢/MB for tablets/MBBs. Mobile Hotspot Usage pulls from your shared data and off-network allowances. High-speed is access to 3G/4G data. **Access Charge Waiver:** Limited time offer. Access charges waived for as long as customer remains on eligible 40GB plan. Lines 5-10 carry additional data access charges up to \$20/mo./line. **Usage Limitations:** To improve data experience for the majority of users, throughput may be limited, varied or reduced on the network. Sprint may terminate service if off-network roaming usage in a month exceeds: (1) 800 min. or a majority of min.; or (2) 100MB or a majority of KB. Prohibited network use rules apply—see sprint.com/termsandconditions. **Contract Buy Out Offer:** Amount based on ETF (early termination fee) charged or remaining phone balance. Req. active wireless phone line port from other carrier to Sprint; remain active; in good standing and turn in of working phone tied to phone balance or ETF submitted or be charged up to amount of the Reward Card. Register and submit final bill w/ ETF or phone balance within 60 days of switching at sprint.com/joinsprint. Allow 15 days after registration approval for Reward Card arrival. Excludes discounted phones, 100+ Corporate-liable, prepaid and ports made between Sprint or related entities. **Device Turn-In:** Phone must be deactivated and all personal data deleted. Phone will not be returned. No cash back. Not eligible for Sprint Buyback Program. If competitive device is not turned in within 30 days from activation, a non-return phone charge equal to the amount of the Reward Card provided to you. **Reward Card:** Terms and conditions apply to Reward Cards. See Cardholder Agreement or visit www.americanexpress.com/sprint for details. Subject to applicable law, a \$3/mo. service fee applies beginning in the 7th month after Card issuance. Card is issued by American Express Prepaid Card Management Corporation. American Express is not the sponsor of this promotion. **SDP Discount:** Avail. for eligible company employees or org. members (ongoing verification). Discount subject to change according to the company's/org's agreement with Sprint and is avail. upon request for select monthly data svc charges. Discount only applies to data svc for Sprint Family Share Pack. Not avail. with no credit check offers or Mobile Hotspot add-on. **Other Terms:** Offers and coverage not available everywhere or for all phones/networks. May not be combined with other offers. Restrictions apply. See store or sprint.com for details. © 2016 Sprint. All rights reserved. N165095

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