

PAXCENTURION

The Newsmagazine for the Boston Police Patrolmen's Association



AN UNASSUMING HERO!



Boston Police Officer
jumps into
frigid water to save woman's life

pages 10 & 11

Cell phone photo shows Edward Norton plunging into a Boston channel during a downpour to rescue an unidentified woman who'd reportedly fallen in by accident.



January/February 2013

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The view from here

Happy New Year! And as we begin this new calendar year the BPPA is still busy trying to reconcile many of the pressing issues still unresolved from last year. Specifically, a new collective bargaining agreement.

It's been some thirty months since our last agreement expired and it seems the only way it's going to get done is through the Joint Labor Management Committee and an Interest Arbitrator, which is not the preferred choice of the BPPA, it's the only choice.

I want to begin by saying thank you to our membership for your words of encouragement, understanding, patience and support for the Bargaining Committee. Since the announcement of this course of action several months ago, I've heard from and observed many conversations by members about the time table and probable outcome. Let me emphatically state; that the proceedings that we are about to undertake are lengthy, challenging, sometimes political and above all else very difficult when predicting an outcome!

The current schedule of Interest Arbitration commences on January 28, 2013 and if everything goes according to schedule the last hearing date is in the end of April 2013. That schedule can be met if everything goes perfectly, but I've experienced and learned, not to enjoy that type of expectation. Upon the conclusion of the formal hearing process in April, there are usually 30 days granted for "post hearing" briefs then 30 days for a decision from the interest Arbitrator which is supposed to be final and binding on the parties after funding by the (no membership vote) Boston City Council.

Why we're broke...

By James Carnell, Pax Editor

Sitting around the kitchen table the other night, my wife and I were trying to figure out why we were damn near broke. I mean, I work 80 hours or more a week, between details, overtime and whatever else I can get. My wife works a full week as a teacher's aide. We should be part of that "middle class" that all the phony politicians talk about supporting at election time. But we ALL seem to be falling farther and farther behind.

Then it occurred to me: We haven't had a raise in 3 years, and we're \$16,000 behind firefighters of equal seniority. We haven't had a detail rate increase in about eight years, and we're behind most police departments (no specialty rate, no weekend rate, no holiday or licensed premise rate, etc.). Governor Patrick took \$7,000 (from some officers, much more, depending on degree/rank, etc.) from me and all others who bought into the "Quinn bill" several years ago by simply not funding a collectively-bargained benefit, even as he plays the "friend of labor" routine in front of adoring crowds of political benefactors. The price of gas and food is through the roof, and so is everything else, including health insurance (*Hey, wasn't that supposed to be "free" under the new "affordable care bill passed by Congress? Apparently, medicines and prescriptions are "free" for everybody except those who work for a living. Ever see a Masshealth/EBT card-user get asked for a co-payment at the emergency room or the doctor's office? Me neither.*) College tuition rates and fees are outrageous, and the kids can't find work in their chosen fields, so they all live at home. Your payroll tax just increased from 4.2%

See **Broke** on page 11

There is no secret in the desired outcome of these proceedings; the central theme in the BPPA's dispute with the City of Boston is pensionable pay parity between the police and fire public safety groups. Seemingly every time we met with the City Bargaining team we exhausted ourselves trying to discuss and explore a financial package that could reconcile the outstanding differences in pensionable income. What the City offered in response; over a six year period would not even reconcile the loss of education pay and health care increases over the past couple of years.

I'm not a rocket scientist, but I do know that's not going to be embraced by the membership and is not worthy of their consideration. We've seen the City's books; the ability to pay is not a good argument. Wage parity between Police and Fire who work in the same municipality is a well-established principle of the Joint Labor Management Committee (JLMC) and is a fundamental principle of fairness. In a bargaining session between the BPPA and City of Boston prior to our petition to the JLMC to take jurisdiction of the collective bargaining process the City stated that they considered our base pay, details and overtime our wage compensation package.

In my opinion, that is not only unfair, it's unreasonable. Our intention and hope is to convince the arbitrator that the principle of fundamental fairness in pensionable pay parity continues to apply in the final judgment of this case.

To the membership, as I indicated earlier, please don't expect this process to conclude anytime soon. Interest Arbitration is an arduous, unpredictable crap shoot. It's lengthy, time consuming and a frustrating procedure that in the end does "not" allow for a membership vote of acceptance. That state law requires that it be sent to the City Council for the approval of funding.

Until then we will continue to commit our every effort to reconciling this issue fairly and justly.

Please continue to be safe out there and keep each other's back, these days, seems that's all we can rely on.

Arbitration proceedings begin

By James Carnell, Pax Editor

Arbitration proceedings between the City of Boston and the Boston Police Patrolmen's Association will begin on January 28th. The contract between the City and the BPPA has been expired since July 1st, 2010. Several other dates have been scheduled for February and March, 2013.

The BPPA bargaining committee cautions that members should not have high expectations in light of the current political climate and the economic uncertainty. The arbitrator will have 60 days to render a decision after the hearings are concluded, and then the City council will have 30 days to approve funding for the contract, whatever the decision. In all probability, any resolution will stretch into May/June of 2013. The BPPA bargaining committee thanks you for your patience and understanding.

The Nation's First Police Department

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Boston Police Patrolmen's Association, Inc.
Boston Emergency Medical Technicians



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Bargaining update

Arbitration dates have been secured; one each in January and February, 4 in March and 5 in April. Preparation for presentation of the case is ongoing with responsibilities of the various phases taking shape. Settlement trends in our local labor market should have a marked influence on our compensation as compared to outside costing. An “inability to pay” argument was not made in recent negotiations with other City unions. Approved budgets for the past three fiscal years have ended with positive fund balances and assumptions for revenue projections in the upcoming fiscal year(s) show a healthy economic climate.

Retirement “Option D”

There have been many questions recently regarding a lesser recognized retirement option that is provided while officers are still employed as opposed to retired. It is almost identical to “Option C” for retired members. A quick explanation and answers to frequently asked questions as provided by PERAC (Public Employment Retirement Administration Commission) concerning survivor benefits and this option (*see pages 42 & 43 for FAQ about Option D*).

Option D provides for a designated beneficiary for life. Officers opting for the lifetime allowance may designate only *one* Option D beneficiary and are limited to the officer’s spouse, former spouse (provided not remarried at time of designation), officer’s child, parent or sibling. If the officer does not designate an Option D beneficiary and if his or her spouse does not elect to receive a lifetime allowance, the officers’ lifetime deductions will be paid in a lump sum to the beneficiary or beneficiaries he/she has designated to receive, reflecting the amounts in the officer’s annuity account, and no lifetime allowance will be paid.

An officer may change his or her beneficiary by giving written notice to the retirement board especially when major life events occur such as death or divorce. A beneficiary may also provide “make up payments” to establish a more complete record of credible service if earlier in an officers public employment life, retirement money was taken out but not paid back. When an officer passes before his/her 55th birthday the beneficiary is entitled to receive the Option C allowance as if the officer had attained age 55 and retired on the date he or she died. The number of years of service that the officer had earned upon death plus any service for which the beneficiary increases the “years of service” with a “make-up” payment will be used in the calculation.

When an officer dies before age 55 the beneficiary’s age factor is also increased, by the number of years necessary to bring the officer’s age up to 55. For example, Mitch Rapp dies at age 49, and his wife Mary is 45. The age factor used for Mitch will be 55, an increase of 6 years. Mary’s age factor will also be increased by 6 years, in this case resulting in an age factor of 51. The designated beneficiary is entitled to receive the Option C allowance the officer would have received if the officer had retired on the date he died. There are many additional scenarios that can be followed up by contacting PERAC with your questions regarding spouse and children or inquiring at the Boston Retirement Board at 617-635-4311.

Retirement Board Notices

A couple of months ago the Trustees of the Boston Retirement Board sent approximately 24,000 letters out to members stating

that the Board will no longer waive monies owed to the retirement system due to incorrect contribution rates. Calls poured in. The letter was overly personalized (Dear *entire name* as opposed to member) and sent most everyone to the phones. Words such as “In *your* last statement...we put *you* on notice that...substantial amount of money owed...shall be recouped by the Retirement Board.” Letters from collection agencies produce less reaction. A subsequent letter further explaining that unless there was a break in service or money was removed from an individual’s retirement account and not replaced, should an individual feel that they were an intended target.

Members who have had a break in service or taken money from their retirement account without repayment should contact the board.

Past Practice

This is a phrase that is quite often used when a contract is silent to an issue at hand or when a normal everyday course of action is different than the stated language in the CBA (collective bargaining agreement) such as our timetable for the grievance procedure. A recent article in *Labor News* stated that arbitrators are fractured as to whether a past practice can change the terms of a contract and also gives guidance in helping to identify fundamentals needed to have a past practice. The BPPA is finishing up an arbitration in which the contract is silent and both parties have argued strongly as to what the practice has been. A decision is expected in the near future.

The grievance involves night personnel attending court while “injured on duty” and receiving compensation for their appearance. The Department currently compensates injured night officers when they are on a scheduled day off for their attendance in court. The Department has argued that once an officer is assigned to MIS, the “Medical Incapacitated Section”, the officer is carried on a day shift and not entitled to compensation for attendance in court. The Union argued that the assignment to MIS is for administrative convenience only and does not affect any substantive benefits. In addition a Request for Information seeking night personnel out injured and attending court was furnished showing approximately 40 instances of officers receiving compensation for attending court.

According to *Labor News*, the most often cited reference works on past practice are from an article by Arbitrator Richard Mittenthal identifying elements to a binding past practice comprising:

Clarity and consistency: A course of conduct that is vague and ambiguous that has been contradicted as often as it has been followed can hardly qualify as a practice.

Longevity and repetition: A consistent pattern of behavior must emerge...accordingly just how long a period something must be done before it can be characterized as a practice is a matter of good judgment.

Acceptability: both parties must have knowledge of the particular conduct and must regard it as the correct and customary means of handling a situation. Such acceptability may frequently be implied from long acquiescence in a known course of conduct.

Mutuality: Some practices are the product, either in their inception or in their application, of a joint understanding.

“A majority of arbitrators believe a past practice can fill in the

See **Vice President** on page 11



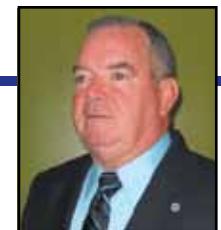
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It's 2013 and we're still waiting for a new contract



The New Year has arrived! The year 2013, wow, who would've thunk it, 2013 and still without a contract! As we near the end of our third year without a new collective bargaining agreement, rumors are rampant about how much we'll get, when the bargaining will be finished, when we will vote on the new contract and oh yah, (*I love this one*), the rumor that the city has stalled bargaining because of the "law" or "rule" that doesn't allow retroactive money after three years, etc. etc. etc. Rumors aside, the facts, as previously stated in many forums, are simple; the Bargaining Committee has entered into an agreement with the City, the JLMC and the appointed Arbitrator to various meeting dates between now and the end of April. If, (*and that's a BIG if*), all parties have presented their case to the Arbitrator by the established end date, the Arbitrator will have sixty days to render a decision. After the Arbitrator's decision and recommendations are presented, the City Council will have thirty days to vote on accepting and paying for the decision, barring a miracle, the absolute **EARLIEST** that we will have a new bargaining agreement is July 2013, which is **OVER** three years since the last one expired! You, as members of the Union, **DO NOT VOTE** on an interest arbitration award. No one can promise anyone on the amount we will be awarded, the organization and the committee can only tell you what we are arguing for. As far as the rule, law, practice etc. of a time period dictating retroactive money, **THERE IS NONE!** Please, once and for all, stop listening to the 'Guard Room' lawyers and contract experts. Rumors are just that, rumors!

Thank God that we still patrol some of the South Boston waterfront. Lucky enough for one soul that Boston Police Officer Eddie Norton of District 6 was patrolling the area on December 21, 2012. Eddie responded to a radio call about a person in the water in the Boston channel canal. Upon arrival in the cold, pouring, freezing rain, Eddie observed a young lady in the canal, struggling to maintain herself above water and alive within the frigid waters of the canal. Without hesitation, Eddie handed his gun belt to a fellow Officer and jumped approximately twenty feet, into what could only be described as freezing water. Another Officer on scene threw him a life preserver from the nearby 'Tea Party Museum' and Eddie swam to the panicked, drowning victim. Eddie was able to secure this young lady and keep her afloat with the life preserver. He was able to calm her enough, which gained the necessary time for the BFD divers to arrive and enter the water to remove both the victim and Eddie Norton. This woman is alive today because a Boston Police Officer was working

his beat, his sector, his piece of our city! Heroic actions, indeed they were, however, if that young lady was two blocks to the east, she would most likely be dead right now, because of politics. Because of politics, we are still not protecting all of our citizens on the South Boston waterfront. We can only hope, with the appointment of Sheriff Andrea Cabral as the new Secretary of Public Safety for the state, we will finally have a real law enforcement officer at the helm of Massachusetts Public Safety that can make some sense out of this ridiculous situation along the Boston waterfront. Once and for all, Massachusetts politicians have to correct their error and change the law that keeps Boston Police Officers from policing their own city!

Errors are made but, errors can be corrected. Just the other night I saw another glaring political error. I was walking through our beautiful downtown area with my wife, enjoying the city sights when I observed a Boston Park Ranger, not a Boston Police Officer, but an ill equipped, undertrained, unarmed person wearing a uniform

being mistaken by many as a Police Officer. I observed this numerous times during our stroll and was somewhat embarrassed for the City as I observed this individual sarcastically rebuff visitors to our fair city. Just seeing the mount brought back the memory of our 'First in the Nation Mounted Unit', that was unceremoniously disbanded and kicked to the curb, so to speak, not so many

You, as members of the Union, **DO NOT VOTE** on an interest arbitration award. No one can promise anyone on the amount we will be awarded, the organization and the committee can only tell you what we are arguing for. As far as the rule, law, practice etc. of a time period dictating retroactive money, **THERE IS NONE!** Please, once and for all, stop listening to the 'Guard Room' lawyers and contract experts. Rumors are just that, rumors!

years ago. A fantastic tool of law enforcement and crowd control. Ambassadors of our wonderful city, patrolling the streets and Parks with fully trained, fully equipped, proud Police Officers in the saddle. Police Officers prepared to assist and render aide when necessary. Police Officers and their Mounts acting as ambassadors and protectors of the City. This City deserves to have their mounted unit return. Money may have been an issue in past, but that excuse can no longer be used. If we can afford the Park Rangers, then we can afford to share those facilities and have our unit return. This is the only major city in the country that is still building and growing, this city can afford the Mounted Unit, this city deserves the Mounted Unit and whoever convinced his Honor the Mayor to do away with the unit should be ashamed! Bring back the 'First in the Nation Mounted Unit' now.

I hope everyone enjoys the new *PAX* format. We have promised for quite a while that things would change and we would work harder to put out a product that would be worthy of you, the Boston Police Patrolman. I believe the last issue set the tone of the new *PAX* and this magazine style shows our commitment to an improved product. We too know that errors occur, but believe that errors can be corrected. Stay safe out there, back each other up and remember your first duty is to go home safely to your loved ones!

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A look back

I started to write this article as a quick reflection of the past year and all the highlights that happened. Then as I began to write it I couldn't think of that many highlights. I first reflected on the B.P.P.A.'s golf tournament that we played last summer at the George Wright Golf Course which was a lot of fun. Friends of ours from both Providence and Florida traveled up to participate in the tournament.

Then I thought about the B.P.P.A.'s Recognition Banquet which we celebrated at The Seaport Hotel in October. That is always a fun event when we bring together both the old generation and the new generation in the same room. Anyone who has never attended one of those events should give it some series thought this fall. It has never been a bad time.

Then the next highlight I thought of was last November when the Association awarded \$40,000.00 in scholarships to the members children to assist with the furthering of their education. That is money well spent and raised by this very periodical that you are reading. Then I ran out of ideas to highlight.

Then one afternoon as I was driving around I was on South Hampton St. and I saw a Poland Spring truck delivering water to fire headquarters. That very sight got me to thinking how the police department treats the members who serve it. I got to wondering if the firefighters have to pay for their own water. I mean is there a bigger insult to a working person then to not supply water in the work place?

Then that thought only began to trigger other thoughts of insults. The first and foremost is our contract or lack thereof. I mean I understand that the City cannot just give money away. I get that, but do they have to treat us like undeserving animals?

Trying to put this all into contrast I thought about the view the Department takes with all of us. They want us to go out to work and be proactive. They want us to be tentative, alert, polite, considerate, kind, gentle, and friendly, they want us to be a positive representative of the City of Boston. That is all fine and dandy for them.

Then what do they do to us in return? Oh they are proactive when assisting the people who want to file complaints against us. They are friendly to those who call and say that the cops did something wrong. It seems that there is too much effort and concentration being put on let's catch them doing something that they shouldn't be doing. Instead of the thinking, what can we do to make things easier for the cops?

Let's just say for a minute that the City negotiators approached our bargaining committee with a fair and open minded attitude. Again, I get the big picture that they cannot just give the money away. Let's just say that their attitude was this, 'the fire department cleaned our clock during the last round of negotiations but it isn't fair that they make that much more than the police, what do we need to do to try and make this right?'

Yea, we are not in Kansas anymore and that would never happen but what if? Would it be fair to think that the work force may be a little more encouraged? That the men and women may be a little more enthusiastic when they go into work? That if the Department treated us the way they want us to treat others then they may get what they wanted? All this work force is asking for is a fair and equitable contract. We are not demanding that we make more than anyone in the City. We are not even asking to be paid more than the Firefighters; all we are asking is to be paid just what you are paying them. Offer us what you

already are paying them and this may all be over. Then both sides can move on to other issues that need their attention. I sincerely do not believe that we are out of line asking that you pay us what you pay the firefighters.

In the current society in which we live, be it right or wrong, we measure ourselves by how much money we make. In sports for instance, if some team pays C.C. Sabathia forty-five million dollars over three years, well we all know that Justin Verlander is going to want and get more. The only way for Verlander to prove to everyone that he is a better pitcher than Sabathia is to be

paid more than him. Well to get the same money at a minimum. The same applies to the City of Boston. To show that we are no less than the firefighters then we need to get at a minimum the same money they got.

If in those same negotiations the City cleaned the Firefighters clock and only paid them 9% instead of about the 20% they received, you know they would be using that against us. They would be telling us that they cannot offer us more then they gave the fire. Instead though, they are trying to use us to clean up the error they committed with fire and that is not right, it is not fair and we will not accept it.

Well, so much for a "positive feel good article". Hopefully next year this same time we will be able to write about the decent raise we received, about how we no longer have to pay out of our own pockets to have water in the stations, how we do not have to pay to belong to a gym in our own stations. Oh that is right, do the firefighters have to pay for their gyms? I think we all know the answer to that one too. The Department wants us all to be healthy and stay in shape but do it on your own time and pay for it out of your own pocket. I don't know how all the gyms are run around the department but in B2 you used to have to pay \$20 a month to belong to the gym. Then with the New Year and all the increases that have occurred, the membership fee was raised by over 10%. Now it costs each person \$22.50 a month to be able to work out in the gym. So the gym membership was increased by more than 10% but it is out of the question that the same Department offer us a 10% raise. Again, do as I say and not as I do. Does the insulting ever stop?

Boston Police officer jumps into frigid water to save woman's life

By Erik Ortiz

A Boston police officer is being hailed as a hero after video captured him saving a drowning woman struggling to stay afloat in the city's harbor.

Officer **Edward Norton** said his immediate instinct was to jump in and rescue the unidentified woman from the bone-chilling Fort Point channel just before 1 p.m. on Friday, December 21, reported WHDH-TV in Boston. A witness said he heard people screaming, "She's in the water!" and then Norton jumped in.



"She was in there calling for help and I can swim," Norton later told WHDH. Another officer had been given a life preserver and threw it to Norton. "I was able to hold on to that," Norton added, clutching the woman and keeping her from drowning before the fire department showed up and divers pulled both of them out.

"He didn't hesitate ... (he) took off his belt and jumped into the water swam over to get her," bystander **Hal Munger**, who recorded the rescue, told WHDH.

The circumstances for why the woman, described as being in her 30s, was in the frigid waters wasn't immediately clear.

She was suffering from hypothermia and was taken to a hospital along with three firefighters and a police officer, the *Boston Globe* reported.

Witness **Keith Young** told WHDH that Norton acted without hesitation. "Tell you what. That cop was the hero today. Didn't think twice about it," Young said.

Norton brushed off the daring feat, saying it's what police and emergency rescue workers are trained to do. "If we don't help, then no one's going to," Norton said.

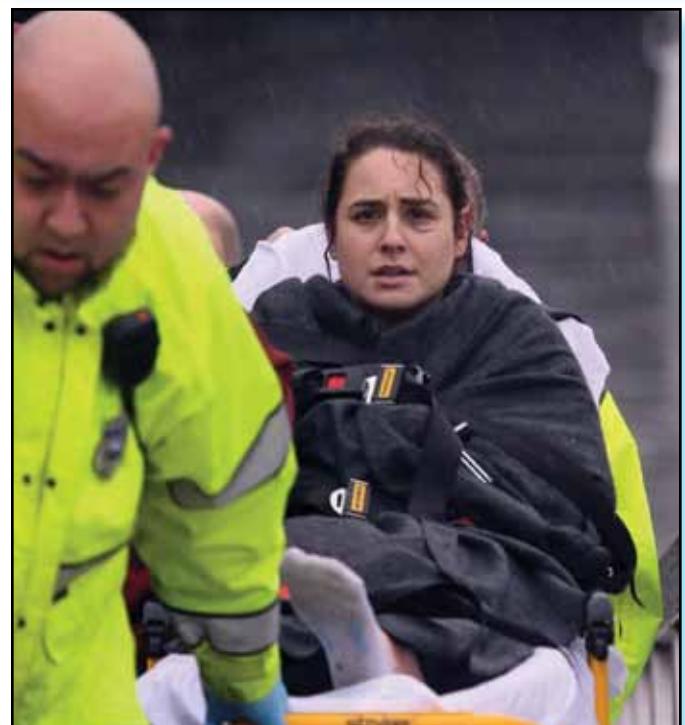
(Reprinted from the *New York Daily News*, December 23, 2012.)



Boston firefighters work to rescue a woman who fell into the water of Boston Harbor. A police officer dove into the water and saved her and then awaited rescue himself, on a small wooden pier.



Hero cop Edward Norton heard the cries of 'She's in the water' and rushed in to rescue the woman from drowning and then awaits rescue himself after the rescue.



The unidentified victim suffered hypothermia, police said.

An unassuming hero

By Mark A. Bruno

On December 21, 2012, most of us woke up and pinched ourselves, just happy to be alive. This day of course ended the Mayan calendar, which had people predicting doom and gloom, and the end of the world. All we need to do now is go out and buy new 2013 calendars which are probably half-price off by now. Much like Comet Hale-Bopp and the members of Heaven's Gate who thought they were going to be beamed up by aliens, we as police officers have come to expect the unexpected when these biblical and historical dates come to pass. As police officers we cringe at a full moon on a weekend because we know how crazy it gets.

This historical day would be no different in terms of officers having their guard up for any kook that decided to come out of the woodwork and attempt to beam up without proper authorization. The day was a miserable one with cold-sideways-wind-driven-rain. It certainly seemed like biblical proportions if you were working near the Seaport or Channel area of Boston. For **Officer Ed Norton** and his colleagues, **Robert Lucas, Steven Collette, Allison McHale** and others, the day would get exciting in deed. A call came in for a female located in the Channel waters located near the Summer Street Bridge. The officers responded immediately and were met by citizens who pointed out the victim in the frigid waters, just barely able to stay afloat. She was holding on to a small floating dock in the harbor.



Hero cop Edward Norton receives congratulations from his fellow officers after he was presented a commendation from Police Commissioner Ed Davis.

Without time to think Officer Ed Norton removed his shoes and stripped off his gun-belt which he handed to a fellow officer. He hurtled the guard rail and plunged straight in to the icy waters, only thinking of saving this young lady. Officer Lucas had a life-saver-ring which was taken from the Tea Party Museum, which he tossed down to Officer Norton. Officer Norton with his protective body armor on and life-saver in one hand began swimming through the bone-chilling-water and wind driven rain towards the victim. Officer Norton was able to secure the victim while waiting for help to arrive. He and the victim were taken to local hospitals and treated for hypothermia.

Officer **Ed Norton** was given a commendation award by Police Commissioner **Ed Davis** along with a proclamation from Mayor **Thomas Menino**. For those of us who work with Ed Norton in District-six, most will tell you how nice a person he is to be around. He is never flamboyant but rather quiet and reserved. He is a gentleman always to those who know him. Recently married and father to a new baby, he took his fifteen minutes of fame as he does with everything else, humbly grateful that he was able save a life while performing his duties. I, along with all his co-workers am proud to call him a friend. To this unassuming hero who thought nothing of his own safety while saving the life of another, congratulations for a job well done!

Bargaining Update

From **Vice President** on page 5

gaps where a contract is silent but cannot contradict the explicit terms of a contract. A minority of arbitrators believe, if a past practice is longstanding enough and has spanned repeated renegotiations of the contract, the past practice can actually amend clear and unambiguous contract terms.”

Our grievance procedure timetable would be a good example of explicit language that has rigid time lines for compliance that are routinely not enforced by either party. Most believe if either party noticed the other, that in the foreseeable future the letter of the language was to be complied with, that would be upheld if challenged. Both parties right to grieve would not have been diminished by either party’s failure to have exercised that right. An update will be forthcoming when a hopefully, positive IOD arbitration decision comes back.

Spending Issue?

Treasury Secretary Tim Geithner in July of 2011 gave an overview of our financial picture to leaders in our government: “Tax collections only cover about two thirds of what the federal government spent, given the \$1.3 trillion annual deficit on a \$3.8 trillion budget. That meant \$25 billion a week had to be borrowed; refinancing of the existing debt required another \$100 billion a week for a total of \$125 billion of new Treasury debt every week.” March of 2013 could have some serious repercussions with pending votes on an annual budget and debt override.

Why we’re broke...

From **Broke** on page 3

to 6.2% - about another \$20 per week, \$1,040 per year. Thanks, Uncle Sam! The government takes one-third of your paycheck before you even see it, to hand it over to..... (*let me see how I can put this without offending anyone...*) “the most vulnerable among us”.

What we’re left with – after them taking a third of our pay – and then paying the mortgage, buying food, gas, heating the house, paying bills and tuition, is **NOTHING**. We’re slowly being strangled by a system that takes more and more from our paychecks and gives it to others who don’t/ won’t work. So when you’re sitting around your table asking yourself “why are we broke”, don’t blame yourself: “the system is rigged against you”, to use the words of a certain Massachusetts politician who made \$350,000 for teaching one class a week at Harvard University while her husband also made \$350,000 “teaching”. Yes, but they’re “concerned for the middle class”. **RIGHT.....**

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Attorneys at Law



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A nation mourns

By **Mark A. Bruno**

On December 14, 2012, my day began like most of my fellow officers, getting ready to do a detail. My detail was on West Ninth Street which holds an ominous memory for me. I was working the polls on September 11, 2001, when the deadly attacks on our country took place. I mention this because while I was standing directing traffic on West Ninth Street I observed a parked van which had a bumper sticker that said, "We will never forget 9-11-01!" This brought back memories of that day and had me feeling melancholy. I remember watching the second plane going into the World Trade Center. It absolutely rattled me, like a stabbing pain in my chest. I had to catch my breath and try to process the devastation I had just witnessed live as it unfolded in front of me on the television. I never felt so helpless in all my life. My country was under attack! I remember the eerie silence in the sky above as all planes were grounded to prevent more attacks. My place was securing the polls so United States citizens could exercise their rights to vote. I finally understood what my parents had described to me as a surreal moment when Pearl Harbor was attacked, or when President Kennedy was assassinated. This date and place would forever be etched in my mind.

While on my coffee break I sat in my car and listened to the news as the story in Newtown, Connecticut began to unfold. The same horrible feelings of 9-11 all came back. As the day went on the news started updating the fatalities. When I ever heard how young the victims were my heart ached. I texted my wife, who was also distraught and saddened by the story. By the time I got

home it was confirmed that twenty children, ages six to seven, along with six adults were murdered. They were shot multiple times by the suspect who turned the gun on himself when he heard police closing in. Another bad memory of being in this location etched in my mind forever.

This carnage emotionally was worse than 9-11 because of the tender age of the victims. As police officers we try sometimes to harden ourselves to the horror that occasionally unfolds in front of us. For most police officers, if not all, any calls involving children are sensitive. We keep up the facade of toughness when inside our hearts are aching. We are, after all, human, especially those of us who are parents. There wasn't a person in this country or around the world that did not choke up with emotion upon hearing of this senseless tragedy.

Seeing the faces of these little victims and the adults who valiantly tried to protect them put all of us in a somber mood for the holidays. Knowing that twenty empty stockings would adorn these saddened homes in memory of these "Little Angels" hurt people the most. I have never felt so empty and hollow in all my life. Our heartfelt condolence goes out to the families of these victims. We pray that God has cradled these children to His heart. In the end it does not matter whether you are Democrat or Republican, for or against gun control. In the end we need to weep for these families who have no tears left to give, and whose hearts have been broken. As a nation we need to mourn and to help mend these shattered lives.

The Law Offices of Donald E. Green Celebrates 30 Years in Practice!

The first Law Offices of Donald E. Green was opened in Boston's waterfront in 1982 and the second office in Dudley Square/Roxbury in 1988. The Firm also has satellite locations in Braintree, which is convenient for South Shore residents and downtown Boston; both locations are by appointment only.

The Law Offices of Donald E. Green is a multi-ethnic, multi-lingual law firm, concentrating in personal injury matters as well as medical malpractice, dental malpractice, wrongful death, worker's compensation, slip and fall, criminal defense, civil rights, immigration, family/probate, bankruptcy, real estate and sexual harassment claims.

Don Green served in the United States Marine Corps from 1957 to 1961 before being honorably discharged. In 1968, he joined the Boston Police Department and retired in 1990 after serving the city for nearly 22 years, the last 15 years as a Sergeant in the Roxbury district. He is married to Annette Hill Green, a native of Dorchester, who is also an attorney and his law partner.

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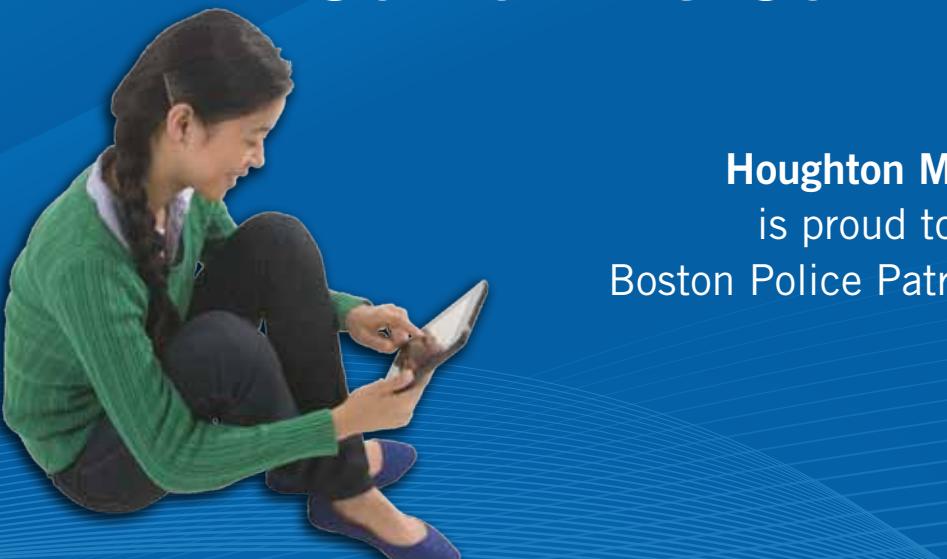
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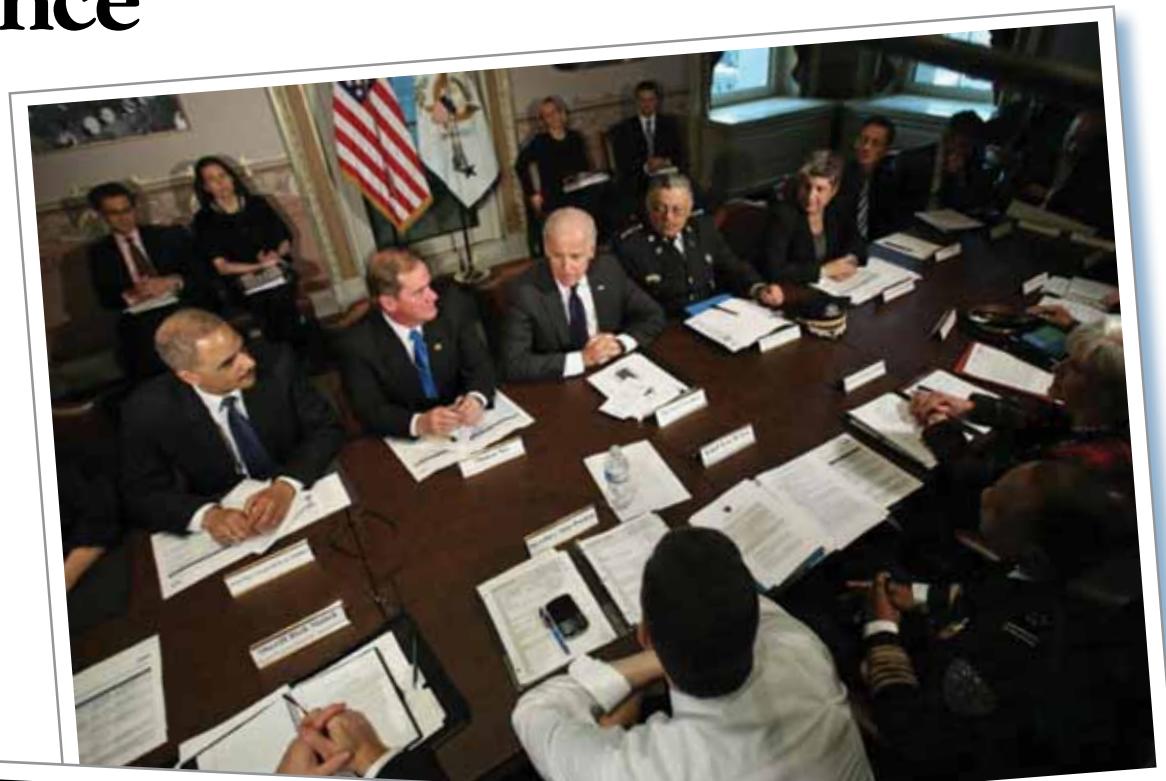
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HOUGHTON MIFFLIN HARCOURT

President Nee helps lead panel on gun violence

On Thursday, December 20, BPPA President Thomas Nee helped lead a panel of distinguished law enforcement professionals at a White House meeting convened by President Barack Obama and chaired by Vice President Joe Biden. Attorney General Eric Holder also helped lead the meeting. The immediate impetus for the meeting was the horrific school shooting in Newtown, Connecticut the week before. But even prior to this most recent incident, the BPPA and NAPO have been recognized as two of the nation's leaders in the comprehensive effort to make both officers' and citizens' lives



BPPA President Thomas Nee (center) along with Attorney General Eric Holder (left) and Vice President Joe Biden (right) help lead a panel of distinguished law enforcement officials at the White House to discuss the rising trouble of gun violence following the shootings at the Sandy Hook Elementary School in Newtown, Connecticut.

safer. For example, when the administration first spoke about the terrible Aurora, Colorado theater shooting last July, it was Vice President Biden who chose the annual NAPO convention to address the issue. Prior to the White House Summit, NAPO Executive Director Bill Johnson held discussions with both Vice Presidential

and White House staff regarding response to, and prevention of, these incidents. As President Nee emphasized at the White House meeting, NAPO and the BPPA urges four related and coordinated public policy responses:

1. Keeping weapons out of the wrong hands.
2. Changing the culture of violence so prevalent in American media, entertainment and society today.
3. Providing much easier, and less stigmatizing, access to mental health care, and,
4. Hardening potential targets of mass violence, including age-appropriate education for students and all citizens, young and old, on how to respond when the unthinkable happens.

The BPPA and NAPO urges all people of good will to come together to address these critical issues, for the sake of our communities, our nation, and especially our young people.

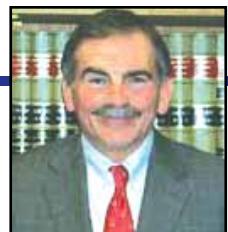
(Reprinted from the Washington Report, NAPO, December 28, 2012.)

Congratulations to all of our 2013 scholarship winners!



John Downey
Emily Collins
Madison Horan
Katie Johnson
Emerson Teehan
Omari Dickson
Bentley Mangino
Lauren Coughlin
Jaelyn Ann Resil
Caroline Ann Wright
Patrick Colburn
Michala Ronca
Teah Murphy
Michaela Nee
Philip Castor
Katie Nolan
Dellan MacIsaac
Leo Ajemian
Daryus Cardoso
John Barrett
John Lockhead
Todd Brown
Jack McMorrow
Kayla Kearney
Timothy Donahue
Declan Fitzgerald
Justin Jones
Fabiano Amado
Alyssa Teixeira
Shannon Durant
Dilanna Lopez
Matthew Golden
Jackie Tran
Aiden Young
Kerri Doyle
Jessica Butler
Aidan Burke
Rylee Ridge
Elizabeth Fitzpatrick
Edwin Guzman





Happy New Year (a little late)

Great story that went viral on YouTube about the NYC police officer buying a pair of boots for the “homeless” barefoot man. How often are the good deeds of professionals and public servants, such as police officers, overlooked by the public and the media? It is nice to see the media focus for a change on a person who did something out of the goodness of his heart. All too often we read about the misdeeds of police officers, lawyers, doctors, politicians and the like. If you simply read the papers or watched TV it would almost seem as if the vast majority of the good deeds performed by such individuals never occurred. It was a nice happy holiday story and good for that officer. What the public doesn’t see is the many good, fine, heartfelt gestures that police officers extend to citizens every day.

All too often we don’t focus on the positive things in our professions and in our lives. Joy and good health for yourself and your family, being employed at a job which brings such satisfaction and helps so many people, realizing that there are always those who are worse off than us and being happy to make a meaningful contribution to the well-being of society.

We have all recently heard and read about the drug analyst accused of falsifying thousands of drug test results at the state lab. The cost of that type of misbehavior goes beyond dollars. There is also both a moral cost and a financial cost to the criminal justice system as a result



of the squandered honest efforts of police officers, prosecutors, defense attorneys, judges, probation officers and court personnel, who worked to fairly adjudicate cases that now have to be readdressed. Misconduct by a chemist is not the fault of any of those diligent participants in the criminal justice system. Yet it is society and the justice system that pays



the price for any misdeeds by another cog in the wheel. What is interesting about the Dookhan saga is that it seems as if, so far, the scrutiny has all been on the analyst herself. I have not seen a lot of scrutiny or criticism directed towards the hierarchy of the state lab or the bureaucracy which was supposed to oversee it. For example, I have not seen a whole lot about how and why it was that the state did not supervise the lab closely enough to detect such misdeeds when they first occurred. Why is it that the higher officials were unable to prevent these events? One

thing you may rest assured about is if that type of systematic failure occurred in the Boston Police Department, or any police department, every police officer would be targeted and the subject of a full-on media assault. Who is supposed to prevent this type of thing from happening?

OK, OK, so the Holiday Season has passed but here is the drug lab saga sung to the tune of *Hark the Herald Angels Sing*:

*Hark the drugs lab's all askew
Fake analyses through and through
Cases blown for a time span
Let the villains off the van
If the police were at fault
Media would full assault
But, when it's the state's snafu
All of us must pay what's due
Hark the drugs lab's all askew
Taxpayers it is all on you*

By the way, the unfortunate post-script to the NYC police story was in *USA Today* which reported that the “homeless” man was observed in short order back on the city streets barefoot without the hundred dollar boots. He claimed that he had hidden them for safekeeping and then expressed a desire for a piece of the pie because his photo was posted online without his permission. It was later reported that he was not homeless at all but lived in a publicly subsidized dwelling. Isn’t there always a scrooge out there to spoil a good story? Oh well, it doesn’t change the good intentions of the police officer and his fine holiday spirit.

So from Ken Anderson and all of us here at Byrne & Drechsler we wish you, as always, a safe, happy and healthy New Year. As always the most important thing is to be careful and safe.



Medical marijuana – not for cops?

As I'm sure you are aware, Massachusetts voters approved a medical marijuana ballot question last November. Despite inaction from Beacon Hill or the executive in the form of regulations regarding the new law, it went into effect on January 1. So, Massachusetts residents may now become medical marijuana users. However, before making a run on the Doritos in the vending machine in your District, officers should be aware that many departments are already taking steps to prohibit sworn police officers from using medical marijuana. The purported basis for this action is that the drug remains a Schedule I controlled substance under federal law.

As the *Pax* goes to press, the BPPA has not been approached by the BPD regarding a medical marijuana policy. However other departments have put forth detailed, and very similar draft policies, leading to speculation that the Massachusetts Chiefs of Police Association or another management group is coordinating a response. Whatever the reason, this issue is one that all police unions in the state will likely need to address.

The ballot question which passed last year sets up a registration system whereby “qualifying patients” apply for a “registration card” to be issued by the state Department of Public Health allowing them to grow and/or possess a “sixty-day supply” of marijuana. Under the law “a ‘Qualifying patient’ shall mean a person who has been diagnosed by a licensed physician as having a debilitating medical condition.” A “debilitating medical condition” is one of a number of conditions or “other conditions as determined in writing by a qualifying patient’s physician.” A “sixty day supply” means that amount of marijuana that a qualifying patient would reasonably be expected to need over a period of sixty days for their personal medical use.” In addition to defining qualifying patients, the statute also anticipates that others will care for the patients. A “personal caregiver” shall mean a person who is at least twenty-one (21) years old who has agreed to assist with a qualifying patient’s medical use of marijuana. Personal caregivers are prohibited from consuming marijuana obtained for the personal, medical use of the qualifying patient.”

As labor counsel to the BPPA, I won’t attempt to get into the law enforcement implications of the medical marijuana law. However, the employment implications are obvious – what if an officer, or an officer’s loved one, seeks to become a medical marijuana user? Many departments are already announcing an intention to say “No!”

The purported ability of departments to prohibit officers from becoming medical marijuana users is the federal classification of marijuana as a Schedule I controlled substance. While this may be enough to prohibit medical marijuana use, such use may also prevent officers from lawfully possessing a firearm, which would lead departments to contend that they are ineligible to be officers. Specifically, the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) has issued an “Open Letter

to All Federal Firearms Licensees” indicating that the DOJ takes the position that medical marijuana users are prohibited from possessing firearms. *The Letter*, issued in September, 2011, over a year before the Massachusetts vote, states in relevant part:

A number of States have passed legislation allowing under State law the use or possession of marijuana for medicinal purposes, and some of these States issue a card authorizing the holder to use or possess marijuana under State law...

As you know, Federal law, 18 U.S.C. § 922(g)(3), prohibits any person who is an unlawful user of or addicted to any controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)) from shipping, transporting, receiving or possessing firearms or ammunition. Marijuana is listed in the Controlled Substances Act as a Schedule I controlled substance, and there are no exceptions in Federal law for marijuana purportedly used for medicinal purposes, even if such use is sanctioned by State law...

Therefore, any person who uses or is addicted to marijuana, regardless of whether his or her State has passed legislation authorizing marijuana use for medicinal purposes, is an unlawful user of or addicted to a controlled substance, and is prohibited by Federal law from possessing firearms or ammunition.

Therefore, departments are likely to take the position that officers may not be medical marijuana users, as such a status would revoke their right to possess a firearm, which is a condition of employment.

Even apart from the question of whether an officer may be a “qualified patient,” it is likely that departments will further seek to prohibit officers from being “personal caregivers.” While personal caregivers are not marijuana users, under the definition in the statute it is likely that they will possess marijuana. Again, marijuana possession remains a federal crime. Given the amount of federal money relied upon by most departments, departments will likely want to prohibit officers from engaging in activities that in any way violate federal law.

Finally, at least one department has proposed a rule that an officer must notify the department if any member of his or her household is a medical marijuana user. This type of requirement, which would require an officer to provide private medical information regarding a family member, shows just how thorny the issues raised by this statute can get.

Whatever position that a department stakes out, police unions should demand to bargain before any medical marijuana policy is implemented. Regardless of federal law, such a policy impacts on health care decisions by officers and potentially their families. As such, the policies implicate terms and conditions of employment, and must be bargained before being implemented. As always the BPPA will be ready to bargain with the BPD if and when approached to ensure that no policy is implemented that unnecessarily infringes on the rights of BPPA members.



The BPPA/EMS honors its new retirees!

Nineteen Boston Police Officers and five EMS personnel were honored on October 19th at the annual BPPA/EMS retirement banquet at the Seaport Hotel in South Boston. Commissioner Ed Davis and BPPA president Tom Nee presented awards to each attending retiree and offered thanks to their families for years of sacrifice. As all of us know, countless holidays, birthdays and anniversaries are missed by police officers and EMT's due to public safety needs which often come before family events. The oldest "four digit (ID#) dinosaur" was Officer Michael Broderick from PDS – ID# 6576, appointed 10-10-70, closely followed by Officer Jim Keegan of the Harbor Patrol (ID# 6767), appointed 12-30-70 and Officer Jack Joyce of the range, ID# 6764, also appointed 12-30-70.

The BPPA/EMS wishes all of our retirees well in their well-deserved retirement years, whatever they choose to do. Some will seek a second career to keep themselves busy, others will break out the fishing rod and the rocking chair.

At a minimum, they will no longer have to put up with the BS from the BPD or the EMS, and that, in and of itself, is a Godsend. Good luck, retirees: enjoy life, and don't forget to join the Boston Police Retired Patrolmen's Association. (*Contact Bill Flippen – leave a message at the BPPA.*)

– Jim Carnell

BPPA 2011 – 2012 RETIREES

ID	Name	District/Unit	DOA	DOR
7451	Wilena F. Julien	Hackney Unit	01-12-78	04-30-11
6576	Michael W. Broderick	Paid Details	10-07-70	07-31-11
8821	William M. Kendricken	D14	09-19-79	07-05-11
11454	Daniel F. Ryan	Building Security	06-28-95	07-19-11
6767	James J. Keegan	Harbor Patrol	12-30-70	08-31-11
8827	Kevin Carey	Range	03-30-83	09-09-11
11414	Avonda C. Graham	MOP	06-28-95	09-30-11
11938	Grant Callender	School Police	06-25-97	01-27-12
6764	John M. Joyce	Range	12-30-70	01-20-12
8034	Robert Woumn	E18	06-27-79	01-12-12
7454	Robert P. Lundbohm	MOP	01-12-78	01-31-12
2095	Richard M. Doherty	C6	06-06-86	01-31-12
8741	Michael D. Walsh	D14	11-01-82	02-29-12
11901	James H. Gunn	B2	03-26-97	02-29-12
8451	Lawrence P. Applegate	Bomb Squad	04-23-80	04-30-12
8769	John Harden	B3	03-02-83	05-04-12
11400	Randall H. Childs	D14	06-28-95	05-31-12
9366	Bridget Kaskeski	Building Security	07-10-85	04-27-12
8465	Richard Ford	D14	04-23-80	08-31-12

EMS

David McClelland	06-02-81	08-31-11
Karen Augustin	03-06-91	06-08-10
Christopher Stratton	10-25-78	02-29-12
Kevin O'Connor	05-28-80	05-31-12
Joseph Michael Vojak	02-24-82	06-06-12







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HEARD ON THE HILL

Potomac fever is at an all-time high Latest rumor on Beacon Hill... Deval 2016

By James Barry, BPPA Legislative Agent

Governor Deval Patrick said before the 2012 presidential election that national voters in the presidential race should take note of polls showing Republican nominee Mitt Romney trailing far behind President Barack Obama in Massachusetts, the state where Romney both lives and once served as governor, because it should tell them something.

Patrick said, "he's (Romney) a resident of Massachusetts. He voted in Massachusetts. He governed in Massachusetts. We elected him – and he is trailing 20 to 25 points. What does that tell you?" during his monthly appearance on WTKK-FM.

"It tells you that we know him, and, 'No, thank you.' We've seen this movie before, and we're not going to do it again."

Governor Patrick, we know you too. Those words, Governor (*I couldn't not agree more with*) will come back to haunt *you*.

Tough comments or tough questions about his recent administrative storms bring tense bristling responses from Deval. Not a very Presidential response either. He simply does not take criticism well, direct or indirect.

So we begin his crazy dodge of this administration's responsibility for hiring a highway safety director with a not so good driving record. Not that bad a thing, hey stuff happens. But when reporters asked Deval about it, he was more than ready to throw someone, anyone under the bus.

For a drug lab scandal and disaster that percolated under his administration's Secretary of Health and Human Services nose for years without being addressed.

Then perhaps the saddest and yet another highly correctable situation is where 38 people died from tainted drugs produced under the not so watchful eyes of the same Secretary of Health and Human Services, Dr.

Judith Bigby. The Governor praised her as she left the administration. Yes, she left, wasn't fired or even reprimanded.

Governor you owe those families of the victims from the tainted compounding labs an apology.

All of this is under your watch Governor, just this year. (*We are not even talking about the rest of your record*). You can ignore it (which you have).

But you're not getting the AG's job because of it. Governor, all of this would come out at a Senate confirmation. This will follow you down the Potomac.

This year, your administration's disasters are going to cost the Commonwealth hundreds of millions of dollars and countless new victims of crime.

You can try and do a cabinet shuffle and be done with it Governor. But it's still there. Be a leader and take responsibility. Fire the folks responsible, don't make them appear to be leaving after doing a job well done.

Investigate the compounding lab to find out who in your administration was responsible for being the state regulators and watchdogs. Call in the US Attorney's Office.

The drug lab for god sake... folks on the streets knew about that. Police, prosecutors and defense lawyers knew about it for years. Your administration sat on it.

Governor, your administration is crashing like the Hindenberg.

I don't think you or anyone around you thinks so. When you start to hear the rumors of you running for president I'm thankful for your comments about another governor from Massachusetts. Because what you said about Romney is true for you too. We've seen that movie before and it stank.





More from the HILL

Special Commission on Retiree Healthcare completes work

By James Barry, BPPA Legislative Agent

The Special Commission on Retiree Healthcare completed its work and has endorsed a proposal that, if passed into law, will save Massachusetts taxpayers at least \$15-\$20 billion over the next thirty years. These cost savings will be from tighter eligibility for retiree health care benefits. Most police and fire employees (Group Four) will not be impacted and current retirees and accidental (ILD) retirees are protected.

Following nine months of lengthy hearings of utmost importance to public retirees and current employees. In the beginning however, what the impact of such a reform would be was uncertain. The Massachusetts Retirees Association led the way, working with the AFL-CIO and other unions, we were able to pass a full exemption from the reform for all current retirees and most active employees near retirement age.

Sitting on the Commission for employees/retirees were **Shawn Duhamel** from Mass. Retirees, **Andrew Powell** of the AFT Massachusetts, represented the AFL-CIO. **Anne Wass** from the Massachusetts Teachers Association also served as the Commission's Co-Chair.

Working together as a team throughout the nine-month process, Duhamel and Powell were able to secure a **permanent prohibition on a municipality increasing contribution rates on existing retirees**. It is unfortunate that the MMA, despite achieving what will likely exceed \$12 billion in savings, could not do the right thing and support this proposal." "Between Municipal Healthcare Reform (Chapter 69), Pension Reform (Chapter 176) and this new reform proposal some public employees and retirees are being required to pay more and work longer for fewer benefits. While we agree that dealing with unfunded healthcare liabilities is necessary, we also have to find ways to guarantee retirees certain protections," explained Sean Duhamel of Mass. Retirees.

Governor **Deval Patrick** is expected to transform the Commission's report into a legislative proposal, which will be filed in conjunction with his FY14 Budget in mid-January 2013.

The proposal would then go to the House, where the legislative process will begin. So we do not have a legislative proposal to look at yet. We will be working to see that these protections are incorporated and injured in the line of duty retirements are protected.

"I wish it weren't the case, but I fully expect the leadership of the MMA to fight us every step of the way on this. Apparently, no level of savings is ever enough for them," said Mass Retirees Association President **Ralph White**.

"Labor and the Retirees really went the extra mile here to strike a balanced deal. If it's not good enough to the MMA and they want to take away the few protections that we were able to win, then I'm happy to have that fight."

The protections in the report won early support from the other Commission members, State Treasurer **Steve Grossman**, Assistant Senate Majority Leader **Jack Hart** and Representative **John Scibak**, chairman of the Joint Committee on Public Service. Senator **Michael Knapik**, Representative **Jay Barrows**, GIC Executive Director **Dolores Mitchell** and ANF Assistant Secretary **Greg Mennis**

joined with Commission Chairman **Henry Dormitzer**.

Proposed reforms include:

Years of Service w/Age Requirement

Future public employee retirees shall be required to complete twenty (20) years of service and have reached the age of 60 (group 1), 55 (group 2), and 50 (group 4)

Pro-Rating Contributions

Future public employee retirees shall receive a health plan employer contribution based on a pro-rated scale based on completed years of service upon retirement.

When the language is actually presented in legislative form we will have a full look at what we are working with but all the Commission's "proposals" appear to offer reform with real protections for employees.

Watch this space.

Politics and politicians to watch in 2013

By James Barry, BPPA Legislative Agent

Along with a new Senate campaign coming up, Governor **Deval Patrick** will appoint an interim U.S. Senator to replace **John Kerry**. Patrick also has another plum appointment to make. Since he's bringing Suffolk County Sheriff **Andrea Cabral** into his Cabinet as public safety secretary, Patrick will name a sheriff who could hold that post until a special election that would be held in November 2014.

The 2013-2014 legislative session gets underway this month. Senate President **Therese Murray** and House Speaker **Robert DeLeo** are expected to be reelected to their posts and offer some agenda-setting remarks.

Waiting for the last seven years the long-anticipated transportation system financing proposal was announced by Gov. Deval Patrick. The reform before revenue BS that accompanied a 2009 transportation reform law was somewhat misleading in that the reform bill that passed that year also earmarked a major infusion of sales tax revenues for the transportation system. Reforms have shown little in increased revenue. Speaker DeLeo this year declined to re-up his no-new-taxes pledge for 2013, a choice believed to be connected to the anticipated debate on transportation financing. Patrick is expected to present transportation financing options, including an open road tolling system, and let lawmakers choose which ideas they like or add their own proposals. Real leadership here.

Senate President Murray heads into her final two years as Senate president. The implications are huge. Opening a door for Jack Hart? The \$32.5 billion budget started falling out of balance almost immediately, as revenues needed to support the spending failed to materialize. Patrick ordered emergency spending cuts in the executive branch and filed legislation seeking to drain \$200 million from the state's rainy day fund and calling on the Legislature, the Judiciary and constitutional officers to make their own mid-year budget cuts. Patrick also wants the authority to cut unrestricted local aid by 1 percent, an idea that's not popular among many lawmakers. The gap is about \$540 million. Cuts and more cuts.

Don't count out the Mayor. Boston Mayor **Thomas Menino** may or may not announce his decision about the November 2013 election. He has plenty of time. If I was betting I would not bet against his not being a candidate for re-election. If Menino seeks a sixth term, the question becomes who would run against him and risk ending up like all of his other challengers?

Menino, who is on the mend from a series of health problems, (*nothing that he can't improve his health on*) has been there before and has bounced back. A open race could draw interest from Reps. **Martin Walsh** and **Linda Dorcena Forry**, Suffolk County District Attorney **Dan Conley**, and current Sheriff **Andrea Cabral**, to name just a few.

With Patrick planning to vacate the governor's office at the end of the approaching two-year session, Massachusetts has a wide-open governor's race and few candidates so far. Among Democrats, Treasurer **Steven Grossman** and Lt. Gov. **Tim Murray** are giving the race serious consideration. Republican **Charles Baker**, who lost to Patrick in 2010, is weighing another run.

Sen. **Scott Brown** can't be ruled out until he rules himself in or out. The evolving field to date features mostly experienced political hands and both parties are undoubtedly searching for candidates who fit the profile. Patrick brought with him into the 2006 election – charismatic, experienced, newcomer. Should Grossman opt for a run at the governor's office, the treasurer's race could draw a big crowd. Each race will be watched on its own

merits over the next two years, but also for its impact at the State House, where Murray and Grossman can use their current offices to try to score political points.

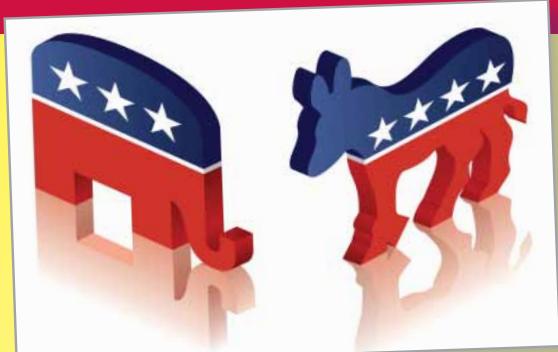
In the summer of 2012, before an evidence-tampering debacle became the biggest story on the criminal justice front, the next big story was supposed to be a run in 2013 by Patrick and the Legislature at sentencing and other reforms that got squeezed out of a repeat violent offender law signed by the governor this summer. "We must also get serious about reforming mandatory minimum sentences," Patrick said a few days before signing the so-called three strikes bill. "Like I said, the warehousing of non-violent drug offenders has proven to be a costly failure. It does nothing to improve public safety and it doesn't deal with the substance abuse that is the source of the problem. States across the country are moving away from it and we must, too." Now, if proponents of those reforms intend to keep the pressure on, they'll need to compete for attention with the ongoing fallout from the lab scandal, which sapped the public's faith in the system. The lab scandal itself will require significant amounts of legislative attention to both pay for the major costs (hundreds of millions of dollars) associated with unraveling the damage to ensure that the situation never repeats itself, and to deal with inmates released as a result of the debacle. Whether the public support is there for additional reforms aimed at further easing prison overcrowding by changing sentencing laws for certain offenders remains an open question. The repeat violent offender law approved this summer includes a measure to make some drug offenders eligible for earlier release, but dropped reforms dealing with wiretapping laws and post-release supervision of inmates. House Speaker Robert DeLeo has said a \$30 million request from Patrick to deal with the drug lab fallout sounds like the correct figure for starters and has indicated that allocation may be part of the fiscal 2013 mid-year budget balancing bill expected sometime from the House Ways and Means Committee in January.

There's a lot less certainty about when and how aggressively Beacon Hill's Big Three will move on sentencing and justice system reforms.

Before the New England Compounding Center was linked to tainted steroids that caused a deadly fungal meningitis outbreak across the country, regulation of compounding pharmacies was not a topic on anyone's radar screen on Beacon Hill. It is now, and reforms are expected early in 2013 to try to plug what officials say are gaps in regulation of the industry at the state and federal levels.

Massachusetts Convention Center Authority officials are quietly going about the business of plotting a major expansion to the Boston Convention and Exhibition Center. The project could cost \$2 billion and will inevitably run into critics who will question both its necessity and expense. Authority officials believe the expansion is needed to keep Boston in the top tier of desirable convention cities. They expect legislation to be filed in January to address financing.

Project financing will likely compete for attention with the transportation revenue proposal and a series of high-dollar bond bills expected to demand attention in 2013.



Watchman and Police Officer's Rattles

By P.O. Robert E. Anthony, Chronologist, Boston Police Department

Rattles came into use sometime in the late seventeenth or early eighteenth century when night watchmen and/or village constables began using them to "raise the alarm." They proved to be an ideal method to summon aid, sound the fire alarm, or just generally get folks' attention.

A traditional rattle was constructed of wood, usually oak, where one or two blades are held in a frame and a ratchet turned – generally by swinging – to make the blades 'snap,' thus creating a very loud noise.

When the Metropolitan Police was formed in 1829, the rattle was a standard piece of equipment issued to each constable. Made to fit in a special uniform pocket, this rattle was one-bladed and had a folding handle. It was weighted with two lead plugs to make it swing easier and this also made it become a formidable weapon if necessary.

Rattles were used by police forces, fire brigades, and military units across the British Empire up through WWI. In 1883, the Metropolitan Police conducted tests and found that the sound from a whistle carried almost twice the distance of a rattle's noise. In 1884, whistles were issued in place of rattles and by 1887, all rattles had been withdrawn from use by the Metropolitan Police in London. The Boston Police Rattle was used when **Officer Ezekiel W. Hodsdon** was killed in the line of duty on the morning of October 18, 1857. Officers that responded to the scene used the rattle to summon help. The loud clacking sound could be heard echoing in the street and was a clear sound for help when this device was used as a way of communication between officers during their walking beats in the City of Boston. The story below was taken from the book by Edward Savage. In this story you can see how this rattle saved the life of a Police Officer in the North End of Boston.



From the Boston Police Department's Historical Collection.

The Watchman's Rattle

The Watchman's Rattle was first provided for the use of the guardians of the night about the time Boston was incorporated a city, and has been in constant use ever since. I am informed by old watchmen that the original was quite similar to that now in use, although much larger. From what cause its peculiar form was conceived, or who was its ingenious inventor, the record saith not: but it is believed to be the only police appendage that has not undergone a variety of changes, and is an article seldom if ever found in other cities. If there is any one thing that will infuse life or anxiety, or energy, into the heart or heels of a policeman, it is the sound of the watchman's rattle in the night time. I can hardly tell how or where I acquired this feeling, but I have never heard a sound beating the air, so fraught with a spirit of trouble and need of assistance, as the sharp crack of the watchman's rattle reverberating in the street at the dead hour of night. Its peculiar tone is different from anything I have ever heard, and the sensation is as peculiarly novel and exciting.

On the morning of the 17th of October, 1854 a circumstance occurred which served to strengthen the impression already somewhat acquired by the exciting echoes of the rattle. I was walking alone down Hanover Street, on the way from the station house to my home, about half past one o'clock on the mooring in question, and when near Richmond Street I heard the sharp crack of the rattle, which seemed to be cut short before it was fairly through. That denoted hand-to-hand work, and I well knew that some of my boys were in trouble. The air that morning was thick and heavy, and the sound seemed to fill the entire space around me; in fact it seemed to come from directly overhead. I cast a hasty glance up and around, but discovering nothing, ran immediately to the corner of Richmond Street. On reaching that point, my ear again caught the sound; but still, I could not fix the direction, and thinking it most likely to come from North Street, I mad hasty tracks in that direction.



As I neared North Street there came a third alarm, evidently in the direction of Brick Alley, I hastened on, and, arriving at that point, by the aid of the lamp-light on the corner, I caught sight of the object of my search, It was in a man's hand, which was thrust through a pane of glass up on flight, and was twirling out its notes of distress in quick succession. I was not a stranger in that locality, and soon found my way up an outside stairway in the direction of the room; but the door was fastened. I stepped back a pace, and then sprang forward with my shoulder against the door with all the force I could command, and the next moment found myself at full length on the broken door in the entry. I was not long in reaching the farther end of the entry, where I found another door fastened also, and which was as soon opened the same way. On entering the room, I three found one of my boys – and as good a fellow as ever broke bread in what seemed to me to be rather a tight place, although in physical power and courage he was a match for two common men. He had hardly a rag of clothing left on his person, was all covered with blood, and had a man nearly his own size by the throat with one hand, and his bloody arm thrust through the window springing his rattle with the other, while three others were lying about the floor in the same room under the influence of the muscle in this powerful arm. He had had a hard fight against fearful odds, but he was master of the field when I arrived, He had followed a burglar with his plunder into this den, where he was set upon by these four ruffians, who after fastening the door, probably intended to make an end of him; but his strong arm and indomitable courage saved his life, and he was only calling for help to carry off his game. The four men (three of them brothers) were taken to the station house, and each subsequently took a lesson of Captain Robbins; but the incidents of that night to me added a new sensation to the echoes of the Watchman's Rattle.

– P.O. Robert Anthony, Chronologist,
Boston Police Department

(Information taken from Captain Edward Hartwell Savage's Book, *Boston Watch and Police*.)



Boston Police Hockey Team Celebrates 1st Annual Hall of Fame Game

On November 10th, at the historic Walter Brown Arena, three generations of Boston Police skaters, gathered to participate in the inaugural Hall of Fame game.

Hosted by current coach **Gerard McHale** (BPD Ret.) the game was the centerpiece of a celebration of the tradition that represents BPD Hockey. Before the game a ceremony was held to induct the inaugural class of the Boston Police Hockey Hall of Fame. Members of the original BPD Squad, Deputy **Bernie O'Rourke**, **Richie Ross** (Ret.), **Paul Sullivan** (Ret.) and Coach **Elliot Feldman** (the ageless wonder who was rumored to be Jack LaLanne's personal trainer) were honored, as well as players from the 80's and 90's.

With a film crew from TNT's "*Boston Blue*" on hand, both old and new players split up into Team Blue and Team White for three periods of hockey action. Considering there's no NHL, it was a pretty entertaining game. Team White kept it close for a period, but that was all, as Blue rode a scorching offense to a big win. It was a testament to pride, talent and dedication, as the teams featured players over 50, over 25 years in service, or both.

After the game both teams, as well as honorees and fans, headed to the Varsity Club for (*ahem*) some much needed hydration (*and appetizers*). There were no differences in rank or age (*plenty in hair and weight*) as the team reminisced times past and discussed the future. **Gerard** and **Mark McHale** deserve a hearty thanks for putting this event together.



2012 TEAM ROSTERS

TEAM WHITE

1 Goal	Billy Hubbard
30 Goal	Bob Cuddyer

3 Def	Pat Cullity
5 Def	Elliot Feldman
6 Def	Bill Parlon
11 Def	Brendan England
12 Def	Tom Lema
17 Def	Joe Gillespie
22 Def	John Hughes
27 Def	Colm Lydon
29 Def	Chuck Kelley

2 Fwd	Darrin Greeley
9 Fwd	Bobby Clark
13 Fwd	Dominic Dimarzo
15 Fwd	Dave Malcolm
19 Fwd	Mitch McCormick
20 Fwd	Frank St. Peter
21 Fwd	Daryle Dwan
25 Fwd	Ted Boudreau
28 Fwd	Jim Fitzpatrick
33 Fwd	Ed Gracia
36 Fwd	Vinny Schettino
44 Fwd	Charlie Daniels

Coach	Gerard McHale
Asst. Coach	Garvin McHale

TEAM BLUE

1 Goal	Tab Brown
30 Goal	Jim Stoddard

3 Def	Steve McManus
5 Def	Bob Casey
6 Def	Jay Moccia
11 Def	Billy Dwan
12 Def	Jamie Kenneally
17 Def	Chris Cundiff
22 Def	Eric Mernier
27 Def	Shawn O'Neil
29 Def	Denis McCarthy

2 Fwd	Kevin Buckley
9 Fwd	Jeff Connolly
13 Fwd	Chris Holt
15 Fwd	Terry Long
19 Fwd	Paul Robertson
20 Fwd	Ed Gillespie
21 Fwd	Gerry Cahill
25 Fwd	Paul Fitzgerald
28 Fwd	Clif McHale
33 Fwd	Chad Wozniak
36 Fwd	Kenny Turner
44 Fwd	Donny Keenan

Coach	Mark McHale
Asst. Coach	Brendan Walsh (emcee)
	Chris O'Sullivan

2012 INDUCTION LIST

Richard F. Ross	Bernard P. O'Rourke
Paul J. Sullivan	Kevin J. Buckley
John J. Ryle	Patrick J. Cullity
Edward T. Gillespie	Mitchell J. McCormick
Christopher R. Shoulla	Sean Feeney
Stephen C. McManus	James Moccia
Robert M. Clark	Joseph G. Gillespie
Robert A. Dwan	Robert J. Cuddyer
William J. Dwan	Elliot Feldman



Class 18-86 celebrates 25 (+) years!

Members of Class 18-86, the largest EVER in Boston Police history gathered at Venezia's overlooking Boston Harbor, to celebrate their 25th Reunion. Better late than never, the group enjoyed cocktails, and a fine meal while recounting the paths their lives and careers have taken. Also, the hair loss, the weight gain, the marriages, divorces, and kids! The class laughed over academy tales, and entertained each other with war stories. While a continuing loop of their graduation video featuring younger versions of themselves aired on the big screen, these cops all at, near or past 50 laughed at the dark hair, and short shorts while fondly remembering their training so long ago. Because our class was so big, and the staff was greatly outnumbered, we were split up. Platoon A went through the Academy like all previous recruits; Level 1, Level 2, then Practical (defensive driving, pistol range, etc). Platoon B joined A for Level 1, then they took the Practical, then returned to Williams Ave for Level 2. C Platoon went through backwards, and I guess that explains a lot! We (for yes, I was a C) went and did all the fun stuff first, after which the Instructors got us and immediately kicked our salty asses, readying us for Level 1, and Level 2. Our first big assignment was the 1987 Boston Marathon. I'll never forget, getting our badges and guns on the bus. All of us would rather have died than not given back all 6 bullets issued to us that day by **Sgt. Harry Prefontaine** for our Ruger revolvers.

The graduation was held at the Strand Theater in Dorchester. Surrounded by family, friends and dignitaries, we marched in, and were sworn in as the newest officers in the Boston Police Department. We shook hands with Commissioner **Mickey Roache**, and Mayor **Ray Flynn** (yes we had other ones

besides Mayor Menino) and had our badges formally pinned on. We were ready to change the world.

When we entered the Academy, who could have guessed who, from our ranks, would become Detectives, Sergeants, Lieutenants, Captains, even members of the Command Staff, or stay on patrol? Well we have covered all those positions, from 1986 to the present, with pride, dedication, and honor, through tears and laughs, fear and bravery, and we'll continue to do so because of the training and tradition we represent as Boston's Finest! Well done Class 18-86, and I'll see you all at our 30th...

—P.O. Jay Moccia



Righting the wrong

By Kevin Doogan

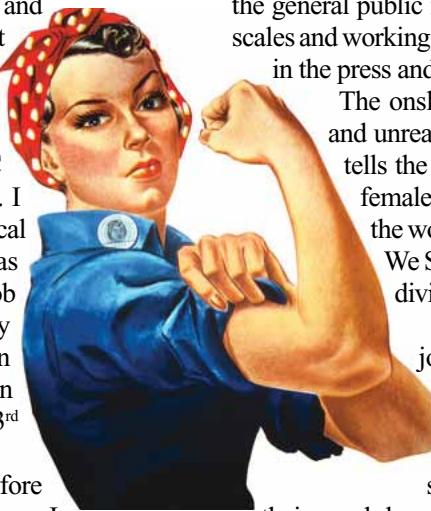
In the recent campaign for Senate and for President, an extremely important issue was raised and accusations were lobbed back and forth between candidates. I am embarrassed to say, I have clearly been ignorant that this issue is still occurring in this day and age. Upon reflection of my career in the workforce, it became readily apparent to me why I was ill-informed.

Since I have been old enough to work, my employment opportunities have been primarily based in physical labor types of jobs. For instance, I was an MDC lifeguard for a couple of summers in the mid 1970's. I also worked in a couple of sweatshops, making electrical armatures and electrical cores for machinery. I worked as an apprentice automobile body-man. I also landed a job as an apprentice draftsman for an Engineering Company in the Prudential. I was then fortunate enough to get an office job in the Boston Edison. I worked as a clerk in the Meter Records Department of the Edison on the 33rd floor of the Prudential Building.

My office experience lasted a short four months before I became an apprentice lineman for the Edison Company. I stayed employed with the Edison and became a Journeyman Lineman before departing for my employment as a Policeman.

I can honestly say that at no time, in any of the jobs I worked, was equal pay for equal work an issue. So you can imagine my confusion when this issue arose during the election. For the record, in my opinion, any such discrimination is categorically unfair and demeaning to women. But what struck me is why I hadn't been aware of this injustice. The reason for my ignorance is because I was sheltered.

You see most of my jobs weren't necessarily sought after by women and for the bulk of my career, I have been Union. There is no such discrimination in a Union. Unions were formed, for among other things, to



protect the workers and their working conditions. But what is troubling to me is why haven't women organized? Why aren't there women's groups promoting and supporting unions across this country? Why is the general public ignorant to the fact that Union workers set the pay scales and working conditions for almost all jobs, yet unions are vilified in the press and condemned in the media.

The onslaught against union workers, portrayed as greedy and unreasonable is a staple for the media today. Yet no one tells the true story, that all of this unequal treatment of the female work force could be rectified simply by unionizing the work force. No truer words were ever spoken, "United We Stand and Divided We Fall." When management can divide, they will conquer.

When pay scales aren't public knowledge, when jobs aren't open for bidding, without seniority and stability of employment there is room for such abuse. Without union protection, workers are left at whims and prejudices of their employers or supervisors. I believe women will never be given their equal share in the "Non-Union" work force until the work force is forced to obey the simple agreements made between unions and management. I have worked aside plenty of women in my career, and each one of them was paid at the same rate as me. The reason why, is because we worked in Union organized private businesses and Union organized government agencies.

Women, unite for your own common good and that of your daughters. Force these hypocrites in the media and in politics to right the wrongs of the past and present, and preserve the future. Vote union, work union, support and promote unions.

Remember all unions are here for the same thing, to serve and protect worker's rights.

**We Salute Our
Friends of the
Boston Police
Patrolmen's
Association!**

Thanks for all you do!





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Volley Against Violence – a big hit

By Mark A. Bruno

I would like to acknowledge Police Officer Frank Williams and all the CSO's throughout the city who partake in this program every Friday night during various months. Since its inception, this program now services over 120 kids weekly. As you can see from this picture, the ages range from four years old all the way to adults. This program was meant to reach out to poor inner-city kids who were at risk, but quickly grew to include all walks of life. Be it rich or poor, or any race you could name, this program is inclusive of all. You only need to bring yourself and a positive attitude along with respect of others to participate.

The children and adults are not only learning tennis, but they are also being taught life values during these sessions. They are sat down and talked to by our fine staff of CSO's who mentor them on doing the right thing. This includes staying away from drugs, respecting each other and doing well in school. Some of these children are accompanied by their parents who rave about this program. It really does send a positive message to those who attend weekly. They listen intently to the positive message being given by the instructors. Their self-esteem through participation in this program is raised tremendously. You cannot place a value on a program like this. Enriching the lives of these children will help make them responsible adults and better future citizens. Much like the Boys and Girls Club this program promotes strong family values. At the end of every session the kids line up at center court and give each other a high-five to show good sportsmanship.

This program also bolsters our Community Policing program. By reaching out to these children and having parents involved, it has opened up a dialect between officers and citizens of these communities. Many of these parents could not afford to send their children for tennis lessons. This program provides the kids



with a ride if needed and tennis racquets. Many of our CSO's get to carry on conversations with these parents who tell them how happy they are with this program. They also get to tell of their concerns of what is going on in their neighborhoods. Officers take this input and pass it along to hopefully provide a better quality of life for these individuals, and this is really where this program succeeds. It enriches young minds and provides a safe haven weekly, while it also garners support from parents of these children who get to tell officers what is on their minds. This is a win-win program for kids, their parents, and the Boston Police Department.

There are many other people to thank for participating in this worthwhile program. First, I would like to thank the Sportsmen Tennis and Enrichment Center (STEC) at 950 Blue Hill Avenue, in particular Executive Director **Toni Wiley** and STEC's Director of Community Tennis **Jelani Haynes**. United States Tennis Association (USTA) Chief Diversity Officer **D.A. Abrams**, who came in from New York to see all that STEC does for Boston youth, including VAV. **Jeff Dufficy**, owner of Domino's Pizza in South Boston and Dorchester who was gracious enough to provide free pizzas for our participants. The Boston Housing Authority and Police Athletic League, who along with the BPD, helped to clean up the tennis courts at the Mary Ellen McCormack Development. The Healthy Dorchester Initiative of Tufts Medical Center who provided a grant for the VAV program. Thanks to Mayor **Thomas Menino** and Police Commissioner **Ed Davis** for supporting this program.

In closing, on behalf of the Boston Police Patrolmen's Association who are also proud sponsors this program, I would like to say keep up the good work.



It IS a Christmas Tree!

By P.O. Jay Moccia

I happened to be in City Hall and noticed a photo display in a little used corridor. I took my time and perused all the vintage snapshots, which chronicled the deadly blast that leveled Halifax, Nova Scotia on December 6, 1917, during World War I.

A freighter loaded with munitions destined for Europe, collided with another ship in the crowded harbor. The resulting explosion (largest in history at the time – only to be eclipsed by the A-Bomb less than 30 years later) caused widespread death and destruction, leaving the community crippled, and matters made worse by harsh winter conditions. A blizzard the next day, covered the area in 16" of snow!

Upon hearing of the tragedy, physicians and other emergency personnel from Boston commandeered a train, loaded it with medical supplies, food, etc. and headed north without hesitation.

These Good Samaritans treated the injured, buried the dead, and provided food and shelter to the survivors. Along with the widespread property damage, the blast left about 2,000 killed and almost 9,000 injured.

In recognition of their assistance, Halifax sends a large fir tree to Boston every year as a token of their gratitude for the help that was sent so long ago. This tree becomes the Official Boston Christmas Tree, but not many know of its origins in tragedy.



RIGHT TO WORK FOR LESS IN MICHIGAN

Michigan, a state long recognized as a bastion of organized labor, became the 24th right-to-work state in December 2012. Right-to-work laws ban “union security agreements,” or agreements between unions and employers that can require employees’ membership in a union or payment of union dues, fees, or equivalents as a condition of employment, either before or after hiring.

Michigan’s new status as a right-to-work state once seemed unfathomable considering that many labor historians argue that the 1936-1937 Flint Sit-Down Strike was the biggest catalyst to unionization throughout the country. Members of the fledgling United Automobile Workers (“UAW”) physically occupied a General Motors plant in Flint, Michigan from December 30, 1936 to February 11, 1937. The strike captivated the public and managed to win sympathy from President Franklin D. Roosevelt and from the then Governor of Michigan Frank Murphy who sent the National Guard to provide the striking workers protection from the police and corporate strike-breakers. The following year, the UAW grew from 30,000 to 500,000 members as result of what the British Broadcasting Channel called the strike that was “heard round the world.”

Despite the rich history of organized labor in Michigan, Governor Rick Snyder and the Republican-controlled Michigan legislature passed the right-to-work law because they believed that the union security agreements that were in place were a restriction on freedom and prevented Michigan from obtaining “more and better jobs.” Governor Snyder stated

this law is not anti-union because it “provides unions an opportunity to be more responsive to workers.” Labor advocates disputed these notions and argued that right-to-work laws are passed with the intention to weaken unions and stifle wages and benefits. President Barack Obama expressed this sentiment by calling the legislation “right to work for less.”



Governor Snyder and the Michigan legislature tried to immunize the law from being overturned by legislative referendum by coupling the right-to-work law with a spending bill, which they believe cannot be overturned by legislative referendum in Michigan. More than 10,000 protestors were on hand to protest the bill signing ceremony. Michigan

labor leaders vowed to defeat this measure by invoking a “statutory initiative.” Labor leaders argue that Michigan’s constitution permits a method of overturning a spending bill by a referendum vote if it can collect signatures equal to at least eight percent of the votes cast in the last gubernatorial election. Under their legal analysis, the collection of the signatures triggers a referendum vote. Legal experts believe that such a referendum vote would not be possible until 2014 at the earliest. Labor leaders vowed to fight on and collect the requisite signatures and use any other method at their disposal to reverse the right-to-work law, including, for now, signing new labor agreements with security and check off provisions before the law’s March 2013 effective date bars them. So I ask, is this the New America?

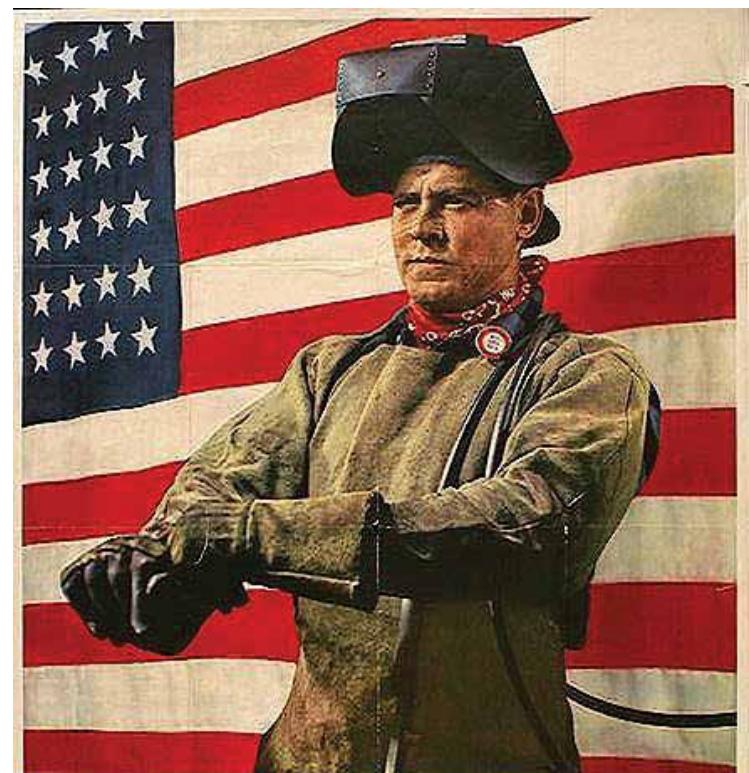
ILLINOIS TERMINATES CONTRACTS COVERING STATE WORKERS

On November 20, 2012, Illinois Governor Pat Quinn (D) terminated contracts with the American Federation of State, County and Municipal Employees (“AFSCME”) covering approximately 40,000 union state employees. The Governor claimed that termination was

based on a failure of the union to negotiate in good faith during the prior 11-month period, but critics responded that there were no concessions being made on the state side. The termination in and of itself will have little immediate effect on union members since the terms and conditions of employment under the expired collective bargaining agreement remain in place under state law, but the termination reflects the pressures of engaging in the collective bargaining process in today’s economy.

The Governor blamed wages and benefits provided to union state workers for a significant portion of the accumulation of \$96 billion in unfunded pension liabilities as well as Illinois’ delinquency of approximately \$8 billion to vendors.

The battle continues with neither side offering compromise. AFSCME finds itself under attack for wages and benefits bargained for in good faith over a number of years. The state of Illinois now seeks concessions in the form of meaningful givebacks and/or a pay freeze, in a manner posing a further challenge to the collective bargaining process.



**IF WE HAD TO PAY UNION WAGES, WE COULDN'T BUY TOYS WITH LEAD, TOOTHPASTE WITH ANTIFREEZE, AND WHERE WOULD WE GET POISON PET FOOD?
KEEP PRICES AND WAGES LOW. BUY FOREIGN.**

2012 Year-End NAPO Washington Report

As 2012 comes to an end, there are several issues commanding attention in Washington that will have a large impact on state and local law enforcement. We'd like to discuss three of them here: Sequestration (or "The Fiscal Cliff"); The White House summit on gun violence, and expected changes in the new, 2013-15 Congress.

SEQUESTRATION

The term "fiscal cliff" is Washington shorthand for a series of automatic spending cuts and tax increases set to take effect in January. If enacted, they would amount to the largest spurt of deficit reduction in more than 40 years but could also push the country back into a recession. The cuts include about \$100 billion in automatic cuts to defense and domestic government spending. The plan also includes about \$400 billion in tax hikes, caused primarily by the expiration of a temporary payroll tax cut and other income tax breaks adopted during the George W. Bush administration. In addition, more than 26 million households will for the first time face the alternative minimum tax, which threatens to tack \$3,700, on average,

onto taxpayers' bills for the current tax year. Leaders from both parties say they are determined to head off the fiscal cliff. But some Democrats and policy analysts have suggested it might be better to actually go over the cliff. Once the tax hikes have kicked in, these "cliff divers" argue, Republicans would be hard-pressed to roll them all back and would have to accept a deal on taming the deficit that contains more new tax revenue than GOP lawmakers want.

In exchange for raising the country's debt limit, President Obama and congressional leaders agreed to create a congressional supercommittee to establish a deficit reduction plan. But when the supercommittee failed to come to an agreement, the plan, which was codified in the 2011 Budget Control



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Act (BCA), called for a package of automatic spending cuts. This package is known as sequestration. The cuts, which are projected to total \$1.2 trillion, are scheduled to begin in 2013 and end in 2021, evenly divided over the nine-year period.

Analysts have said that going over the fiscal cliff could derail the economy's fragile recovery. The nonpartisan Congressional Budget Office predicts that a recession would be significant but brief, with unemployment peaking around 9 percent and economic growth recovering during the second half of 2013. The International Monetary Fund has estimated that the automatic spending cuts and tax increases would knock perhaps four percentage points of growth off of a U.S. economy that is already only experiencing slow growth.

The alternative minimum tax is an obscure provision of the tax code that could become alarmingly relevant to millions of middle-class

taxpayers. In simple terms, it's a flat tax with two brackets, 26 percent and 28 percent. Currently, the alternative minimum tax, or AMT, applies to about 5 million upper-middle-class families who have many children or other deductible expenses and live in high-cost states. But if the fiscal cliff is not averted, the AMT could affect an additional 26.4 million people in the 2012 tax year. It threatens to tack \$3,700, on average, onto taxpayers' bills for the current tax year.

After the debt-ceiling battle in the summer of 2011, Congress raised the national debt limit to \$16.394 trillion. But the country is expected to need to borrow more money starting in February. Many in Congress would like to see an agreement to raise the debt ceiling included in a fiscal cliff deal.

[Credit: Washington Post, November 4, 2012 and November 30 and December 1, 2012]



NOMINATE AN OFFICER FOR THE TOP COPS® AWARDS!

The 2013 Top Cops® Ceremony will take place on Sunday, May 12, 2013
at the Omni Shoreham Hotel in conjunction with National Police Week

It is that time of the year again! We are trying to generate as many quality TOP COP® nominations as possible. Please consider nominating a fellow officer. We would appreciate you sharing this form with colleagues and friends in law enforcement. Feel free to post the attached nomination form wherever you feel appropriate.

The nomination form is also available in PDF format on the NAPO website (www.napo.org). Help us ensure that all states and territories are represented at the 20th Annual TOP COPS Awards® Ceremony. The deadline for nominations is January 31, 2013.



TOP COPS Awards® Nomination Form

National Association of Police Organizations

The 20th Annual TOP COPS Awards® Ceremony

Requirements: All nominees must meet the following requirements in order to be considered.

- Nominee(s) must be a sworn law enforcement officer from any federal, state, county or local law enforcement agency within the United States, its territories and possessions.
- Nomination must be submitted by a sworn law enforcement officer, who must provide his/her signature in the space designated below, certifying the facts as accurate.
- Nomination must involve an incident or case occurring or concluding between January 1, 2012 and December 31, 2012.

Instructions:

Please write a short essay on why your nominee should be considered for a 2013 TOP COPS Award®. This essay should be composed specifically for consideration of a 2013 TOP COPS Award® on a separate sheet of paper. Remember to be as specific as possible with references to dates, events, etc. In addition, you will need to complete the areas below and attach this form to your essay. We encourage you to send additional information in support of your nominee: newspaper articles, police reports and video tapes all help our judges in their decision making process. Kindly send your package to:

The Twentieth Annual TOP COPS Awards®
National Association of Police Organizations, Inc.
317 South Patrick Street, Alexandria, Virginia 22314

Nominee:

Title: _____

Full Name: _____

Department: _____

Work Street Address: _____

City, State and Zip: _____

Telephone (W): _____ Telephone (H): _____

Cell: _____ E-mail: _____

Nominator:

Title: _____

Full Name: _____

Department: _____

Work Street Address: _____

City, State and Zip: _____

Telephone (W): _____ Telephone (H): _____

Cell: _____ E-mail: _____

Signature: _____

EMT mapmaker gets 'Dot' right

By Bill Forry

If you're a Dorchester-phile, then you have to get a look at the map that a man named Ed McCarthy has created depicting our neighborhood. The map – which McCarthy has sold one-by-one to friends and colleagues since 2008 – is beautifully illustrated and pops with interesting flashbacks about Dorchester's past. An image of the map is shown here at right. You can get a closer look by looking at the attachment below.

Much to the relief of this space, the map is also a well-drawn and accurate laying out of historic Dorchester. McCarthy is a veteran city ambulance driver who knows the streets of Boston as well as anyone could. Fascinated with Boston history and geography, he grew increasingly dissatisfied with the neighborhood maps that he saw in circulation in books and at City Hall. So he decided to work up one himself.

"I said, 'I can do this,' so I hit the library and did the research. I got registered at the state archives and spent a lot of time at the BPL. I tried to get every reference I could find and I packed it into the map."

When he started the project in 2008, he was mainly working the streets of South Boston and Dorchester, so his first two maps focused on those neighborhoods. He has since branched out to create maps of all of the sections of Boston, including Mattapan, which was historically part of Dorchester but is now regarded as its own distinct neighborhood.

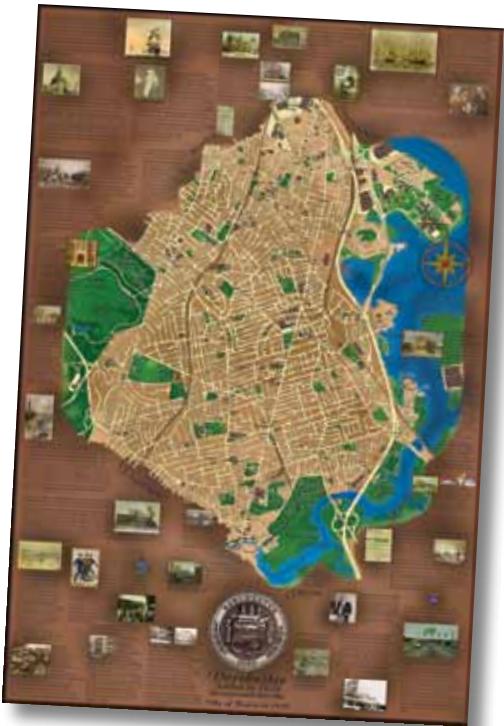
The hardest part, McCarthy acknowledges, was figuring out boundaries. Rather than rely on the suspect and ever-changing versions offered up by City Hall planners through the years, he did something novel: He asked his colleagues and people who actually live in the neighborhoods to tell him what they thought. Long before any sophisticated online project sought to map the city through "crowd-sourcing," McCarthy did it the old-fashioned way, by doing some reporting and asking questions of folks during his tours as an EMT.

"When it comes down to it, it's what the neighborhood people say that guided me," said McCarthy, who now works the night shift out of Brighton. "Fortunately, working on the ambulance, I had no shortage of people tell me, 'This is Roxbury or this is Dorchester.' I talked to a lot of people who work in public safety and live in the area. I'm very pleased most townies agree these maps are very accurate."

McCarthy sold his 74th map this week. He usually gets them printed up individually as orders come in – quite randomly – from interested folks who stumble into his work during house parties or office meetings. "It goes very slowly, but I'm satisfied with that because there's more of personal touch to it."

McCarthy sells the unframed, 24-x-36 inch full-color prints for \$100 a piece. To order one, send him an e-mail at emssbasn@comcast.net.

(Reprinted from the Dorchester Reporter, December 12, 2012.)



THE LAW FIRM OF SCOTT D. GOLDBERG, P.C.

Assisting and Representing Police Officers Since 1990

RECENT CASE SUMMARY

FACTS: Officer injured on-duty when police vehicle struck by suspect avoiding arrest. Officer was disabled and collected IOD pay and medical bills were paid under c.41 s.111F. Officer recovered and returned to full duty.

CASE: Officer sought free legal consultation and pursued claims against the vehicle operator and owner – and under his personal auto policy – for lost detail and overtime pay, and compensation for pain and suffering.

OUTCOME: Officer received gross recovery of: \$8,000 in Personal Injury Protection and \$10,000 in additional medical payment benefits, \$20,000 insurance policy limits for the defendant operator and owner, and \$80,000 in Underinsured Motorist benefits.

ATTORNEY: Scott Goldberg

If you have been injured you may have a case.

Attorney Goldberg provides free consultations.

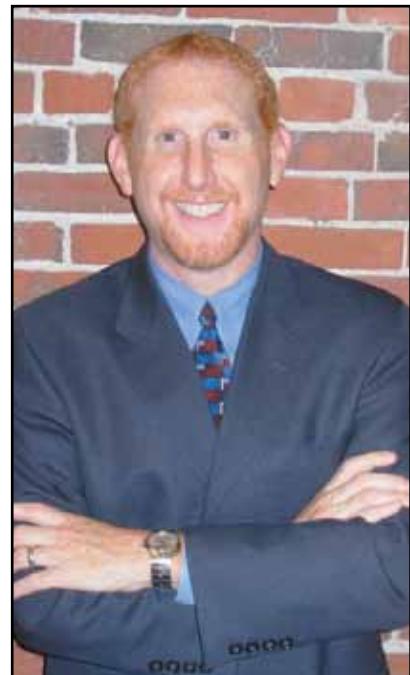
The law firm only receives a fee if we recover compensation for you.

And we give police officers a 10% discount off our general public legal fees.

Contact Attorney Scott Goldberg at 617-227-1888 or scott@goldberglawfirm.net.

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617-227-1888 www.goldberglawfirm.net 800-349-1888





The High Visibility Challenge

So why is there such a push on folks to wear the high visibility jacket or vest while working on roadways and highways? Well, first of all, the Federal government began to mandate it for all first responders around 2008. This includes EMS, Police and Firefighters. It also includes tow truck drivers, highway workers and basically anyone working on a roadway/highway. So why do we have such a hard time making it part of our culture? After all, when you drive thru other cities, towns and states, overall, it is an accepted part of "doing work on a highway or roadway". You put it on as you would any other piece of your PPE.

Part of the reason I believe that there is such resistance is that those involved in Public Safety do not like change, yet we live in a world of it constantly. We come to work, have a routine that is often interrupted by the nature of the job but overwhelmingly we have a routine. We do not like to have something *new* immediately shoved down our throat without someone consulting us. After all, we know what is best for us, right? Well, first of all, the **High Visibility Rule** is nothing new. Since roughly 2008, a Federal regulation went into effect that basically mandates the wearing of high visibility clothing for anyone working on a roadway. Not to bore you but it says in part the following; The Rule (634.3) in its revised form states that:

"All workers within the right-of-way of a Federal-aid highway who are exposed either to traffic (vehicles using the highway for purposes of travel) or to construction equipment within the work area shall wear high-visibility safety apparel. Firefighters or other emergency responders working within the right-of-way of a Federal-aid highway and engaged in emergency operations that directly expose them to flame, fire, heat, and/or hazardous materials may wear retroreflective turn-out gear that is specified and regulated by other organizations, such as the National Fire Protection Association. Firefighters or other emergency responders working within the right-of-way of a Federal-aid highway and engaged in any other types of operations shall wear high-visibility safety apparel."

Each year people that work the highways and roadways of America are killed, injured and maimed just while trying to perform their job, provide for their families and to bring home a paycheck. Because of this fact, numerous agencies are becoming much more diligent in making sure that their employees are in fact wearing the proper equipment.

It has been difficult to find enough data for EMS personnel that have been struck by motor vehicles while working roadway incidents. However one only has to look at the various LODD Memorial Sites to see the list of individuals that have been "struck and killed" while on scene at a roadway incident over the years. And tragically these do not take into account those who have been injured bad enough to either be out of work or have had a life altering and career ending injury. And those of you that have not experienced a "near miss" on a roadway are indeed fortunate.

The fact of the matter is that people today are much more overwhelmed by everything around them; (car radio, GPS devices, cell phones, laptop computers etc.) to be paying full attention as to what is going on the roadways in front of them. Therefore, we as Public Safety need every edge that can be afforded to us. This includes but is not limited

to; taking advantage of vehicle positioning and blocking patterns, varied emergency light patterns to the High Visibility gear that are provided to us.

The Federal LODD benefit that

can be paid out to an individual can be substantial, however there obviously are requirements that need to be met in order for the estate to receive it. Now obviously, the administrator, (a branch of the Department of Justice) will want to make sure that the i's are dotted and the t's are crossed. Does this mean that someone who might not be abiding by a requirement when they tragically lose their life or have a life altering injury won't have the benefit paid out? Not at all. However why take a chance. In the time it takes for a simple act that can be accomplished in the same amount of time that it takes you to put on any other piece of PPE could make the difference.

As time has changed, so have the issues and skills that we are dealing with on a daily basis. The City has changed, the politics have changed. One thing that has not changed is the commitment to ensure that everyone has as safe a shift and working environment as we possibly can make it.



THE BOSTON POLICE DEPARTMENT PEER SUPPORT UNIT

We are a peer-driven support program for police officers and their families.

Our program is completely confidential and is available to **ALL** police officers and their families.

Group or individual help with handling family and life issues, alcohol, drugs, anger and domestic issues.

Referral for specialist as needed.

251 River Street, Mattapan, MA 02126
Office: 617-598-7888 (M-F 9 am-5 pm)
Off-Hours, On-Call Peer Counselor:
617-343-4680

Sometimes even WE need a little help from our friends!

That wonderful time of the year

Once again it appears as the Sparks party was a huge success. Thanks in part to the BPPA EMS Division, EMS Special Ops, BPD MOP, Boston EMS Command staff for allowing the use of vehicles and reassessments for the day, and the general membership of BEMS and their family and friends (and anyone else I may have omitted), we were able to bring numerous smiles to the faces of children who otherwise might not have had a very special day. This event has been going on for over 33 years, WOW!

Thru the fiscally tight times over the years that folks have gone thru we always dig deep to make sure that those who are less fortunate have something to smile about at this special time of year. Boston EMS are the often unsung heroes of the City of Boston. We operate in the open but very rarely get the recognition of our other Public Safety brothers and sisters. We do not have the media machine nor the resources that other agencies have so I thought it was time to recognize those that have participated year after year and then the newbies to the group. Thanks again to all. With the passing of 2012, may you all have a fantastic 2013.

**Happy Holidays
from Boston EMS**



— Eric McDevitt, C73

A Boston EMS Christmas Carol

This is the 33rd year that the EMS Division of the BPPA along with Boston EMS (use of vehicles, personnel, re-assignments etc.) have donated their time, money, and talent to spread some Christmas joy with some pretty remarkable kids.

Dressed as Santa and Mrs. Claus, a Christmas Tree, Frosty the Snowman, and a variety of elves we set out to sing Christmas Carols led by **Len Shubitowski, Jake Doyle**, and little **Lenny Dance** while Santa's special elves passed out gifts to children. These gifts are bought by the EMS division of the BPPA along with some gifts donated by BEMS department members.

Initially started when the CAP program (Children with AIDS) was a locked unit at the BMC, these kids received very few social visits until **Neil Braverman** and other EMT's and Paramedics from BEMS decided to change all that. Sadly we never saw these kids two years in row, now with the progress made in the treatment and prevention of HIV we are lucky enough to see these kids again and again. Several years ago the CAP program moved to a free-standing building on River Street in Mattapan. It is now called The SPARK Center (Supporting Parents and Resilient Kids) still a program affiliated with the BMC; SPARK treats not only children with HIV but also children with various medical and developmental delays and in some cases neglect and abuse.

This year, we visited the SPARK Center and then traveled to the SMILE Daycare on Dudley Street, singing songs and passing out gifts to 96 children. Mrs. Claus (**Paramedic Sharon Cintolo**) had a tight hold of the reins as she navigated Santa (**Captain George Murphy, BEMS Ret.**), and an ambulance full of presents to our destination, once again we arrived safely thanks to our escort, the always impressive Boston Police MOP unit.

It is quite a sight to see a child (some no bigger than a motorcycle

boot) looking up at a Boston Police Mobile Operations Patrol Officer walking towards them with a box of presents. Just don't say I said it but Santa might have a little competition. Of course it is a tossup as to who enjoys this day more, the little kids at the centers we visit or the big kids at BEMS; Special Ops, thank you for always making this day a priority within your busy schedule, we appreciate your logistic-mindedness and always being one step ahead while the rest of us are running around in tights and reindeer hats.

Special thanks to **Beth Rimas, Lee Alexander, Mary Labelle, Jacque Pow, and Joanne Dance** for all the sewing and organizing. Thanks to **Marc Steeves** for picking up the toys again this year. Many thanks to all of you, who along with family members came to wrap gifts, including **Patty De Young** who brought her famous homemade Christmas cookies. Thanks to the **Alexander's, Wilson's, Guinta's, Cavalieri's and Jeremiah Pow** who came back to christen the new Christmas Tree costume **Pat Ashe** appeared only slightly dehydrated after "Thumpetty Thump Thumping" all day as Frosty. **Sharon Efstathiou, Meg Tuthill, James Spellman, Gillian Haley and Juli Nichols**, outdid themselves as Santa's elves, making sure each child had the opportunity to sit on Santa's lap, and receive a gift, and get a little special attention from an authentic elf.

Once again, thank you to everyone who helped make this event a success, it's an extremely rewarding event and one you should get involved in if you haven't already. Also if there is a community/neighborhood organization for kids that you think would be appropriate for part of our Christmas Pedi Event let myself or a Union Rep know and we will look into it for an upcoming year.

Thank you again.

— Virginia Famolare and the rest of the Boston EMS Family
Wishing you all a Happy and Healthy New Year

Serenity now... or not!

By Eric McDevitt, C-73

So, we all know the stress can be an everpresent or frequently occurring part of the job. After all, we as a department last year (2011 data) responded to over 108,000 calls and had over 78,000 transports. In some cases you have been assaulted, degraded, injured, taken for granted and ridden hard to either do that "1 extra call or dispatch that pending call off of your screen". In your career here at BEMS, you will experience more emotional see-saws than most other public safety personnel. That is due to the numbers folks. So we all know what stress is, but how do you deal with it? There are a lot of good ways and the obvious bad ways of dealing with it. What I have found over the years is that there are some common themes. It just depends on what shift you work.

Lets face it, we do not have a normal job. The hours, the days off and the trauma that you witness with your eyes and hear with your ears if not dealt with can affect anyone.

So, sometimes folks in public safety just do not want to deal with people on their time off. This is not the right thing to do. The world has a lot to offer in your time off. So instead of wondering what you are going to do with your day off, I will be putting together a snapshot list of suggestions that hopefully will appear in subsequent editions of the PAX. Obviously, it will not be an all en-compassing list, just some thoughts and ideas to get you back out into the world and not let life pass you by. The events will be gathered off of sources online. I attempt to be accurate but suggest that for some of the activities that you go online to check availability etc. Safety for some events is totally up to the individual(s) involved. Some events are local and free while others are a drive and cost. The next few months will be a little chilly. I tend to believe that we will not get away as luckily as we did last year but there is still a lot to do. All that it takes is that one needs to step out of the box so to speak and to let the imagination go wild. Have you ever wanted to go snowshoeing? How about going and seeing what the winter animals are up to? Whether it is something to do with the family, a friend or just a solo learning experience below you will find a few ideas. The idea is to recharge the mind, body and soul so that you can deal more effectively with the calls that you will be asked to do. You need to off load in the proper way the calls that you go on, the horrors that you see and hear.

January, February and March

Food, Spirits & Music

1. Stowe Annual Winter Carnival – 1/19-27 – Stowe, VT
2. Boston Wine Expo – 2/16-17 – Boston, MA
3. The Annual Chilly Chili Cook-Off – 3/2 – North Conway, NH
4. Ben & Jerry's Winter Festival – 3/2 – Waterbury, VT
5. Boston Restaurant Week during March
6. Ice Sculpture and Chocolate Festival – 2/8-14

Other Ideas & Concepts

1. How about putting together a Night of Racing at F1 in Braintree
2. Boston Theatre District has become a center of great shows
3. Have you experience a night at the Sky Walk on top of the Prudential
4. Stargazing from the Museum of Science
5. Skating on Boston Frog Pond

Now I realize that some of these events are out of town, this is not to downplay all the great things going on in the city and surrounding communities. The winter is a great time to explore and to get outside and go for a ride. So, hopefully this will encourage people to not do that one extra shift and not to sit on the couch with the newest video game for hours on end but to really get on with life and to let go of some of the stressors that come along with the thing called life. So when the friends or the significant other asks you; "what do you want to do today" you have got a few ideas.

Depending on how this is received, I will be putting out other ideas in the upcoming issues, and even if not received well I may be putting out other issues. There is a lot of tweaking to do to it. Suggestions are always welcome. Let us know your favorite place or past time, maybe it will end up here.

**Thank you
to those that
protect &
serve our
Community!**



BPPA Retired Patrolmen's Division News

Keeping elders close, in the backyard

By Fredrick Kunkle

Viola Baez wouldn't budge.

Her daughter's family had just invested about \$125,000 in a new kind of home for her, a high-tech cottage that might revolutionize the way Americans care for their aging relatives. But Viola wouldn't even step inside.

She told her family she would rather continue living in the family's dining room than move into the shed-size dwelling that had been lowered by crane into the back yard of their Fairfax County home.

"You're throwing me out! You're sending me out to a doghouse! Why not put me in a manicomio?" Viola, 88, told them, using the Spanish word for madhouse.

Then the air conditioner blew. As temperatures and tempers soared in the main house, Viola's family coaxed her into the cottage to cool off. Viola stayed the night, then another, and another, until summer had turned to fall.

As the first private inhabitant of a MedCottage, Viola is a reluctant pioneer in the search for alternatives to nursing homes for aging Americans. Her relatives agonized over the best way to care for Viola only after her ability to care for herself became questionable. Their decision exposed intergenerational friction that worsened after the new dwelling arrived.

The MedCottage, designed by a Blacksburg company with help from Virginia Tech, is essentially a portable hospital room. Virginia state law, which recognized the dwellings a few years ago, classifies them as "temporary family health-care structures." But many simply know them as "granny pods," and they have arrived on the market as the nation prepares for a wave of graying baby boomers to retire.

Over the past decade, the population of Americans who are 65 or older has grown faster than the total population, the Census Bureau

says. In less than 20 years, the number of Americans who are 65 or older will top 72 million, or more than twice the population of older Americans in 2000, and many will need to find living arrangements that balance their need for independence and special care.

Viola's family understood this. Her daughter, **Socorroto Baez-Page**, 56, who goes by Soc, and her son-in-law, **David Page**, 59 – both of whom are doctors – began planning her care well before Viola's husband died of cancer last February. They explored many options and had firsthand experience with several. Soc and David had taken care of or arranged various types of care, including assisted living and hospice, for other parents.

Their decision to buy the first MedCottage in private use, along with Viola's bumpy adjustment to life inside it, offers a look at an unusual solution to an increasingly common situation and the emotional trade-offs that arise from it.

Daily routines

The soft whoosh of an oxygen machine fills the MedCottage when Viola opens her eyes at the light streaming from the windows above her bed.

"Hello," Soc says.

Soc has been up for a while. She stands almost at the center of the MedCottage, a self-enclosed space that blends bedroom, kitchenette, foyer and bath the way that a fork and spoon combine to form a spork. Soc has already folded up the rollout bed where she has spent the night at her mother's side, and performed other chores before Viola wakes.

Viola asks for a bathrobe, and Soc helps her into it, careful not to tangle the oxygen tubes trailing from her mother's nose.

A week after Viola underwent surgery to remove a cataract, Viola's left eye also looks puffy, as if she's been crying again, as she has almost daily since her husband died.

"Open your eye," Soc says, speaking in Spanish, as she administers drops. Viola blinks, as if it's painful.

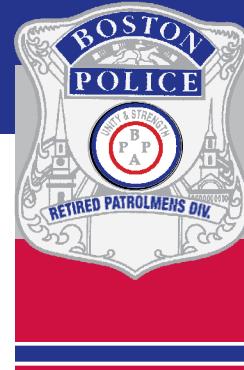
"Eyes closed, please," Soc says. "Cinco minuto."

After the eye medicine, Viola maneuvers her walker across the MedCottage to the bathroom. While Viola washes up, Soc brews a mug of instant coffee for her in the microwave oven and prepares a vaporizer that delivers Viola's asthma medicine.

Viola's walker squeaks softly as she returns and takes a seat at the kitchenette's counter. Her hands tremble as she takes the mug and sips the coffee through the straw, so as not to spill any hot liquid.

When the vaporizer is ready, Soc puts a mask on Viola. While mist pours from the vents in her mother's face mask, Soc rummages through a cabinet filled with medicine bottles and puts pills in a small cup at her mother's elbow. Then Soc prepares her mother's breakfast, which is crackers and string cheese.

Viola appears small, hunched down in her chair. But her eyes can become huge when she talks about growing up in Puerto Rico or her



Directors of the Retired Patrolmen's Division of the BPPA:
John Murphy
David Mackin
Joe Vannelli
Joe O'Malley
Billy Flippin



The BPPA Retired Patrolmen's Division and Santa Flippin Wishes a Merry Christmas to All!

Keeping elders close, in the backyard

From **Elders** on page 40

life with her late husband. At times, she struggles for words, but when they come, they flow in a rush, sometimes in Spanish. She chuckles with pride when she recalls driving a motorcycle on her honeymoon in Florida, and then becomes somber in a swift change of mood. Tears well in her eyes one afternoon as she explains that she is in “luto,” wearing only black or dark clothing as a sign of mourning.

“He treated me like I was a queen,” she says of her husband.

“Without him, nothing is special. Nothing.”

Overhead, a small green light blinks, an indicator that one of the MedCottage’s surveillance cameras is powered up and that perhaps an additional family member is watching Viola, too.

Design elements

Several firms have entered the market for auxiliary dwelling units, or ADUs, as they’re known in the building industry. These include FabCab, a Seattle-based company that makes ADUs and full-size homes. Practical Assisted Living Solutions, or PALS, a firm based in Meriden, Conn., makes freestanding modules; and the Home Store, which is headquartered in Whately, Mass., sells modular “in-law” additions called “Elderly Cottage Housing Opportunity” additions.

The MedCottage in Fairfax is about 12 by 24 feet, the size of a typical master bedroom. With its beige aluminum siding — and cosmetic touches such as green shutters — the cottage looks a little like an elaborate dollhouse. The interior, painted gray and white, seems so airy and comfortable that Socorroto jokes about reusing the dwelling someday as a mountain cabin.

The idea for the MedCottage came from the Rev. Kenneth J. Dupin, a minister in southwest Virginia who wondered why Americans didn’t take better care of their elders. He created N2Care, a company that designed the MedCottage with help from the Virginia Tech Corporate Research Center. They stuffed its steel shell with the latest in biometric and communications technology, and crafted its features using universal design principles to accommodate people of all ages and people with disabilities. The company’s sales pitch includes dropping an egg onto its specially designed floor from a height of 7 feet to show that the egg won’t break.

“People think it’s a rubber egg until we hold it over a hard surface and drop it from 5 inches,” said Chris M. Cummins, executive vice president of MedCare Systems, a Mechanicsville, Va.-based distributor.

In addition to surveillance cameras, the dwelling has an Internet portal by which family members, doctors or other caregivers can monitor an occupant’s vital signs, receive medical alerts or change the dwelling’s temperature and security settings. The MedCottage retails for about \$85,000, but with delivery and installation, Viola’s family has spent closer to \$125,000.

“Most people look at that and get sticker shock,” Cummins said.

But Cummins also said that the company offers financing and repurchase programs that make the MedCottage a bargain compared with assisted-living facilities that charge \$40,000 or more a year.

Family drama

Viola’s family is close-knit. Soc recalls taking her daughters, Erin and Shannon, to the Kennedy Center for a National Symphony Orchestra concert when the girls were so little that they listened while perched in car seats.

Although Erin, 30, is now a lawyer and Shannon, 28, teaches in Fairfax schools, the family still goes to the symphony en masse, and

the daughters still live in the family’s 1972 split-level on Vengo Court.

The family is strikingly candid about the stress that comes with Viola’s daily care. Her physical problems include spinal stenosis, arthritis and asthma, and she takes about 16 medications. Relatives say Viola has traits that would challenge any caregiver, and some have become more conspicuous with age. She is moodier now, and needier. When Viola went into an assisted-living facility temporarily for physical therapy after a fall, she threw a fit that lasted hours. Soc calmed her by promising not to leave. Soc stayed for so long every day that eventually administrators told Soc the arrangement could not continue.

“She’s very clingy, very persnickety about things,” Soc said.

Viola’s late husband, Luis Baez, also pampered her. He was a first lieutenant in the Army when they married. Later, as a civilian architect for the Navy and the Coast Guard, he helped design the Westwind class of icebreakers. In the 1950s, he and Viola bought an Arlington County duplex. But their home became difficult to maneuver as they aged. About the time Luis began thinking of alternatives, he became ill with rapidly progressing renal cancer.

Soc and David began discussing whether Viola would move in, whether to build an addition, or whether Viola should go into an assisted-living residence. Viola and Luis disliked nursing homes, and Soc’s property was not well suited for an addition. Then Soc read about the MedCottage, which Luis endorsed before his death.

When Luis, 82, died Feb. 28, Viola’s granddaughters took turns staying at her Arlington home while Soc and David arranged the MedCottage purchase. Then Viola moved into the house on Vengo Court.

But there were problems. Living in the family’s dining room, Viola disliked being so close to the kitchen when people were cooking. She complained about getting around in the house, saying that there were too many steps, not enough handrails, and that the shower was hard to access. She fought over the thermostat setting because she was too cold, even when everyone else was sweating. And she hated being alone. She wouldn’t shower unless someone was nearby.

See **Elders** on page 43

BPPA RETIRED PATROLMEN'S DIVISION MEMBERSHIP APPLICATION

Date: _____

Name: _____

Address: _____

City, State, Zip: _____

Home Phone: _____

Cell Phone: _____

Date of Appointment: _____

Date of Retirement: _____

Email: _____

Annual Dues are \$24.00.

The year runs from March to March.

Please mail this application and
\$24.00 annual dues to the:

BPPA Retired Patrolmen's Division
9-11 Shetland Street, Boston, MA 02119

Massachusetts Public Employees Guide to Survivor Benefits - Option D

For Public Employees who became members prior to April 1, 2012

If a member dies before retiring, can the member provide for payment of a lifetime allowance to a surviving family member?

Members have the right to choose what is called an "Option D beneficiary" upon becoming a member or at any point prior to retirement. Option D provides a designated beneficiary with an allowance for life. However, if the member does not designate an Option D beneficiary and if his or her eligible spouse does not elect to receive a lifetime allowance, the member's accumulated deductions will be paid in a lump sum to the beneficiary or beneficiaries he or she has designated to receive a return of the amounts in the member's annuity account, and no lifetime allowance will be paid. An exception to this is if a member dies survived by minor children, which will be discussed more fully below.

Who may a member designate as his or her Option D beneficiary?

Members may designate only one Option D beneficiary. The eligible beneficiaries are limited to a member's spouse, the member's former spouse (provided he or she has not remarried at the time of being designated as the Option D beneficiary), the member's child, parent, or sibling. Even if not nominated, an eligible spouse may elect to receive this benefit upon the death of his or her spouse. The right of election by a spouse is discussed more fully below.

May a member change his or her Option D beneficiary designation?

A member may change his or her Option D beneficiary designation by giving written notice on a prescribed form to his or her retirement board. Members are encouraged to revisit the selection whenever they wish, and particularly when major life events such as death or divorce occur. Changes in personal circumstances do not automatically alter the designation. The Option D beneficiary remains the same until a new beneficiary is designated in the prescribed manner on a prescribed form.

Can a beneficiary make any "make-up" payments that a member had been eligible to make?

If a member's accumulated deductions do not reflect all of the member's service to which he or she is entitled, the member's Option D beneficiary has 90 days in which to make any "make-up payments" to establish a more complete record of creditable service. However, a beneficiary may not buy back veteran's service to which the member might have been entitled.

Does a member have to designate an Option D beneficiary?

No, there is no requirement that a member designate an Option D beneficiary. If a member does make such a designation, they may retract it at any time by giving written notice to his or her retirement board.

Under what circumstances is a member's Option D election superseded?

An Option D designation has a serious and lasting legal impact unless:

- A member cancels it; or
- A member's designated beneficiary predeceases the member; or
- A member retires; or
- A member's surviving beneficiaries are eligible to receive an accidental death benefit; or
- A member's eligible surviving spouse elects to receive a benefit, even if the member did not choose the spouse as his or her Option D beneficiary.

How is the amount of an Option D benefit calculated if a member dies before his or her 55th birthday?

The designated beneficiary is entitled to receive the Option C allowance the member would have been entitled to receive if the member had attained age 55 and retired on the date he or she died. The number of years of service that the member had been granted when he or she died plus any service for which

the beneficiary makes a "make-up" payment will be used in the calculation.

What age factor is used for the beneficiary when a member dies before becoming 55?

The beneficiary's age factor is also increased, by the number of years necessary to bring the member up to age 55. For example, Jack Jones dies at age 49, and his wife Mary is 45. The age factor used for Jack will be 55, or an increase in 6 years. Mary's age factor will also be increased by 6 years, in this case resulting in an age factor of 51.

What is the Option D benefit if a member's death occurs on or after his or her 55th birthday?

The designated beneficiary is entitled to receive the Option C allowance the member would have received if the member had retired on the date he or she died.

Under what circumstances may a member's spouse elect to receive Option D benefits?

A member's spouse may elect to receive Option D benefits if the following conditions are met:

1. The member dies as a member-in-service and has not nominated any Option D beneficiary, or has nominated someone other than the spouse as an Option D beneficiary; and
2. The member has been married to the spouse for at least one year and dies as a member-in-service with at least two years of creditable service; and
3. The member was living with the spouse at the time of death, or, if they were living apart at the time of death, it must be for a justifiable cause other than the spouse's desertion or moral turpitude.

How and when may a member's spouse elect Option D benefits?

The retirement board will notify a member's spouse of his or her right to elect Option D benefits. A spouse has 90 days from the date this notice is mailed to elect Option D benefits. To be effective, the election must be made on a prescribed form filed with the retirement board within this period.

What happens if a surviving spouse does not elect Option D benefits?

If the member had not named another individual as his or her Option D beneficiary, the member's accumulated deductions would be paid to the surviving beneficiaries of record or, if there are none, to the member's surviving spouse in one sum.

If the member had named another individual as his or her Option D beneficiary, that individual would receive a lifetime allowance (instead of a lump sum payment of accumulated deductions being made to the surviving beneficiaries of record).

If designated as an Option D beneficiary on the prescribed form, may a spouse opt not to take the allowance?

No. If any eligible person (spouse, former spouse who has not remarried at the time of option selection, child, mother, father, brother or sister) is named as an Option D Beneficiary, they must take the allowance. No disbursement of the member's accumulated total deductions may be made if a beneficiary is nominated under Section 12(2)(d).

If a member has already retired, is there a circumstance in which the surviving spouse could elect to receive Option D benefits?

If the member dies within 30 days of retirement without having selected Option C, the spouse can elect to receive Option D benefits. The member must be living with his or her spouse at the time of death or if the couple is

See **Option D** on page 43

Massachusetts Public Employees Guide to Survivor Benefits - Option D

From **Option D** on page 42

month (or \$1,080.00 annually) for each additional eligible child.

When does this additional allowance for children terminate?

Payments to the spouse for the benefit of the children will continue until each child's 18th birthday. If a child is a full-time student at an accredited educational institution, benefits will be extended until the child's 22nd birthday. Benefits will end if a child dies, marries or is adopted. In addition, even if a child is still under 22, benefits will terminate when he or she ceases to be a full-time student. There is no termination of benefits for a child who is physically or mentally incapacitated from earning on the date of the member's death.

Is the amount of the allowance limited?

The Option D benefit, together with amounts payable to a surviving spouse for the benefit of children, cannot exceed the annual rate of regular compensation the member was receiving on the date of his or her death.

What happens if the member's spouse remarries?

The spouse will continue to receive the Option D allowance.

What benefits are payable to a member's eligible children if the member is unmarried or the spouse dies after receiving some benefits?

The allowance which would have been payable to the spouse, and the additional allowance for the benefit of the children, will be paid to the surviving eligible children through a legally appointed guardian.

What benefits are payable if an individual dies as a member with less than two years of service?

If a member dies with less than two years of service and has designated an Option D beneficiary, the nominated eligible beneficiary would receive the Option C allowance the member would have received if the member had retired on the date of his or her death. If the member is under age 55 on the date he or she dies, the allowance would be calculated as if the member had attained age

55. If the member's death occurs at age 55 or older, the allowance would be calculated using the member's actual age on the date of death.

If an individual is an inactive member when he or she dies, what benefits are payable to the member's spouse?

The spouse has the same choice, with certain limitations as discussed below, as the surviving spouse of a member-in-service whose death occurs prior to retirement. The eligible spouse may elect to receive an Option D allowance. If the spouse fails to elect the Option D allowance, the accumulated deductions will be paid to the member's surviving beneficiaries of record or, if there are none, to the surviving spouse in one sum.

If an individual dies as an inactive member, is his or her spouse entitled to a minimum allowance?

No. The spouse of an inactive member has no minimum guaranteed allowance.

If an individual dies as an inactive member, what benefit is payable for his or her minor children?

None. The surviving spouse of an inactive member is not entitled to any additional allowance to be paid for the benefit of the children.

No minimum guaranteed allowance would be payable to the spouse nor can any additional allowance be paid for the benefit of the children of an inactive member.

When is a member considered to have inactive status?

Members-in-service become members-inactive upon their retirement. Members-in-service also become members-inactive when their employment terminates and their accumulated deductions remain in the system of which they were an active member; or when they are on an authorized leave of absence (non-medical) without pay for a reason other than retirement board duties which extends for more than a year.

Keeping elders close, in the backyard

From **Elders** on page 41

By late June, the MedCottage arrived. Workers cut down trees to make room and a crane lowered the cottage onto six concrete piers in the yard.

Relatives brought photographs of Viola's grandchildren and knick-knacks, including a colorful row of miniature houses. Over the bed they hung Roman Catholic icons, including a painting of "Nuestra Senora del Perpetuos Socorro," whose name, like Soc's, means "help" in Spanish.

But Viola wanted nothing to do with the place. As the standoff dragged on, Soc worried that their money had been wasted, that their MedCottage would end up being the biggest, most expensive storage shed on the planet. Then the air conditioner in the house went kaput, and Viola retreated to the MedCottage for relief.

Viola now seems used to her new home. On a cabinet in the kitchenette sits a row of faded black-and-white photographs of Viola, wearing a pretty dress and an alluring smile, that she sent to her new husband when he was away on duty.

Although the MedCottage has made it possible for Viola to live a few steps away from her family, Soc sometimes wishes that Viola were as self-assured and independent as the younger version in those old photos.

But these days, the family also counts it as a small victory when Viola comes to dinner in the main house and then returns without a fuss to "my place."

(Reprinted from the Washington Post, November 22, 2012.)

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Some thoughts from 'The Old Guy'

I attempted to lend some informed opinions and guidance to a younger Officer recently. After all, I've been in this game for well over thirty years and sometimes one likes to see someone get ahead without entering the same 'pitfalls' that you have climbed out of in the past.

The response I received from this youthful Officer, that seemed to know it all, was not really shocking and I should have expected it, however, his question posed to me was a bit of a shock.

This 'expert' in policing met my advice with some sour comments and then asked me: "so, what's it like to be so old that no one listens to you anymore?" I pondered the question, remembering something I read long ago, so I share this with you.

I realized that as I've aged, I've become kinder to myself and others. I've become less critical of myself and have actually become my own friend. I have seen too many dear friends leave this world too soon; before they understood the great freedom that comes with aging.

Whose business is it, If I choose to read or even play on the computer 'til 4:00 am or sleep 'til noon. So what if I decide to walk the hills in the winter or gaze at the stars. I will dance with myself to those great tunes of the 50's, 60's & 70's, and if I, at the same time, wish to weep over a lost love, I will!

I will walk the beach in a swimsuit that is stretched over a bulging body and will dive into the waves with abandon, if I choose to, despite the pitying glances from the younger set. They too will get old some day.

I know I am sometimes forgetful. But then again, some of life is just as well forgotten. Eventually, I do remember the important things. Sure, over the years my heart has been broken. How can your heart not break; when you lose a loved one or when a child suffers or even when someone's beloved pet gets hit by a car? You should know that broken hearts are what give strength and compassion. A heart never broken is pristine and sterile and will never know the joy of being imperfect.

I am so blessed to have lived this long. Long enough to survive war. Long enough to have my hair turn gray and to have my youthful laughs be forever etched into the grooves of my face.

So many have never laughed and so many have died before their hair could turn silver. As you get older, it is easier to be positive. You care less about what people think. I no longer question myself. I think I've earned the right to be wrong occasionally.

So to answer that question, I like being old. It has set me free. I like the person that I have become. I am not going to live forever, but while I'm here, I will not waste time lamenting on what could have been, or worrying about what shall be. I can only hope that you too get this old!

Attention

To all members of the Boston Police Relief Association – Active Duty or Retired

If you need to change your beneficiary or you are not sure of who your beneficiary is you can contact the relief office at 617-364-9565. If you leave a message your call will be returned and if necessary the paperwork will be sent out to you.

Thank you,
William F. Carroll, Clerk,
Boston Police Relief Association

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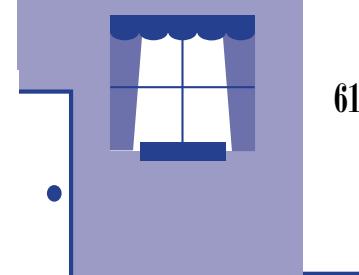
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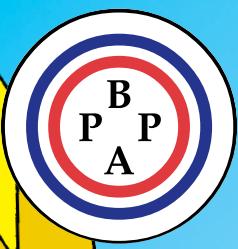


I'm a licensed real estate agent
at Old Forge Realty
612 East Broadway in South Boston.

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email: bpd908@yahoo.com



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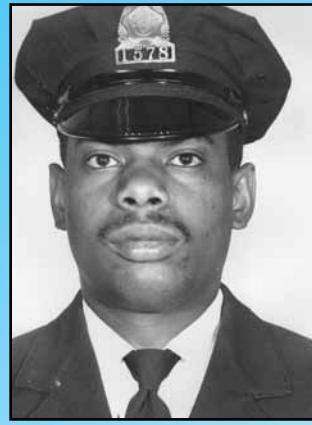
**Police Sergeant
John J. Murphy**
September 30, 2012



**Police Detective
Walter C. Libby**
October 1, 2012



**Police Officer
Francisco Varano**
October 1, 2012



**Police Lt. Detective
Richard Cox**
October 10, 2012



**Police Detective
Peter Boylan**
October 15, 2012



**Police Officer
Chester Wojdakowski**
October 19, 2012



**Police Capt. Detective
Walter J. Casale**
October 29, 2012

We apologize for any errors or omissions.



In Memoriam



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We Shall Not Forget Them*



**Police Detective
Ronald E. Peacock**
November 5, 2012



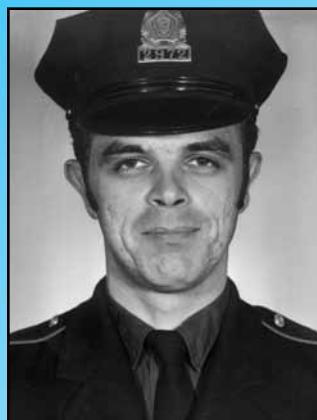
**Police Officer
Donald C. Thomas**
November 7, 2012



**Police Sergeant
Robert Silva**
November 16, 2012



**Police Detective
Robert J. Bowes**
November 22, 2012



**Police Officer
Paul A. Johnston**
November 24, 2012

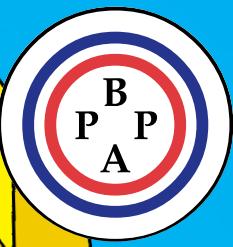


**Police Detective
Richard W. Walsh**
November 25, 2012

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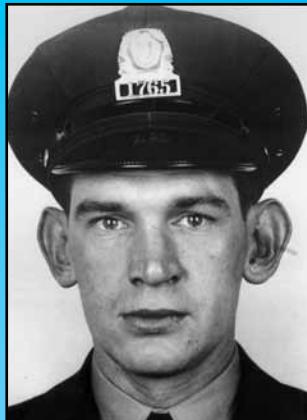
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**Police Sergeant
William E.
Charbonnier, Jr.**
November 28, 2012



**Police Officer
Victor Stashewsky**
December 11, 2012



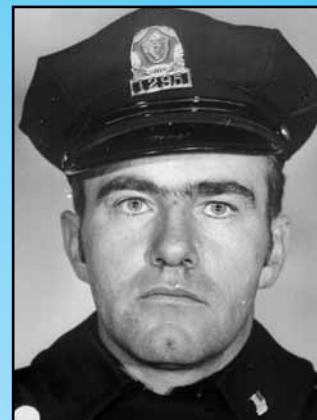
**Police Detective
John P. Curran**
December 16, 2012



**Police Officer
Wilfred C. Guilbault**
December 21, 2012



**Police Sergeant
Peter L. Bradley**
December 30, 2012

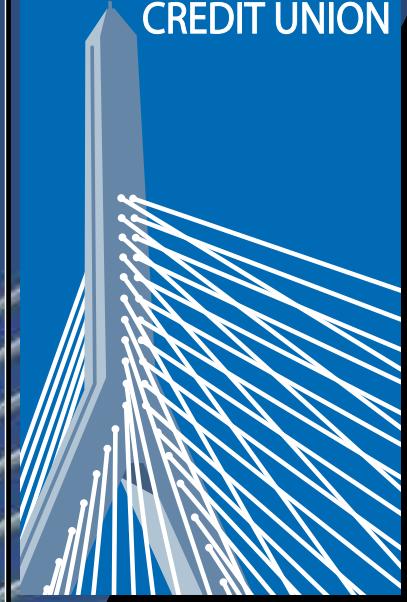


**Police Officer
James D. Fee**
January 3, 2013

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