

PAXCENTURION

The Newsmagazine for the Boston Police Patrolmen's Association

National Police Week May 11-17, 2014



**Boston Police
Memorial Sunday
June 1, 2014 at
Mt. Hope Cemetery,
Mattapan**

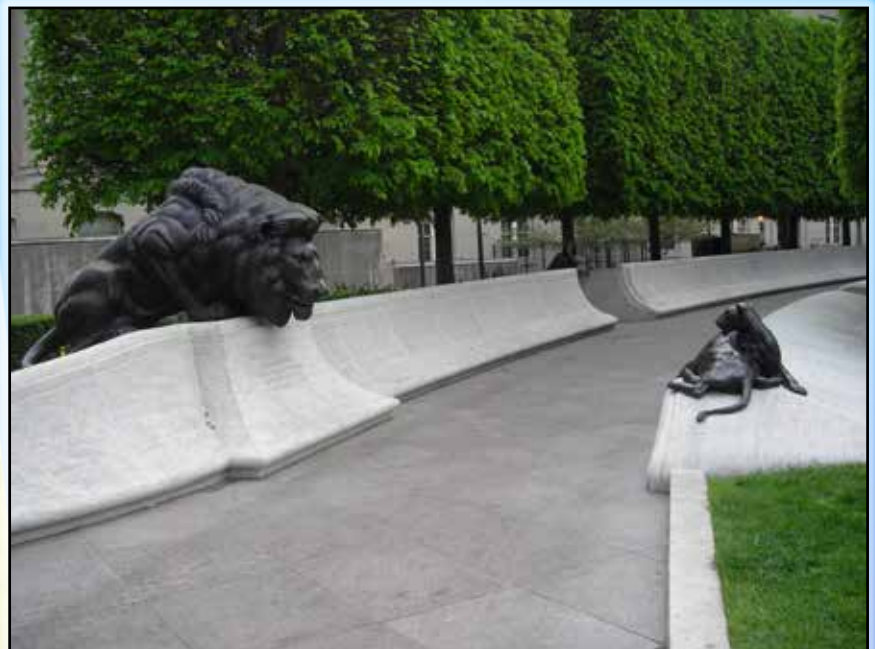
In Flanders fields

*In Flanders fields the poppies blow
Between the crosses, row on row,
That mark our place; and in the sky
The larks, still bravely singing, fly
Scarce heard amid the guns below;*

*We are the Dead. Short days ago
We lived, felt dawn, saw sunset glow,
Loved, and were loved, and now we lie
In Flanders fields.*

*Take up our quarrel with the foe:
To you from failing hands we throw
The torch; be yours to hold it high.
If ye break faith with us who die
We shall not sleep, though poppies grow
In Flanders fields.*

John Mc Crae - 1915



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Promotional exam update



This is an update on the status of the upcoming promotional exams. As soon as we heard that the City was planning to alter the examination structure, the BPPA, the Federation and the Detectives each demanded that the City refrain from implementing any changes and bargain the matter. We made the demands in 2010 shortly after the Commissioner announced that the City had allocated 2.2 million dollars to design a new exam.

Representatives of the City assured us that there would be no changes in the exam. In fact, last June, during the interest arbitration proceedings between the BPPA and the City of Boston, counsel for the City represented to the arbitrator, on the record that any changes in the examination process were "at least two years away" and that the City would fulfill its bargaining obligations before implementing any changes to the exam. Similar representations were made to the Federation and the Detectives. Despite these assurances, each of us continued to press the City to negotiate the matter.

In January of this year, the City announced significant changes in the exam structure. The new exam reduces the value of the written exam (an objective measure of competence) and increases subjective factors (the assessment center etc.). These modifications are designed to allow representatives of the City to play favorites by giving them the flexibility to bypass candidates with high exam scores in favor of their preferences with lower scores—all under the guise of the so-called "assessment center." This flies in the face of the merit based principles civil service was designed to safeguard and removes fundamental fairness from the process.

The BPPA, the Federation and the Detectives have all filed unfair labor practice charges challenging these changes because the City unilaterally implemented them despite our repeated demands to negotiate the matter. All three charges were consolidated. On Monday, March 31, 2014, the Department of Labor Relations held an unfair labor practice investigation on our charges. We urged the DLR to expedite our charges and to issue an order restoring the traditional 80/20 examination structure. The City intends to move forward with the examination notwithstanding our objections and the unfair labor practice charges.

We anticipate that the DLR will issue unfair labor practice complaints and hold hearings on the charges. If the charges are not resolved (and it's my educated, personal opinion that they won't) before June 28th, the exam will go forward and the unions will continue to pursue their legal challenges at the DLR. The remedy for the unfair labor practice charges is to restore the "status quo" i.e. the traditional exam structure. The customary remedy for unilateral change violations is to make whole all those harmed as a result of the change. The DLR will not order the City to demote officers who are promoted because to do so would punish officers for the City's unlawful conduct. We will keep you apprised of the ongoing litigation as soon as information becomes available. In the meantime all candidates for the promotional exam should continue to prepare for the exam as they normally would.

In closing, we in the public safety community in Boston have been reminded yet again of the inherent dangers of our chosen profession. Our thoughts, hearts and prayers go out to the family, friends and loved ones of fallen Boston Firefighters; **Lt. Edward Walsh** and **Firefighter Michael Kennedy**, as well as **Plymouth Police Officer Greg Maloney**.

Be safe out there.

To the men and women of the BPD and EMS,

It was, and is, a great pleasure to raise awareness, on your behalf, of the annual scholarship by securing advertisers to offer their services to you, the members of the BPPA, in 2014 and beyond. It is most important to keep in mind that many of these advertisers are happy to support our cause just because they are appreciative of your efforts, but many, while appreciative, need to drive additional sales as well. Please try to keep this in mind as you shop for groceries, fill prescriptions, buy cars, dine in restaurants or when you might be in need of any services you see advertised within the pages of this, or past and future issues of the *Pax*.

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Sincerely,
Mike Joyce

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Volume 44, No. 2 • Readership 125,000
March/April 2014

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ASSOCIATION**

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Fallen Firefighters

On behalf of the Boston Police Patrolmen's Association we would like to extend our deepest sympathies to the families of **Firefighter Michael Kennedy** and **Lt. Edward Walsh** including their extended kinship of firefighters across the city, state and country. By all accounts Mike and Ed made fast friends and left lasting impressions with every person they met. On March 26, 2014 the City of Boston lost 2 men who represented the best of America. Their valor, perseverance and selfless concern for others well-being will never be forgotten.

Appealing Arbitrator's Awards

For public sector grievance arbitration awards, the general rule is that they are final and cannot be appealed. In both public and private sector, arbitration is the favored method for resolving issues of contract interpretation including discipline cases. Arbitrators are afforded broad discretion in their decision making. Legal standards governing a court's review of an arbitrator's judgment are quite limited even when the arbitrator has made a factual or legal error.

Members question why the Department/City can appeal a favorable Union decision yet the Union is prohibited from doing the same. The City is currently appealing David William's favorable decision in Superior Court while on the other hand an officer was terminated for "truthfulness" and does not have an appeal. The specific grounds for appealing awards are set out in Mass. General Laws Chapter 150C, Section 11. Aside from fraud, corruption or misconduct by an arbitrator, that section contains the following basis for an appeal: "the arbitrators exceeded their powers or rendered an award requiring a person to commit an act or engage in conduct prohibited by state or federal law." This is how the city tries to overturn decisions it does not like.

In the *Disciullo* arbitration case, which we won, the arbitrator found that the officer had done some questionable things...falsely accusing, charging and testifying against civilians for things they had not done. On the other hand, when we showed the arbitrator that, at the time a number of officers had done worse things but received discipline less severe than discharge, the arbitrator reinstated the officer without back pay, on the theory that it would be *disparate treatment* to uphold the discharge.

In overturning the award, the Supreme Judicial Court accepted the facts as found by the arbitrator. But they said that since the officer, based on the arbitrator's findings had lied under oath, that was similar to perjury. And if someone commits the felony of perjury, s/he cannot be a police officer. Therefore reinstating the officer to the police force would be like reinstating a convicted felon and "against public policy," thus requiring the City to "commit an act or engage in conduct prohibited by state or federal law." That was the statutory basis for vacating the award.

So the city can appeal an arbitration award but the appeal must be based on the facts as found by the arbitrator and it must show that based on those facts the City is being ordered to do something either illegal or against public policy. The City cannot appeal a decision because it does not like the result.

Why can't the Union appeal the award? Similarly, the Union can't appeal a decision because we disagree with the result. When we lose a case, nobody is being ordered to do anything, so we do not have grounds to assert that the arbitrator either "exceeded his/her powers" or "rendered an award requiring a person to commit an act or engage in conduct prohibited by state or federal law."

Grievances

In April of 2013 an arbitrator's award was issued concerning compensation for night officers' attending court while out injured. The Union argued that in 2010 there were 105 night officers assigned to MIS (Medical Incapacitated Section) who were on IOD. Of that, 26 received court time pay on 141 different occasions and of the 141 occasions 78 were ones involving a scheduled day on and 63 were ones involving a scheduled day off. At this time it was a strong case based on the more recent practice where the contract is silent. Further argument pointed out that the assignment to MIS was administrative in nature and officers' were being denied a substantial contractual benefit that had previously been granted.

The City argued and prevailed that since 1980 MIS has been involved in the process and that the recent history had been more the exception than the rule. Officers' in the 80's after changing from the 5 & 2 workweek to the 4 & 2 workweek started to receive pay when attending court on their days off while assigned to MIS. MIS administered officers' administrative necessities such as the signing of court overtime slips since that was where they were presently assigned. As stated by the arbitrator, the question was whether or not these instances constitute an exception to the prevailing practice or represent, in fact, a new practice. The arbitrator agreed with the City that the Department had a long standing practice not to pay court time under these circumstances and that these recent examples were "inadvertent exceptions" to the practice rather than a reconstituted new practice. The arbitrator also mentions the term "mutuality" which is a required element of a binding past practice. It is simply described as a mutual understanding between the parties which in this case there was not.

Another case pending involves officers attending court on their scheduled days off during their vacation *period* who are not being compensated. The Union argues that a summer vacation period has scheduled days off that fall within the "vacation period". The disruption of the vacation period is the issue. The practice has been that officers do not get compensated with an additional "court vacation day" while attending court on their scheduled day off. Unlike the MIS case where there were many instances of a practice of being paid while out injured...the Union does not have any claims of an officer getting additional "court vacation days" for attendance on his/her days off.

The Department argues that scheduled days off can't be considered for the purpose of granting additional court vacation days off because this would provide an additional benefit. The collective bargaining agreement does not provide an interpretation of the words "summer vacation period". With the contract silent and no past account of a practice this is an uphill battle for this to go forward and have a chance. We'll need live testimony showing instances of officers receiving additional "court vacation days" while attending court on their days off to prevail. Stay safe.

Late Notice: On April 1st while returning from Lt Walsh's wake a caravan of Plymouth Police vehicles were making their way up Rt. 3 to Mass General Hospital with Plymouth Police Officer **Gregory Maloney** who was just involved in a tragic motorcycle accident. Greg passed a short time later. Our hearts and prayers go out to the Maloney family and our brother and sister officers in Plymouth. More to follow...

Boston Police Gaelic Column visits the Franciscan Hospital for Children on March 17th



Column members visit the children and staff of Franciscan Hospital for Children in Brighton every St. Patrick's Day.



James Walsh and Paul Carraher drumming instruction



Drummer Ryan Calter and friend



As Yet Another Marathon Approaches

The anniversary of the worst terrorist attack on our City and her residents in over a century is fast approaching, (or possibly here and gone by the time you read this missive). What have we done as a City, a Police Department and for that matter a Union to better prepare ourselves for the next attack? It is not if, but we all know it is *when* it comes! Immediately after the attack, committees were formed, think tanks and groups assembled and intelligent, dedicated persons met with the common task of identifying our deficiencies, our ill-preparedness, our ill-equipped personnel, etc., etc.

At all levels these people met with good intentions and positive attitudes so that we could identify and correct our inefficiencies or deficiencies, whether through training, purchasing new equipment, assigning additional personnel, setting up new assignments or exercise drills and more training. I was lucky enough to be directly involved in some of these studies, meetings and endeavors.

Sadly, I report to you a year later, that I am still awaiting the delivery of the new bullet-resistant vest and outer carrier to be issued that were researched as never before; tested, (wear-tested, field-tested and range fire-tested), to a better standard than any federal agency could have, but here we are a year later still waiting. No outer carriers, no new comfort friendly vests (thus insuring more personnel wearing them), as a matter of fact why was central supply allowed to tie up the next two years worth of vest money on what the committee felt is an inferior product?! So much for legitimacy!

We are still awaiting the purchase, training and issue of a patrol rifle to protect our citizenry and officers alike against serious and legitimate daily threats, *why?* I have no idea, the Community wants them, the officers want them, we even had to convince our own Union that they are a necessary tool in this day and age. Again researched, tested, intelligent and informed groups put together to develop plans to train, field, service and safeguard these weapon systems and still no weapons.

How about a simple but very effective and life-saving first aid kit to be issued to and carried by every sworn uniformed Officer consisting of a CAT (combat action tourniquet) along with HECOM or CHITO gauze, some med tape, scissors and a bandage wrapped up in a belt carried pouch. A very inexpensive simple life saving, limb saving kit that was researched, developed, recommended, tested etc. etc., duh where is it? A ballistic helmet issued to ALL Police Officers, for crying out loud you can get them from the Feds for NOTHING in surplus, but no, we still have ineffective poorly fitted non-ballistic helmets that cannot even be worn with our issued gas masks; which are another joke that I've been complaining about, apparently falling on deaf ears for years. We were going to buy a couple of self contained food trucks or trailers (canteen trucks) to ensure our Officers were not left out on some desolate outpost without food or water, once again! We were going to outfit SUVs in every District and AREA with extra magazines of ammo, radio batteries, shields, water, life saving equipment and telephone charging systems, don't see them! I could go on and on but I think you get the picture.

I realize there is a new administration, but the Commissioner and Chief were two of the biggest proponents of and driving forces behind some, if not most, of the aforesaid initiatives. The City however, won't even pay for a \$2.00 pin to issue Police Officers to commemorate the Marathon events of 2013, the Unions have to pay, unbeliev-

able! Mr. Mayor, I know you are new at this, I get the fact that you have only been in the seat for three months, but you better figure out who you're taking advice from because you're missing a lot in the public safety field. Your advisors are ignoring the work and effort that has been put together previously by many qualified people, identifying and putting plans into place to acquire new equipment and develop initiatives into this force to get us back into the game of Protecting the City of Boston, her Citizens and Officers alike in this new millennium against the new terrorists threats and actions!

Are our Officers to be left to their own devices to protect each other, to protect the Citizens of this City? I know many Officers that have taken it upon themselves to spend money out of their own pockets to provide themselves needed items to properly perform their jobs as professional Police Officers and be prepared to assist those in need, but it is not our responsibility to purchase and supply these needed items, it is the City's.

Many Officers spend their own time and money to travel to and from training sites not supported by this City or Department. I understand politics and know it's a hot button, politically correct position to purchase, train and issue Naloxone aka 'NARCAN' to Officers to carry that they will most likely Never use, I'm sure it has a better sound bite with the MEDIA than a belt carried First Aid Kit, but I ask, where are our priorities? How about the UASI grant money?? A reported \$17.5 million or so (upped 60% after the Marathon), where the hell is it?! Greater Boston to include the eight surrounding cities and towns were granted a windfall, where's the money homeland security provided for all of these initiatives?

I know Fire had a wish list and H&H had a wish list, what happened to ours? Just some food for thought, maybe you, your advisors and others just aren't aware of what was and is in play?! These comments are not sour grapes, they are made in an honest attempt to move things along at better than a snail's pace or dust them off and get them going! A lot can be lost in transition, please don't allow the hard work, effort and true desire to perform better go by the wayside. We, the Police Officers, really do care about this City and her citizenry, but we also know what it takes to get the job done!

Speaking of getting the job done; It's no secret there is a lot to do and you have a lot on your plate, but please don't let the valid work that came prior to your administration moving in, go to waste. Mr. Mayor you showed the foresight to appoint Councilor **Felix G. Arroyo** as your Chief of Health & Human Services, one of the most critical and important positions within this City. Now is the time to build on that appointment and transition him to the Commissioner of Health & Human Services and make your 'World Renowned' Ambulance Service into a true third Public Safety organization, which we all know it truly is. This service which provides care to the city's most needy and desperate is and should be recognized as the Public Safety Asset that it is! This agency is there, along side of the Police and Fire at every catastrophic event and emergency, it should be managed directly by your Commissioner of Health & Human Services. Mr. Arroyo could hit the ground running as Commissioner by setting up the agency with the existing command structure already

See **Secretary** on page 14



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Dues Increase

Nobody likes to be the bearer of bad news, well not too many people but some of us have to be. That being stated here I feel that it is my duty and responsibility to inform everyone that our dues are being increased.

Back around the year 2004 we had a by-law change, which the membership voted on, where our weekly dues was to be made 2% of our average members weekly salary. The purpose for this, if I remember it correctly, was to eliminate the need to decide when to try and make an increase in the dues. The idea that it would be a set amount made that process much easier. As most of us are aware the dues are what make the association run. The dues pay all of the bills and attorney's fees as well as all of the day to day expenses. They are in fact a necessary evil if you want to look at them in those terms.

Currently each member in good standing pays a weekly dues amount of \$24.90 a week. That was based on the 2% before we received the arbitration award last year. Based on the size of that award our weekly dues will be going up to the new amount of \$27.66. That amount is based on the 2% of our new annual salary. As I did state prior, that this is in our by-laws and is not the decision of any one person or group of people.

The new stated amount of dues is not retro-active and has not started as of yet. Let me repeat that, the dues increase is not retro-active and has not begun yet. It was decided by the leadership to wait on the increase until most of the arbitration award was in our salary. The reason for the delay was based on the way that the award was

presented. What I mean by that is that besides the retro-active increases that everyone received a raise on October 1, 2013 and then the strip base wage increase on January 1, 2014. It was a rational decision to just wait to make the increase after all those increases were made and our salary reflected them. I hope that I am explaining this in such a manner that is not confusing anyone. I do have a habit of doing that.

As I did state earlier, I do not like to be the bearer of bad or upsetting news. I do however feel that I needed to put this information out there before the deductions changed and nobody understood why. As the elected Treasurer I again feel that it is my responsibility to try and make said explanations and keep the membership as informed as I possibly can.

Now that the process has begun to increase the dues amount it most likely will not take effect for a few more weeks. The reason for that is the way in which this has to be done. A letter was sent out a week or two ago to the City requesting the change and then has to be forwarded to the City Treasurer and then to the department payroll which all takes time. As we are all aware the City is never fast about doing anything. So in a couple of weeks that deduction will appear in our checks.

I again hope that this was a little bit informative and not too confusing. If there are any questions or concerns, please do not hesitate to contact the Union Hall and I will try my best to explain things either better or more clearly. I thank everyone for taking the time to read this article and want to remind you all, let's be careful out there.

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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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Three of a kind, just different suits...

Cops, EMT's Firefighters, different, but the same

By James Carnell, Pax Editor

FRANKIE FLYNN, FIREFIGHTER, engine 33, Boylston St., was a friend of mine. Back in the days, the 1970 and 80-somethings, (as the country song goes) we hung around Rexford and Blue Hill Ave. in Mattapan, across from St. Angela's church. We engaged in stupid and moronic activity, got into trouble, hopped the fence on Regis Rd. so we could drink beer by the railroad tracks near what was then the Cote Ford dealership, out of the earshot and eyesight of parents and other terrible people, like priests and police officers. If I recall correctly, one of those cops, (Thanks, Officer Bob!) would sneak up on us and "expropriate" the beer we had just paid \$3.99 a case for. Yes, it was 1977, we were underage, the drinking age was 18 back then, and the beer was named "Weideman" – panther piss for a case of 24 beers – but what the hell – when you only had a buck in your pocket and four people chipped in, you get whatever's cheapest. (A belated thank you to Fat Pearl, the ugly old redhead cashier at Pioneer Liquors in Mattapan Sq. for never checking ID...)

Frankie Flynn passed away a few months ago. He had an aggressive form of cancer that ravaged him in about five weeks, from diagnosis to death. Writing in the *Boston Globe*, columnist **Kevin Cullen** said that "Frankie Flynn could talk to a telephone pole". He did not grow up with Frank, but he

couldn't have been more accurate. We hadn't seen each other in years, what with kids and families and college tuition bills and life being what it is; maybe just once in a while at a fire scene or going past the Boylston St. firehouse; then we had a chance to say an old-Mattapan "howyadoin" and talk. I arrived at the hospital only a few hours before Frankie passed away. He was unconscious, but calm and serene surrounded by his family. I was a blubbing coward who couldn't take being near a dying friend. I had to leave before I embarrassed myself...

I mention this because two firefighters – both of them also from Frankie's Engine 33/Ladder 15 on Boylston St. – were recently killed in a fire in Beacon St.; **Lieutenant Ed Walsh** and **Firefighter Michael Kennedy**. I did not know them personally, but then again, maybe I did. My cousin Jimmy is a Lieutenant at the Dudley St. firehouse, and my uncle is a retired Fire Captain from West Roxbury. On the day of the fire, knowing my cousin was almost certainly going to be there (...and he was...), and hearing that two firefighters were trapped inside, I frantically called Jim's wife and anyone else who might know what had happened. At every family occasion, be it a barbeque, a birthday, the Fourth of July, Labor Day, whatever... cops and firefighters have a natural tendency to insult each other. We break each other's chops. We argue over comparative contracts, working conditions, assignments, duties, responsibilities. It's all meant in good-natured jest. At the end of the day, all of us, ...police, EMT's

and firefighters... are just wearing different uniforms doing the same job; trying to prevent people from being hurt or from hurting themselves or others.

Many years ago, before proctologists were voted into political positions by our brilliant voters or rewarded with management sinecures by their political benefactors, cops found a "dugout" in the back of every fire station during a cold or rainy night and were often offered a hot meal in the firefighter's kitchen. Firefighters were always shown "professional courtesy" by the cops during a "difficult night" (ask no more) and driven home by the local constabulary (*and vice-versa – no plaster saints amongst the thin blue line, and certainly not from this address!*). And some of us are old enough to remember the police department's "ambulettes" – essentially old-fashioned station wagons with a stretcher in the back for transporting people to the hospital. (From what I'm told by the old-timers, the police – *unintentionally* – killed more people- from a lack of medical training – than ever made

it to the hospital. Thank God for our professional EMT's; they have saved more lives that can ever be counted, including many, many police and firefighters.

I guess the point of this article is this: to express appreciation and remorse for the loss of Lt. Walsh, firefighter Kennedy, and for all of those firefighters, EMT's

and cops who rush toward danger when others run away. Yeah, my cousin and I will probably continue to poke each other in the eye at cookouts and birthday parties. But all of us should remember that the public's memory is fickle and fleeting. Today, you're a hero, tomorrow, you're a goat again. (We saw it soon after the Marathon bombing, didn't we?) Within a few days or weeks, **Sam Tyler** from the Municipal Research Bureau, the general public and the media will *again* be complaining that we make too much money, we're greedy, our pensions are too generous, etc. etc.

God bless Lt. Walsh, firefighter Kennedy, and their families and children.

And maybe, just maybe, if I'm good, someday I'll be invited to have a bowl of firehouse chili on Dudley St. before I retire...

(Lyrics are from Luke Bryan's song, "**Drink a beer**"... *Funny how the good ones go, too soon but the good Lord knows, the reason why it gets... sometimes the greater plan, is kinda hard to understand... right now it don't make sense.... So long my friend, till we meet again. I'll remember you, and all the times that we used to... sit right here on the edge of this pier... watch the sunset disappear... and drink a beer...*)

I sincerely want to believe that Engine 33's Frankie Flynn, Ed Walsh, and Michael Kennedy are sitting up there on the end of a pier, drinking a beer. Keep the cooler full for the rest of us, Frankie...



Anonymous complaints to IAD, tweets and e-mails stifling any remaining attempt at police work

By **James Carnell**, *Pax Editor*

Recently, as a union representative, I attended an Internal Affairs Division (IAD) hearing with one of my members, who was accused – *anonymously* – of running a red light – *three weeks before he had even received notice of the hearing* – and then required to respond to an anonymous complaint from (I guess...) another one of those “concerned citizens”. Most of us don’t recall where we were an hour ago, never mind three weeks previously on the sector to which we were assigned as a working police officer responding to a radio call. I asked the IAD investigators if there was any video/cellphone evidence or if the name of the accuser was available, and, of course, well... the silence was deafening.

But under the mandates of the (*thankfully*) former Commissioner **Ed Davis**, (*whose retirement party will be held in a phone booth and has already thrown the U-Mass/Amherst cops under the bus for “over-reacting” during the recent drunken-student “Barney Blast”, a commission he has been appointed to investigate... GEEZ – ya wanna define “pre-ordained conclusions”, Ed?*), anonymous complaints against Boston police officers are not only allowed, but encouraged! Not only that, but “tweeting” and e-mailing complaints are also investigated by IAD, resulting in officers scratching their heads wondering what the hell it is they’re responding to, and more than that ... **WHO** the hell they’re responding to.

It is indeed Orwellian to have to respond to anonymous complaints from people who do not have to sign their names under the pains and penalties of perjury, as we do every time we arrest somebody. But that is the sad, pathetic situation we find ourselves in today. We are expected by John Q. Public and the media to be plaster saints and tin soldiers, although our ranks are generally drawn from working class men and women who grew up in the city’s neighborhoods. When a politician extorts money from a business, it’s called a “political donation”. When the same politician hires his cronies or directs federal/state grants to his friends in high places, it’s called... “investing in a neighborhood”. When a probate lawyer bilks an elderly client’s estate,... it’s called “billable hours”. If a doctor overbills Medicare for services not provided... it’s called Obamacare. But if a cop accepts a free cup of coffee or a sandwich from a local business s/he has frequented and protected for years, it’s called “corruption”. We get targeted for “untruthfulness” complaints by the department, because our version of events differs from a complainant’s or scumbag-attorney’s version. And how do you prove yourself innocent once false charges are leveled? How do you prove a negative?

Lawyers, judges and IAD/BPD have literally *years* to decide what occurred in front of us in *seconds*. Case in point: the firing of Officer

David Williams, who responded to a call of a dispute following a hit-run accident in the North End a few years ago. Long story short, the individuals involved had been drinking for over 24 hours (by their own admission!) over a St. Patrick’s Day weekend, then been involved in a car accident and tried to flee. David and his partner became involved in a physical altercation with one of the drunks (a Middlesex county deputy sheriff, by the way...) and had to arrest him after a wrestling match on Hanover St. Enter well-known, cop-hating attorney **Howard Friedman**, and mix in one part gutless city legal department and one part BPD administration more-than-willing to throw a good cop under the bus, and the result was \$1.4 million being paid to the drunken deputy sheriff and Dave Williams being fired. With our BPPA attorney representing him, David ***WON*** his case in arbitration, with even the arbitrator expressing wonder and amazement at how in the name of God the city could have done what they did, but the city has appealed the arbitrator’s ruling, and so Dave Williams remains in legal limbo until a court renders a decision. (In Massachusetts, nothing surprises me anymore, so I’m not holding my breath....)



My fellow BPPA representative, **Jack Rogers** of the drug unit, has been at IAD numerous times the past few months with his members, also the subject of repeated, false, contrived complaints from scumbag drug dealers and assorted cretins, who know they can file complaints without regard for any consequences. In my district of Area A, for example, if officers receive a call for a fight outside a nightclub or barroom, they are met by legions of drunken idiots and cellphone floozies with their cameras at the ready, waiting for a “Youtube” moment, while the officers have to wrestle on the ground with inebriated buffoons...or worse. No matter how fraudulent the complaint, the officer will be dragged up to IAD, interviewed, tape-recorded, and subjected to months or years of worry and anxiety as s/he waits to find out whether they’re guilty or innocent from what is essentially a kangaroo-court subject to the vagaries and influence of departmental and city politics, politicians and “community activists”.

John Q. Public: You want to know why so many officers are reluctant to aggressively perform their jobs? I mean, you all complain about crime and moving violations and “quality-of-life” issues, etc. etc. You want to know why cops sometimes look the other way and don’t want to get involved anymore? You want to know why many cops try to minimize interaction with the general public? Take a look in the mirror. Or better yet, go ask IAD...

(See also *Boston Magazine* April, 2014 – “The Complaint Jar Runneth Over”, Page 51+ for another viewpoint which raises the same issues.)

Lest We Forget

By Patrick Rose

Boston Police Officers come from some of the most diverse backgrounds conceivable. We represent many countries and ethnic groups, we hail from California to Florida, from Texas to Maine and every state in between. We come to this job from various schools, the Armed Forces or a different career path. We each bring a host of different experiences and knowledge, some good some not so good. But, We all enter into this world of policing the same; with wide eyes and a feeling that we will change the world for the better. We come on with the belief that we can actually do some good in this world. For all of our cultural or physical differences, we have a lot in common when we start this career, full of 'piss & vinegar', biting at the bit to get out there and change the world, we hit the streets, spit-shined and rearing to go! Then some time goes by, slowly slipping away. Some of us get soured by the daily grind, twenty or thirty odd years of experiencing grief and sorrow, sadness and tears, even with the occasional thrills and happiness. Hours and hours of boredom interrupted by moments of sheer terror and amazement! Some of those bright eyed Officers of old become the grouch that looks at and refers to the new guy as 'fresh paint'. Time takes its toll on some and the bright career becomes a job, simply a wage. Then there are those, those that came on loving the job and still do after thirty years. The guy or gal that always wanted to be a cop. Just a cop walking the beat, doing the job, helping out someone in need, being there to get the 'bad guy'. Sounds corny I know, but we all know it's true. Whether that person started as a new kid or came on the job with some life experience, we all share something that cannot be explained to another only understood through our life experience of the same. No one truly understands a cop but another cop, just a fact of life. This article is about one of those guys, a Cop's Cop, someone that never lost the love of the job but was taken all too soon. We work year in and year out only to be forgotten, to fade away in a distant foggy memory. It is unlike any other career on the face of this earth where one can impact so many for so long and be forgotten so soon. However, once in a great while we are lucky enough to make a friend along the way. A true friend who happens to be a real Cop. One of those guys that always had a smile and loved being a cop. A person, a Cop that shouldn't be forgotten, a Cop that I will always be proud to call my best friend and will not let his memory fade as others have.

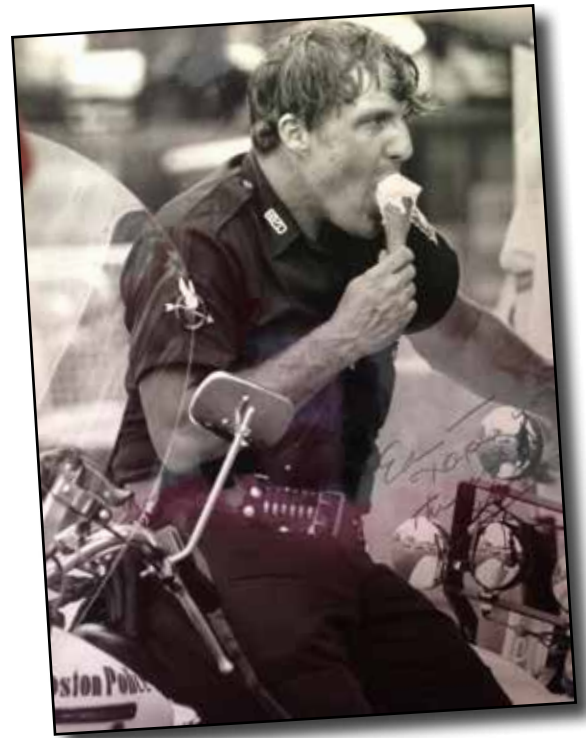
Edward R. Eagar Jr., born and raised in Southie. Eddie grew up in the City and like many others joined the Marines. He was Commissioned as an Officer and fought in Vietnam along side many other Bostonians. As proud as he was to have become a Marine Corps Officer, Eddie was one of those guys mentioned above, a guy that just wanted to be a Cop, a Boston Cop. It's no secret that he was politically connected, after all he used sit directly below the speaker of the house in the U.S. Congress as the head scribe. Some would have thought, you made it kid, a Marine Corps Officer, Head Scribe for Congress a decorated Vietnam Vet, top of the world. No, Eddie wanted to be a Cop, a Boston Cop. He left the cushy Washington DC job and came back to Massachusetts. He joined the National Guard because he missed the Military and got a job working for the State. Then came his chance, a chance to become a Boston Cop, his dream job, he jumped at it! He wasn't a kid and had some real world experience so he earned some instant respect especially for the way he handled himself and any problems that came his way. He worked his way over to MOP and always loved his job. Eddie met the love of his life Patti Murphy on the job. The two fell madly in Love and got married and were ferried across the Boston harbor by our very own Harbor Patrol, (everything in his life was Boston Police)! Patti kept the upper hand though always scoring better than Eddie on the promotional exams and worked her way up to Lieutenant Detective so Eddie did the only thing he could as a civil Service Sergeant and dropped a dime to be made a Deputy, (that's supposed to be a funny, if you didn't get it). Anyway, Eddie did get the top MOP job, those of us that have been around a few years all

know that story, the Red Sox giveth the Red Sox taketh away LOL, sorry I digress. Eddie could be found morning, noon or night either working the city, training with the military of wining and dining Patti.

The job, the military, Patti and his daughter Elizabeth were his true loves, not necessarily in that order. Eddie was never without a smile but did not suffer fools easily. He took no time to be politically correct when the truth needed to be told or someone needed to be set straight. He loved to ride his department motorcycle leading his Officers almost as much as his loved leading his National Guard Infantry Battalion on parade through the streets of Boston on Veteran's Day. He loved hosting his annual St. Patrick's Day Parade celebration for all at this home on Broadway, everyone was invited; on and off duty cops, friends and family alike it was always a great time. Whether it was cooking steaks in the yard or sharing a glass of wine in the parlor, Eddie loved company and people in general. Eddie was a highly decorated leader of men and deserved a lot of recognition but spent his life being just a regular guy! He was a guy that absolutely loved life and if you were his friend, you were the recipient of his unconditional friendship without reservation. This missive is not meant to be a biography or a late eulogy, it is only meant as a remembrance. A remembrance of a good man, a great friend and a damn good cop that was taken all too soon and all too young. Eddie passed away ten years ago on March 30, 2004 after suffering the effects of a horrible disease, of which he never publicly complained. His family and friends came together on March 30, 2014 to once again celebrate his life and share stories. I just thought that Eddie and all the Eddies of our world should not be forgotten, so I share this missive with you all. As I look back upon all who have left us too soon, it reminds me of a poem, a poem that I think we should all remember and take a life lesson from it before it's too late, it's called: Around The Corner.

Around the corner I have a friend, In this great city that has no end, Yet the days go by and weeks rush on, And before I know it, a year is gone. And I never see my old friends face, For life is a swift and terrible race, He knows I like him just as well, As in the days when I rang his bell. And he rang mine but we were younger then, And now we are busy, tired men. Tired of playing a foolish game, Tired of trying to make a name. "Tomorrow" I say! "I will call on Jim Just to show that I'm thinking of him", But tomorrow comes and tomorrow goes, And distance between us grows and grows. Around the corner, yet miles away, "Here's a telegram sir," "Jim died today. "And that's what we get and deserve in the end. Around the corner, a vanished friend.

Call that old friend today, stop by have a visit, share a coffee or beer, but make the call.





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Letter to the *Boston Globe*

“Barney blowout” attitudes from alleged “student leaders” *View from a Boston cop*

Dear Editor,

I read with great interest – and total disgust – comments published in the *Boston Globe* dated March 12th, 2014 (UMass students assail police response to party”). As a Boston police officer for 31 years, my indignant response is simple: **Excuse me?** What in the name of God are the police supposed to do when confronted with thousands of drunken morons, many underage, who don’t seem to understand the basic rules of civility or common sense when it comes to alcohol use and parties? Have a “community meeting” or an “education session” with inebriated dopes who have been drinking since 9:00 AM? Perhaps understand the student’s innerchild as they’re being pelted with bottles and rocks? Obviously, the radical, 1960’s-era, nit-wit professors who indoctrinate our current crop of brain-surgeons and astronauts have cloned an even stupider generation of like-minded, irresponsible, selfish and self-centered boobs. It always seems to come back to “blame the police,” doesn’t it? (“It wasn’t my fault, Mommy, it was the bad police. Now send me some money and pay my tuition.”) “The videos clearly show that students were treated like animals,” said **Zac Broughton**, president of student government. Really, Zac? If the shoe fits, wear it. If you act like an animal, well, every action has an equal and opposite reaction, or haven’t they taught you that yet at Zoo-Mass? That’s what I learned it growing up in Boston. Why don’t you walk a mile in the cop’s shoes and ask yourself what you’d do in the same situation? And the comments on the *Daily Collegian*’s website, especially from the so-called “Doctor” **Ed Cutting** were despicable, but not at all surprising. If he has a “graduate degree in student affairs,” as he claims, then I clearly see where the root of the problem lies....

James W. Carnell

*Boston Police Patrolmen’s Association
Area A-1 representative*

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Another Marathon Approaches

From **Secretary** on page 7

in place, it wouldn’t cost the city a dime and your ‘World Renowned’, Internationally Recognized Service Agency known as H&H would no longer be dealt to the bottom of the deck by the Boston Public Health Commission. The Public Health Commission has it’s mission, H&H has a **TOTALLY** Separate Mission, please recognize it! The resources H&H bring to the game in an emergency would then be managed by your Public Safety Managers as they should. As far as personnel, it’s already staffed, it already has and manages its own equipment and its’ Union is already represented in the Public Safety Arena by being a division of the existing BPPA. Let’s get together and build on our successes and move forward providing the necessary tools and management to protect our valued citizens and the city’s valued work force. Make the H&H a legitimate recognized arm of the Public Safety triad.

I’ll step down from my proverbial soap box for a bit and allow the new administration some time to move on some of the suggestions. In the meantime, don’t forget to back each other up out there, it’s a dangerous job, remember your number one priority is to make it home safe and sound to your family after your tour. God Bless and be careful out there.

Problem dumping: Abuse of the police?

By James Carnell, Pax Editor

When I grew up in Mattapan in the 60's and 70's, one of the worst, most disgraceful, shameful things that could happen to any family was to have the police visit your house. It meant that something was wrong inside, and it attracted attention and gossip from all the neighbors. It meant that adults in the house had lost control. With the exception of having a policeman come to your house to sell tickets to the policeman's ball (a \$2.00 donation back then), having a police car in front of your door was shameful.

Fast forward 30-odd years; now, we seem to have "families" (highlight the quotation marks) who seem to relish calling the police for every problem, no matter how trivial or stupid. People seem incapable of handling life's simple problems or disciplining their own children. Schools call the police to deal with 10 year-old children acting up. The abuse of the police has gotten to the point of ridiculousness.

This phenomenon has occurred gradually over the years, but since the recent DCF (Dept. of Children and Families) scandal involving the missing five-year old children who wasn't checked on by DCF social workers and is now presumed dead, things are spiraling out of control. Repeatedly, I and many other officers have been dispatched to radio calls requesting that we perform a "well-being check" on some child or adolescent, and the caller is invariably the social worker looking to dump her/his responsibilities on the police. You see, this way, they can write in their case folder that "we notified the police", and dump off their problem onto another agency.

I recently heard an East Boston cruiser dispatched to the Orient Heights projects to deal with "a seven-year-old out of control". *Are you kidding me?* What kind of idiot calls the police to deal with their misbehaving seven-year old? If you have a pair of boots in the house, put them on and place one firmly up his derriere. That will stop most seven-year olds from misbehaving, combined with having no dinner and being sent to bed.

But this is not an isolated example, by any means. Personally, I've responded to calls in the Mishawum projects in Charlestown because an 11-year-old wouldn't do her homework. I've been to a school in Charlestown because an eight-year-old was acting up. (*"Yeah, Principal, what do think I'm gonna do? Subdue the little miscreant while you and your incompetent teachers pull out your cell phone cameras and send in the videoclip to Youtube?"*) Act like an adult and slap the little SOB, if that's what is called for. Christ in Heaven, we used to have something at the James J. Chittick school in the 60's called "the rat hand" (actually 'rattan', but we mispronounced it, it was a rattan bamboo cane). You got it when you disobeyed the teacher. (Nobody was ever permanently disfigured or emotionally scarred, as they all claim today with the benefit of a taxpayer-supplied lawyer) but you remembered it the next time you thought of throwing an eraser at the blackboard or talking back to a teacher.

And it's not just family-trouble calls. It's everywhere. A culture has been created – and we have our own police departments to blame for encouraging the practice – of dumping any and all problems on the police. You've probably all heard the foolish radio calls from morons calling 911 because their order at McDonald's or Taco Bell was screwed up. In their demented minds, that's who to call: the police. Every police officer has received calls to some nitwit's house because: the electricity was out, the water heater broke and the

basement was flooded, the telephone wouldn't work, etc., etc., *ad nauseum*. We get called when somebody's car is broken down (try a tow truck or AAA, for Christ's sake!), their battery is dead, or their cell phone is lost. (Why in the name of God this department insists on having police units kowtow to cell phone companies who demand a police report because their idiot customer lost their cell phone is beyond me.) We get called when people lock their keys in the car. Just so you know John Q. Public, none of us carry "slim jims" anymore, because cops got sued for allegedly breaking people's door locks while helping them unlock the car – again, call a tow truck or AAA. People actually call us when they forgot where they parked their car, due to stupidity, drunkenness or both. We're supposed to know where they parked from a description such as "it was near a tall building". (*Really?... a tall building? That narrows the search area...*). Personally, I'd be embarrassed, but that's just me. Embarrassment and shame are so... old fashioned.

We also cater to alarm companies. Every cop knows that 99.99% of all alarm calls are false or accidental. Years ago, we always asked if there was a MOW (man on the way – an alarm company technician) who could allow entry into a building or shut off the faulty alarm. But over the years, alarm companies got smart: they learned how to cut costs – by laying off alarm service technicians and just... use the police! That way, if there was an actual break-in, they can blame the police for their poor response, even though the police can only observe most buildings from the outside. ("No ma'am, contrary to popular belief, we don't have keys to every building in Boston or the ability to shut off car alarms.")

We get called when people lose their passports, even though that's a federal responsibility. The homeless have been trained by the homeless industry to call the police when they want a ride to the shelter – the "blue and white taxi company" Our inside clerks and civilian staff are hammered with phone calls ranging from the sublime to the ludicrous. People who live in Newton and want to drive to Foxboro will call – guess who! That's right the Boston Police, not the Newton or Foxboro police, because somehow, we're supposed to know more than the local PD (buying a GPS works wonders, John Q. Public, by the way...). Parents of college kids will call for us to check up on little Johnny or Mary who went to an unknown club in the North End or on Boylston St. (Mary probably doesn't want you to know what she's doing at 2:30 AM Saturday night, Mom, and general locations like "North End" or "Boylston St." don't help us locate your little darling, either...).

The point is, problem dumping has become epidemic. It's up to our department to tell alarm companies that it will cost them \$200.00 for every police response, and to tell cell phone companies that we're not taking time-consuming, useless lost cell-phone reports anymore. If there's not an actual crime involved or suspected, the public should be told to call the appropriate agency, and not send the police to water or electricity outages or to lecture a recalcitrant child who won't do their homework. Police officers, once upon a time in a land far, far away, used to enforce laws and arrest criminals. Social workers did social work, the electric company or the plumber did their work, and tow companies responded to broken-down cars, dead batteries and keys locked in the ignition. The time to end problem-dumping on the police is now...



HEARD ON THE HILL

By **James Barry**, BPPA Legislative Agent

Critical Stress = Critical Incidents SB1861!

May God rest and keep BFD Lt. **Edward Walsh** and fellow fallen firefighter **Michael R. Kennedy**. Let us also remember those killed and injured in the bombings at the Boston Marathon last year, **Krystle Marie Campbell, Lu Lingzi, Martin William Richard**, MIT Police Officer **Sean A. Collier** and the grieving families and struggling survivors.

Deadly fires, murderous crimes, natural disasters and the accumulated effect of the emergency delivery of public safety services continue to rock the Boston Police and Fire Departments. The immeasurable impact from the loss of comrades leaves even the strongest reeling. The impact from these 911 critical incidents and exposure to the "everyday" tragic and devastating events can also crack the best.

Boston Police, Boston Fire and EMS Stress Units have been involved in all these particularly traumatic events to offer members of each service, Critical Incident Stress Debriefing (CISD) sessions and much more.

One of the hardest parts of working in public safety services is that people's lives depend on your actions. But the truth is we are not robots and the impact from such immediate and devastating losses of our BFD comrades would cry out for stress debriefing for everyone (Fire, Police & EMS) involved in that incident.

Which has and is happening.

A Senate Bill 1861 is a bill that would grant the same confidentiality to the critical incident team members and leaders that other professionals have now by Massachusetts Law. The bill is moving and has been making it's way through the legislative process. Yet Boston alone has hit on too many critical incidents to wait on the process to continue.

We are asking the House Leadership to move the bill immediately and send it back to the Senate. The Senate has

already engrossed the bill and once the House acts, the Bill will go to the Governor.

★★★★★★★★

Senate Bill 2052 -VALOR Act II awaits the Governor's signature, the bill recently has passed both the House and Senate and contains provisions aimed at preventing charity fraud,

requiring professional licenses fees waived for veterans and increases penalties for disturbing military funerals or services. The bill also includes tax exemptions, provides for a special license plate available for Gold Star families and a KIA license plate designation for those whose loved one was killed in action. The bill also designates a portion of Route 44 running through Plymouth,

Carver and Middleborough as the Gold Star Highway in honor of veterans who died serving the nation.



Public Safety Death Benefit Increased to \$150,000

Massachusetts lawmakers, moved by the rash of deaths in the public safety community in recent weeks, are rushing to increase the state's death benefit for the families of public safety personnel killed in the line of duty. The House on recently voted unanimously to approve legislation that would raise from \$100,000 to \$150,000 a one-time tax free payment that the state provides to the families of police officers, firefighters, emergency medical technicians, and other public safety worker who die while serving their communities. The Senate plans to approve the bill in their next session, readying it for Governor **Deval Patrick** to sign into law soon after that.

Kerry interferes in execution of illegal cop killer

Secretary of State **John F. Kerry** and a former Texas governor are part of an international coalition trying to halt Texas' execution of a Mexican citizen recently.

Edgar Tamayo Arias, 46, is to be put to death Wednesday for fatally shooting Houston Police Officer **Guy Gaddis** in 1994.

Gaddis, 24, had been flagged down near a nightclub by a man who accused Tamayo of robbing him. The officer arrested Tamayo, handcuffed him and put him in the back seat of his patrol car. He was driving away when Tamayo drew a concealed pistol and shot Gaddis three times in the back of the head.

On Tuesday, a federal judge in Austin rejected Tamayo's request for an order that would have prevented Gov. Rick Perry and the parole board from considering his clemency petition until the fairness of the state's clemency process could be reviewed. The judge found that the clemency process satisfied constitutional requirements and did not violate Tamayo's right to due process of law.

Tamayo's attorneys vowed to keep fighting.

"The Texas clemency process is the weakest in the nation, in the state that executes the most. Allowing Mr. Tamayo's fate to be decided by a board that has refused to provide meaningful consideration of evidence that Mr. Tamayo has mental retardation and that his trial was fundamentally unfair as a result of the violation of his consular rights is an affront to what clemency is supposed to be," the attorneys said in a statement.

They have petitioned Perry to grant a 30-day reprieve and the parole board to commute Tamayo's death sentence to life in prison.

Tamayo, a laborer from Morelos state, Mexico, was in the U.S. illegally at the time of his arrest. Advocates say he was not informed of his right to diplomatic assistance under an international treaty known as the Vienna Convention on Consular Relations.

In an interview televised in Mexico on Tuesday, the governor of Morelos decried the "arrogance" and "racism" of Texas' legal system and said the Tamayo case "violated a fundamental principle, which is consular assistance."

Graco Ramirez, a member of Mexico's Democratic Revolution Party, or PRD, said that although he didn't know whether Tamayo was guilty, "what is certain is that due process wasn't given, and when such due process isn't granted as a judicial

principle, clearly there's no certainty about what's being judged."

The United Nations International Court of Justice, also known as the World Court, ordered the U.S. 10 years ago to reconsider the convictions of 51 Mexicans, including Tamayo, who had been sent to death row without being told of their consular rights. Two of the 51 have since been executed, both in Texas.

In 2005, President **George W. Bush** ordered Texas and other states to review the 51 convictions. But Texas' then-solicitor general, **Ted Cruz**, now a senator, persuaded the U.S. Supreme Court to rule that the president had no authority to order state courts to defer to the World Court.

The 32 states with capital punishment have executed 28 foreign nationals since 1976, according to the Washington-based Death Penalty Information Center, which opposes the practice.

"Mexico typically intervenes in these cases, capital cases, even before the trials occur so they often don't result in a death sentence anymore. It might well have made a difference in Tamayo's case," said the center's executive director, **Richard Dieter**.

Mexican officials have petitioned the U.S. on Tamayo's behalf, including Foreign Secretary **Jose Antonio Meade** and Ambassador to the U.S. **Eduardo Medina Mora**.

Last week, **Mark White**, a former Texas governor and state attorney general, joined the effort.

"I personally support capital punishment. But this case is not about whether we support or oppose the death penalty. It's about fairness and having the courts hear all the key facts. In Tamayo's case, a court review could have made a real difference," White, a Democrat, wrote in the *Austin American-Statesman*.

Kerry has urged Texas to reconsider.

"I have no reason to doubt the facts of Mr. Tamayo's conviction, and as a former prosecutor, I have no sympathy for anyone who would murder a police officer," he wrote in September, adding that he was concerned that Texas' handling of the case could affect the way Americans are treated overseas.

Kerry shared a letter he received from Medina Mora. "This issue has become and could continue to be a significant irritant in the relations between our two countries," the ambassador wrote.

Perry and other Texas officials argue that they are not bound by the World Court's decision. Perry spokeswoman **Lucy Nashed** reiterated that position this week.

"It doesn't matter where you're from -- if you commit a despicable crime like this in Texas, you are subject to our state laws, including a fair trial by jury and the ultimate penalty," Nashed said.

Tamayo's attorneys insist that without consular assistance, he did not receive a fair trial.

Tamayo came to the United States as an adolescent, spoke little English, was developmentally disabled, brain-damaged and mentally ill, said one of his attorneys, **Sandra Babcock**.

"He's just the type of person the protections of the Vienna Convention were designed to help," said Babcock, clinical director of the Center for International Human Rights at Northwestern University School of Law.

Tamayo's execution would be the first this year in Texas, which last year put 16 prisoners to death.

It's unclear whether new lethal-injection drugs could also become a factor in Tamayo's case.

The drugs drew scrutiny last week after witnesses reported that condemned Ohio prisoner **Dennis McGuire** took more than 15 minutes to die, appearing to gasp and snort after he was injected with midazolam, a sedative, and hydromorphone, a painkiller similar to morphine. Ohio and other states have started using new drugs because of shortages, the result of manufacturers facing protests restricting supplies.

Rather than switch drugs as Ohio did, Texas and other states have turned to compounding pharmacies, which make drugs without federal scrutiny.

Texas, which has executed 508 prisoners since lethal injections began in 1982 -- more than any other state -- started using a compounding pharmacy last year to renew its supply of pentobarbital, an anesthetic.

Tamayo's attorneys asked prison officials what drugs would be used in his execution, since a lawsuit filed over the state's use of the compounded drug revealed they had also obtained supplies of the drugs used in Ohio.

Jason Clark, a spokesman for the Texas Department of Criminal Justice, said they planned to use compounded pentobarbital to execute Tamayo, and declined to comment about other drugs they have.

(courtesy of the Los Angeles Times, January 22, 2014)



New State Representatives in Dorchester, Roxbury & Charlestown

Massachusetts House seats formerly held by Mayor **Martin J. Walsh** of Boston and **Eugene O'Flaherty**, unofficial results show, **Daniel J. Hunt**, of Dorchester, captured 1,559 votes cast from Boston for the 13th Suffolk District seat. Hunt, 33, will fill Walsh's old seat in the district.

O'Flaherty's seat was won by Democrat, **Daniel Joseph Ryan** of Charlestown. Ryan collected 1,303 votes from the district in Boston, or more than 98 percent of the ballots cast there. Also on Tuesday, **Evandro C. Carvalho**, 32, won the Democratic nomination to fill the Fifth Suffolk House seat, which includes parts of Roxbury and Dorchester, capturing just over 49 percent of the 1,957 votes cast.

Over in the 16th Suffolk District, **RoseLee Vincent**, a Revere Democrat, picked up 1,586 votes en route to victory over Chelsea Republican **Todd B. Taylor** to fill a House seat vacated by Democrat **Kathi-Anne Reinstein**.

— James Barry, BPPA Legislative Agent



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EOW: April 1, 2014

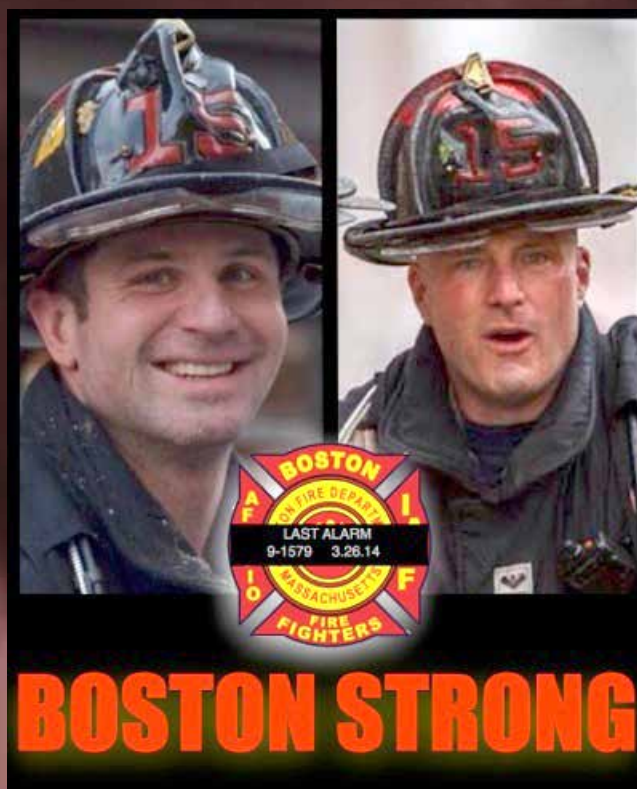


The Plymouth Police Department mourns the loss of the Motorcycle Officer Gregg Maloney.
Our condolences go out to his wife, two children and his extended family.
The Department appreciates the outpouring of generosity from the entire community.



**Donations for the family can be made to:
Officer Gregg Maloney Memorial Fund at Rockland Trust.**

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Peer Support Unit shake-up, but why?...

By **James Carnell**, *Pax Editor*

Apparently as a result of differences in the decision making and the direction of the unit a malicious whispering campaign has apparently resulted in the transfer/re-assignment of **Sgt. Brian Fleming** of the BPD peer support unit. For many years, Sgt. Fleming was in charge of the unit, which provided support for the BPD's officers (and many other departments) following critical incidents and other job-related problems.

Like the Salem witch trials in 1692, accusations can be made against good people who then are forced to prove themselves innocent of false charges. How does one prove a negative? Sgt. Brian Fleming, during his tenure at the peer-support unit, saved many officers jobs and indeed their lives. During his tenure at the stress unit, Sgt. Fleming accomplished a number of achievements, among them:

1. Increasing the number of AA meetings to accommodate officer's varied schedules
2. Increasing the number of hours that clinicians were available to see officers
3. Organized a comprehensive critical incident response following the Boston Marathon Bombing- over nearly a 1000 officers debriefed at 57 meetings in 9 days.
4. Obtained concessions from Harvard Pilgrim health Insurance to allow extended time for treatment of officers who exhibited symptoms of traumatic stress
5. Organized and formulated programs in conjunction with nationally-renowned medical experts from places such as the University of Pittsburgh Medical Center that allowed officers/ EMT's and fire-

fighters who may have sustained traumatic brain injuries near/ or related to the Marathon bombings to be flown there – *all expenses paid* – for several days of treatment.

6. Began a program at McLean's Hospital in Belmont which currently has a segregated unit specifically for police officers suffering from stress-related issues.
7. He also instituted several programs for military veteran police officers suffering from PTSD issues and was in the process of setting up additional programs with Brigham and Women's Hospital and other local hospitals and clinics.

Having been the victim of similar whispering campaigns in the past year, I know exactly what Sgt. Fleming has just been through. His good name, years of commitment and dedication to the officers and families of this department have been dragged through the mud for no legitimate reason. His efforts have not gone unnoticed, Brian has been relentless in restoring trust, confidence, integrity and commitment back into the efforts of the unit. As a result, Brian and the unit have enjoyed much support from all three unions. He is now in limbo, assigned to Headquarters, at least on paper, until this matter is resolved. The BPPA is hopeful that that the department, under the new leadership of Comm. Evans, will recognize the effort and hard work of Sgt. Fleming and restore him to his previous position in the Peer Support Unit. We continue to encourage all officers who might need support to seek assistance whenever they feel they need it, but again, recognize that Sgt. Fleming performed outstanding work and saved hundreds of officers over the years.

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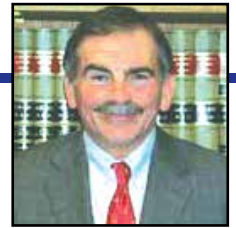
Many members have also sought our guidance and representation in a wide variety of matters, particularly personal injury claims on behalf of injured officers and/or their family and friends. We also provide representation in criminal and civil litigation, real estate and estate planning. We invite you to learn more about Byrne & Drechsler, LLP by visiting our website – ByrneDrechsler.com

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Intimidation statute amended

In 2006 the legislature enacted a substantial amendment to the criminal statute generally entitled "Intimidation of a Witness." M.G.L. 268 §13B. Prior to that amendment, the statute encompassed conduct which clearly fell within the purview of what all of us would recognize as witness intimidation. The amended statute bears the same title, but it has really been expanded in scope and transformed into a state obstruction of justice statute. The limitation in the title of the statute has led to some confusion. The statute still includes all of the things that one would think of as witness intimidation, such as threats or attempts to cause physical injury to a witness. It also includes a form of what resembles bribery, or attempted bribery, as it criminalizes the conveyance of gifts, offers or promises of anything of value to a witness in a criminal investigation. However the amended statute also prohibits a much broader category of conduct.

M.G.L. 268 §13B:

- (1) Whoever, directly or indirectly, willfully
 - (a) threatens, or attempts or causes physical injury, emotional injury, economic injury or property damage to;
 - (b) conveys a gift, offer or promise of anything of value to; or
 - (c) misleads, intimidates or harasses another person who is:
 - (i) a witness or potential witness at any stage of a criminal investigation, grand jury proceeding, trial or other criminal proceeding of any type;
 - (ii) a person who is or was aware of information, records, documents or objects that relate to a violation of a criminal statute, or a violation of conditions of probation, parole or bail;
 - (iii) a judge, juror, grand juror, prosecutor, police officer, federal agent, investigator, defense attorney, clerk, court officer, probation officer or parole officer;
 - (iv) a person who is furthering a civil or criminal proceeding, including criminal investigation, grand jury proceeding, trial, other criminal proceeding of any type, probate and family proceeding, juvenile proceeding, housing proceeding, land proceeding, clerk's hearing, court ordered mediation, any other civil proceeding of any type; or
 - (v) a person who is or was attending or had made known his intention to attend a civil or criminal proceeding, including criminal investigation, grand jury proceeding, trial, other criminal proceeding of any type, probate and family proceeding, juvenile proceeding, housing proceeding, land proceeding, clerk's hearing, court-ordered mediation, any other civil proceeding of any type with the intent to impede, obstruct, delay, harm, punish or otherwise interfere thereby, or do so



with reckless disregard, with such a proceeding shall be punished by imprisonment in a jail or house of correction for not more than 2 and one-half years or by imprisonment in a state prison for not more than 10 years, or by a fine of not less than \$1,000 nor more than \$5,000, or by both such fine and imprisonment.

- (2) As used in this section, "investigator" shall mean an individual or group of individuals lawfully authorized by a department or agency of the federal government, or any political subdivision thereof, or a department or agency of the commonwealth, or any political subdivision thereof, to conduct or engage in an investigation of, prosecution for, or defense of a violation of the laws of the United States or of the commonwealth in the course of his official duties.
- (3) As used in this section, "harass" shall mean to engage in any act directed at a specific person or persons, which act seriously alarms or annoys such person or persons and would cause a reasonable person to suffer substantial emotional distress. Such act shall include, but not be limited to, an act conducted by mail or by use of a telephonic or telecommunication device or electronic communication device including but not limited to any device that transfers signs, signals, writing, images, sounds, data, or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic, photo-electronic or photo-optical system, including, but not limited to, electronic mail, internet communications, instant messages or facsimile communications.
- (4) A prosecution under this section may be brought in the county in which the criminal investigation, grand jury proceeding, trial or other criminal proceeding is being conducted or took place, or in the county in which the alleged conduct constituting an offense occurred.

As you can see, the amended statute goes far beyond the crime of witness intimidation. It now criminalizes, for example, the act of "misleading" a large category of individuals who might be involved in legal proceedings. Misleading is obviously a much broader term than harassment or intimidation. The amended statute criminalizes the act of misleading several categories of individuals including: 1) witnesses or potential witnesses at any stage of a criminal investigation or proceeding; 2) a person who "is or was aware of information, records, documents or objects that relate to a violation of a criminal statute, or a violation of conditions of probation, parole or bail"; 3) "a judge, juror, grand juror, prosecutor, police officer, federal agent, investigator, defense attorney, clerk, court officer, probation officer or parole officer." But the statute does not stop there. It includes misleading a "person who is furthering a civil or criminal proceeding, including criminal investigation, grand jury proceeding, trial, other criminal proceeding of any type, probate and family proceeding, juvenile proceeding, housing proceeding, land proceeding, clerk's hearing, court ordered mediation, any other civil proceeding of any type." It even criminalizes the act of misleading someone who

See **Intimidation** on page 24

Intimidation statute amended

From **Intimidation** on page 23

was attending or had made known his intention to simply attend a civil or criminal proceeding including all of the aforementioned types of proceedings. In order for conduct to constitute a criminal offense however, one must act with the intent to impede, obstruct, delay, harm, punish or otherwise interfere thereby such a proceeding.

What is the practical effect of this amendment? Well, I have seen some individuals charged with simply misleading police investigators. I have also seen police officers charged with submitting arrest reports that are allegedly false or misleading in some way to a Clerk Magistrate in support, for example, of the issuance of a criminal complaint. I am somewhat disappointed to note that I have yet to see it applied or utilized against individuals that lodge false claims against police officers, or false claims against others, in civil or criminal proceedings. This statute, for example, would seem to cover false statements made to Internal Affairs or to the court in support of a criminal complaint application against a police officer or anyone else. It would likewise cover false statements made in support of a civil harassment order. For example, I have witnessed a number of instances in which it is very clear, through documentary or recorded evidence, that a complaining witness falsified allegations against another party. Most of the time my client is happy to emerge from the proceedings successfully. However, I sense no impetus on the part of the authorities who have been misled to seek charges against civilians in circumstances in which it is clear that the false allegations, whether civil or criminal, have been filed to gain the upper hand in some sort of civil, domestic or other proceeding. The statute broadens the scope of charges which all police officers might consider lodging against individuals who mislead them in some way or who file or make

some sort of false or misleading statement to an investigating officer. It also would allow the prosecution of those who misled a court or attorney in any matters with the appropriate intent to impede or interfere with the proceeding.

The statute also has another, perhaps unintended, consequence. Because it is so broad in scope, the statute likewise represents an expansion of the scope of the Fifth Amendment and Article 12 privileges against self-incrimination. After all, when you broaden the scope of criminal culpability to include, for example, misleading a court officer or clerk in even civil cases, then you likewise broaden the circumstances in which a person may invoke his or her self-incrimination rights. Think of it. The statute criminalizes misleading a court officer or clerk or probation officer in even a civil, probate or housing court proceeding. The extent to which this statute extends the scope of a person's right against self-incrimination under Article 12 of the Mass. Declaration of Rights of the Fifth Amendment to the U.S. Constitution is substantial. Keep in mind that the statute even criminalizes misleading a person who has "made known his intention to attend a civil proceeding." Carried to its logical extreme, the statute might criminalize the act of someone who misinforms a witness about the date or location of a civil trial or a probate court proceeding. The statute is worth looking at as it represents, as I stated earlier, a state form of obstruction of justice which was absent from the general laws of the Commonwealth up until 2006. The statute as amended may well constitute the proper avenue for criminally charging the conduct of individuals which police officers might encounter on a fairly regular basis.

As always, please be careful and safe out there.

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After the year Boston has had, marked by the Marathon bombing and the heroic actions of many Boston police officers and first responders, it has never been more clear how you put your health and life on the line to protect and serve the public. If you are injured then you need someone to protect and represent you. Boston Attorney Scott Goldberg is proud to be the personal lawyer for many members of the Boston Police Patrolmen's Association and their families for over 20 years. Since 1990, Attorney Goldberg, who has been selected as one of Boston's 2013 "Super Lawyers" in Personal Injury Law by Thomson Reuters and published in Boston Magazine, has won and settled many cases for police men and women who were injured both on-duty and off, obtaining financial compensation that included lost base, detail, and overtime pay - even if they received Injured on Duty pay or used sick days. The financial recovery would also include payment for medical expenses, disability, and pain and suffering.

If you, your family, or friends have been injured then contact Attorney Scott Goldberg for a free consultation.

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What is Secretary of State Kerry thinking?

Last issue I promised to critique **John F. Kerry's** tenure as Secretary of State. Where should I begin, I guess at the beginning: On January 29, 2013 the Senate overwhelmingly approved Sen. John F. Kerry (D-Mass.) as the next Secretary of State, it was a Tuesday afternoon, surprisingly with only three Republican "no" votes. The vote was 94 to 3, clearing the way for Kerry to formally take over from Secretary of State **Hillary Rodham Clinton** on Friday, Feb. 1, 2013.

He assumed the post amid a civil war in Syria that had killed an estimated 60,000 at that point, stalled nuclear negotiations with Iran and the spread of militancy across North Africa. U.S. relations with Russia were at a low point, the United States was struggling to manage a changing relationship with a rising China and the prospects for new Mideast peace efforts appeared dim.

That was then this is now; as if there wasn't enough news to already cover, the world now stands at the precipice of World War III. Yes a World War, what do you think Russian President **Vladimir Putin** is pushing for, colonization? Annexing poor mistreated, enslaved Ukrainian Russian speaking souls, who according to him just happen to live in a territory that needs foreign intervention, protection or help of some kind?! Give me a break!

Putin has marched his troops into a Sovereign Nation backed by the Russian Military machine prepared to go to battle. He engineered the invasion and theft of a State and all of her occupants, equipment, wealth, military and shipping without so much as having a single soldier twist an ankle. How could he get away with this without a shot fired?

Simple, we are led and commanded by **Barack Obama** and our country's principal mouthpiece for all things considered Foreign Policy in none other than John F. Kerry. I can't lay the entire blame on Kerry, after all he is just following the lead of our Commander in Chief, but he is the country's foreign affairs expert. Our answer to the Russians and Putin, (who by the way see themselves as regaining their old status of a superpower i.e., the Soviet Union), is the equivalent of being sent to bed early without cookies and milk. This Nation is becoming a 'paper tiger' with no teeth to back up our bark.

Look at what is going on in the rest of the world under our current Secretary of State: Iran has taken our 'bribe money' and continues to develop nuclear reactors turning out weapon's grade plutonium. Iraq is in turmoil, the Kurds in the north have their own security force and are running their own government and ignoring the central Iraq government & law. Al Qaeda-linked Sunni extremists continue with

regular attacks against government targets and Shiites. Street murders and bombing have once again become common place. The potential for economic development in Iraq is huge, but violence remains endemic, and many Iraqis fear the return of civil war and a possible partition of the country.

Afghanistan, the government there is in the process of releasing another 65 Taliban insurgents from prison to renew their attacks on U.S. Personnel, "Detainees from this group of 65 are directly linked to attacks killing or wounding 32 U.S. or coalition personnel and 23 Afghan security personnel or civilians," the military said in a statement.



We have pulled out the majority of combat forces and left our remaining military personnel virtually defenseless, but continue to hand this corrupt government millions of dollars!

Meanwhile Syria and the al-Assad regime is still murdering any and all opposition to their brutal dictatorship and rule, while we continue to issue supercilious threats of diplomatic reprisals!

Meanwhile our refereeing of the Israeli/Palestinian debacle is going down the tubes. It depends on what day it is to determine which side of the table we are supporting and how. How about the other end of the spectrum? North Korea and South Korea are about to break out into a shooting war.

Meanwhile in one of our best diplomatic moves in a century we send the First Lady, her children and her mother on a vacation to China. The trip was of course covered in detail by the 'White House News', no public media invited, move along nothing to

see here, (*sarcasm intended*). This while Japan and China are posturing and basically threatening each other with a shooting war over a land dispute.

Speaking of the Japanese, it is reported that they now possess enough weapons grade plutonium to build over 2,000 nuclear warheads in spite of their non nuclear principals of non-possession and non-production of nuclear weapons. In addition they have started a very vocal press campaign letting both Korea and China know that they possess the material to build and fly those bombs if necessary.

I'd love to write another four pages about North Africa and India but I think you get the point. So let me ask, how much safer are we as a Nation, how much safer has the world become in the last 14 months after the appointment of John F. Kerry as Secretary of State?! I'll leave the critique to you.

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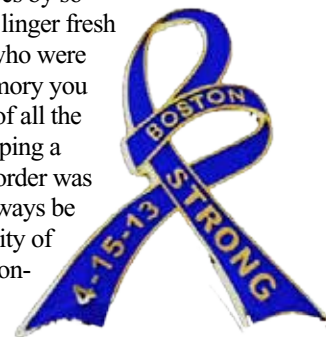
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**As we have over the past 30 years,
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A defining moment in time

By Mark A. Bruno

By the time this reaches print it will be one year since the Boston Marathon Bombings. Time goes by so quickly but the memories still linger fresh in our minds. For my fellow Officers who were at ground zero for this event it is a memory you will never forget. Being in the middle of all the carnage and chaos that ensued and keeping a level head while attempting to restore order was not an easy task. What was and will always be an historic annual event for this great city of ours was marred by two twisted delusional individuals who thought they were doing God's Will. I am pretty sure God did not want innocent people, including a little boy, killed for the sake of misguided religious justice. This is not who we are as a country. We condemn those who believe that attacking and killing innocent people to make a point is the answer. We are and will always be a civil society. Civility is what separates our Great Nation from the rest of the World. I am also not naïve to think we don't live in a sometimes violent society.



Much like Pearl Harbor and 9-11 but on a lesser scale this event was no less horrific for Bostonian's and those who attended and worked the event. For what seemed like an eternity but was only a brief moment in time our lives here in the Hub were disrupted. For those watching the chaos unfold in the media there was a sense of helplessness. Our beautiful and peaceful city that opens up its arms once a year to all athletes of the world was under attack. I would ask; How could this happen here in Boston? but given the recent horrific events of our time this does not surprise me.

What did surprise everyone watching around the country and the world was how Boston handled this crisis. To say I am proud to be a Boston Police Officer after this event would be an understatement. I will always be proud to be one of Boston's Finest, serving beside some of the bravest men and women in our profession. Watching our Officers in Boston and this great Commonwealth rise to the occasion to restore order and bring those responsible to justice in such a short period was incredible. The Nation cried for those lives lost and all the injured, but the time for tears would be after the situation was handled. Taking the bull by the horns and bringing swift justice to the culprits responsible would be our only resolve.

It is with deep regrets that the second suspect did not also meet his demise like his brother did. For most of the victims and their families I believe it would save a lot of heartache having to relive the events of that day during a trial. I hope the media does not parade him around like a rock star either because he is a vicious killer who placed no value on the lives he killed and those he injured. He will be judged by a jury of his peers and hopefully join his brother in Hell.

What I would like to reflect on is the fine job done by all the Boston Police Officers who were on scene and who responded in the following weeks. I would also like to thank all the agencies that assisted Boston. I would be remiss if I did not mention Boston Emergency Medical services and the fine job they did. They managed to clear the deck of wounded victims within eighteen minutes! It is insulting to think after this event that they are still without a contract! They did God's Work and should be acknowledged for it! How Boston handled this crisis has now become a prototype for the country. We as Boston Police Officers and all who responded should be proud. It was a **defining moment in time** that we shall never forget.

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Cell phone privacy

In February 2014, the Massachusetts Supreme Judicial Court decided that a police officer must have a search warrant, supported by probable cause, in order to obtain a cell phone provider's cell site location information. Commonwealth v. Augustine, 467 Mass. 230 (February 18, 2014).

Cell site location information (CSLI) is more than just a list of numbers called. It operates as a tracking device, because it shows the defendant's location at the time he made or received a call, or the time the call came in, even if the defendant did not answer the phone. Cellular phone providers have a network of base station or cell towers, which divide the provider's coverage area into sectors. Cell phones send signals that indicate which sector the phone is in when the call was made. As cell phone use expands, the providers continually add more cell towers to handle the demand for service, and the sectors are becoming increasingly smaller. It is thus possible to locate a call within a small area, giving increasingly specific information about the caller's location.

The officers in this case did not obtain a warrant for the records, but they did obtain a court order under 18 U.S.C. Section 2703. A court order under 18 U.S.C. Section 2703(d) will be issued if the government offers "specific and articulable facts" showing that there are "reasonable grounds to believe" that the records are "relevant and material to an ongoing criminal investigation." This is considered to be a "reasonable suspicion" standard, and is less than the probable cause necessary for a warrant. The court held that the court order was not sufficient, and that the officers needed a warrant.

The court decided that the defendant had an "expectation of privacy" in the CSLI contained within his phone records. The government had argued that cell phone records were like bank records, which a person voluntarily hands over to the bank and its employees and thus know will not be held in confidence, or numbers dialed on a home phone, which the caller knows the phone company has in order to connect the call. Although the court agreed that CSLI is a "third-party business record," for which probable cause is generally not required under federal standards, the court applied the more protective standard under Article 14 of the Massachusetts Constitution ("the Massachusetts Declaration of Rights") and found that the defendant had a reasonable expectation of privacy in his CSLI data because of the "character of cellular telephone use in our current society." The court said that cell phones had become "an indispensable part of modern life," noting that many families forego land lines in favor of their cell phones. Cell phones are "increasingly viewed as necessary to social interactions as well as the conduct of business ... more importantly, cellular telephones accompany their users everywhere – almost permanent attachments to their bodies."

The court also noted a previous U.S. Supreme Court decision that the police would need a warrant to obtain GPS records, stating that, "the government's contemporaneous electronic monitoring of one's comings and goings in public places invades one's reasonable expectation of privacy." The court went on to say that, because of the nature of cell phone use, CSLI "raises even greater privacy concerns than a GPS tracking device" because cell phone records indicate where a person's body

is physically located at all times, not just his car. "People buy cellular telephones to communicate with others, to use the Internet, and for a growing number of other reasons. But no one buys a cellular telephone to share detailed information about their whereabouts with the police."

What does this mean for collective bargaining over the rights of police officers to privacy in their own cell phones?

The Supreme Court stated in O'Connor v. Ortega, 480 U.S. 709 (1987) that, "individuals do not lose Fourth Amendment rights merely because they work for the government instead of a private employer, [but] special needs beyond the normal need for law enforcement make the warrant and probable cause requirement impracticable for government employers." The courts analyze Fourth Amendment claims according to the "operational realities of the workplace" and "the standard of reasonableness under all the circumstances."

The U.S. Supreme Court held in City of Ontario v. Quon, 560 U.S. 746 (2010) that a public employer was justified in reviewing the content of text messages sent by pagers supplied by a public employer to its police officers to determine if the officers were engaging in excessive personal use of the pagers. The City obtained the content of the mes-

sages from the pager service, not from the officer, and disciplined him after finding that he had sent personal text messages while on duty. The

court accepted the employer's argument that the search was reasonable because it was conducted so that the employer could determine whether the character limit on the city's contract with the pager service was sufficient to meet the city's needs. The court went on to hold that the city had a legitimate interest in investigating whether the

employees were being required to pay out of pocket for business communications, or the city was paying for personal communications.

The First Circuit U.S. Court of Appeals decided in Haggins v. Verizon New England, 648 F. 3d 50 (1st Cir. 2011), that whether Verizon could monitor employees' company-issued cell phone use (and the cell phone's tracking function) depended on collective bargaining between the parties. The court decided the case under the Massachusetts Declaration of Rights and the state privacy statute, M.G.L. c. 214 Section 1B, and held that the employees' state law privacy claims were pre-empted by the National Labor Relations Act. The court stated that, in determining whether an employer's action is a violation, "the employer's legitimate interests in determining the employees' effectiveness in their jobs should be balanced against the seriousness of the intrusion on the employees' privacy." The court found that, to determine whether an employer can intrude on the employees' privacy rights requires a review of industry practices, and thus depends on the parties' collective bargaining agreement.

In private employment settings, the NLRB holds that cell phone policies are mandatory subjects of bargaining. Warren Unilube, Inc., 358 NLRB No. 92 (July 31, 2012). The law on public employee use of private cell phones has evolved over the years. The Massachusetts Department of Labor Relations held as far back as 2002 that a rule prohibiting



Cell phone privacy

From **Cell Phone** on page 27

employees in a corrections facility from using private cell phones on duty is a managerial right (not subject to the bargaining obligation) because the jail's interest in requiring correction officers to perform their safety and security-related duties without distraction outweighed the employees' interest in carrying private cell phones on duty. Suffolk County Sheriff's Department, MUP-01-2979 (October 9, 2002). However, a DLR Hearing Officer held in August 2013 (in a decision affirmed by the full CERB on 1/30/14) that the implementation of a cell phone policy for DPW employees that prohibited the use and possession of cell phone cameras in the workplace, limited the use of Town-issued phones for personal business, prohibited use of a Town or personal cell phone while operating a Town vehicle or equipment, and limited personal calls while at work, was a mandatory subject of bargaining. Town of Plymouth, MUP-11-1061 (August 22, 2013). The Hearing Officer in Town of Plymouth stated that the cell phone policy at issue in that case reached well beyond the safety issues raised as defenses to the bargaining obligation in the Suffolk County case, because it governed the use of cell phones in situations that did not implicate safety of employees or others.

Employee privacy rights in their cell phone records and location information would not appear to implicate the safety rights discussed by the DLR in the Suffolk County case, but instead would appear to impact the broader interests of the union as discussed in Town of Plymouth, and thus unions may argue that cell phone monitoring is a mandatory subject of bargaining.

Decisions regarding public employer monitoring of GPS devices are instructive, but the law in that area is still emerging. The DLR has not published any decisions on the issue, only probable cause determinations. In 2007, the DLR dismissed a union charge alleging that the

installation of a GPS phone on sanders' trucks was a mandatory subject of bargaining, stating that the GPS was just a more efficient way of tracking the sanders, which the employer already did by requiring radio call-ins. City of Worcester, MUP-05-4409 (September 5, 2007). However, the DLR pointed out in this dismissal letter that the sanders were not required to carry their GPS devices with them on breaks. In recent years, the DLR has issued at least two complaints finding probable cause to believe that a GPS monitoring device placed in a police cruiser is a mandatory subject of bargaining. Town of Holden and NAGE/IBPO, MUP-11-6238 (January 5, 2012), and Town of Groveland and Teamsters Union Local 17, MUP-09-5636 (June 5, 2013).

As the SJC's Commonwealth v. Augustine decision illustrates, the law in this area will reflect the capabilities of the technology, and the use of that technology in daily life. Most employees carry personal cell phones, and use them for both personal and business purposes. As noted by the SJC, people tend to have their cell phones on their person or within a few feet of their bodies all the time, thus enabling the phones to track their movements far more accurately than a GPS installed in a work vehicle. Cell phone location monitoring is, therefore, far more intrusive than GPS monitoring, and should give rise to a higher level of scrutiny if the issue is litigated.

This summary is meant to provide information regarding a developing area of law. We hope that it helps you plan to protect yourself as much as possible. Contact your union for advice on how the law applies in your particular circumstance. Good luck, and be safe.



**A Proud Supporter of the
Boston Police Patrolmen's Association
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Salutes the
Boston Police
Patrolmen's Association

There is now an education incentive for new officers

By **Dennis Murphy**, D14 Representative

So now what? Well each Officer has to take stock of their individual circumstances. Depending on the time you have left before mandatory retirement, it may not make economic sense for you to spend the money to go back to school if you're not going to see an increase on your return.

However if you have more time left, than time already on the job, it may be financially beneficial for you to look at the options. Many new Officers have a degree, however if that degree is in a non-CJ program, or a CJ degree from a school not qualified under the new rule, you will not be able to take advantage of the new pay incentive.

I have listened to a few who have voiced their displeasure that, for example "*my Masters in Nineteenth Century French Literature*" does not qualify for the Education Incentive. One stated, "the Union" just does not care about us, "my degree is harder to get". Well I will agree that your Doctorate in Theoretical Physics and Applied Mathematics with a concentration in Quantum Chromodynamics may very well be more prestigious than a Bachelor from AnnaBanana in CJ. However, if your goal in life was to become a Cop, you should have studied subjects like Community Corrections or Digital Crime and Criminal Justice.

To be perfectly clear for those new Officers, the Union was and always is completely behind Officers receiving Education Incentives. It is not the BPPA that is balking. The Quinn Bill began in the 1970s and it was decades after that the BPPA membership was allowed to benefit. Yet in just over a decade, that benefit was cut. So if you are looking to blame anybody for lack of education pay, Shetland Street is not the place to look.

It is counter productive to waste your time figuring out why you are not getting the pay. You need to spend your time productively, on getting that pay. If you have a Masters, or Bachelor in an unqualified degree the best course of action is to get with an admission adviser of the school that granted you the degree if that school is on the approved list. Speak to them about taking courses to convert that degree to CJ. If your school is not on the approved list, go to a school that is and speak to an adviser.

Have a sealed transcript of your current degree sent to you and open it with the adviser, so you both can audit your courses. You want to see how much it would cost (both in time and money) to obtain a Masters (MA) in CJ if you have a MA in another subject. Then you want to find out the same information for a Bachelors (BA) in CJ and decide which is better for you. Since you will only get paid the max amount for a BA under the new incentive, it may be better to get the BA rather than MA. Especially since, while in the BA program for CJ, you will qualify for the AA pay in CJ for 60+ credits. If you are converting a MA, you will have to wait till you finish the MA to get the BA pay.

For the purpose of this article, I called Curry College today and spoke to the Continuing Education Division. They have a very liberal credit transfer policy. A three-credit course is \$1,290 (\$430 per credit). The next semester available at Curry begins May 19th to July



5th then starts up again July 7th through Aug 23rd. If you sit down with them, they will go over your transcript and tell you exactly where you stand.

I spent a few wasted years at U Mass Boston chasing classes years ago before transferring to Curry and ended up finishing a BA at night rather painlessly. They had plenty of required courses scheduled in a logical order during each semester period. (Unlike that monster out on the point) I was graduated before Morrissey Blvd. even knew I dropped out. I was going to U Mass for peanuts on the G.I. Bill, but cheap was never so expensive.

You have to take a self-assessment, don't be the type of person that will piss and moan about your situation without doing something to change it. Get out there.

See what's available. School will take at most a couple of years if you don't want to take a full bite of courses. Less time if you forgo a few details a week in lieu of a few classes. After all you are paying yourself by taking the classes. Pay that will continue years after your done, week in week out.

List of Approved Programs

The following programs have been approved under the Policy Career Incentive Pay Program as of May 2012 and February 2014.

ASSOCIATE IN SCIENCE IN CRIMINAL JUSTICE

Bunker Hill Community College*
Cape Cod Community College*

BACHELOR OF SCIENCE IN CRIMINAL JUSTICE

Anna Maria College
Bridgewater State University
Curry College
Endicott College
Fitchburg State University
Lasell College*
Salem State University
University of Massachusetts Lowell
Western New England University
Westfield State University

BACHELOR OF ARTS IN CRIMINAL JUSTICE

University of Massachusetts Boston

MASTER OF SCIENCE IN CRIMINAL JUSTICE

Anna Maria College
Bridgewater State University
Westfield State University

MASTER OF ARTS IN CRIMINAL JUSTICE

Curry College
University of Massachusetts Lowell

Boston Police Gaelic Column celebrates St. Patrick's Day in Quebec City



Pipe Major Joe Cheevers in Quebec City for their St Patrick's celebrations.



Snowing in Quebec with 28F.



Boston Police Gaelic Column at Quebec City Hall 2014.



Pipe Sgt. Paul Boyle tuning-up in Quebec.

A terrible loss

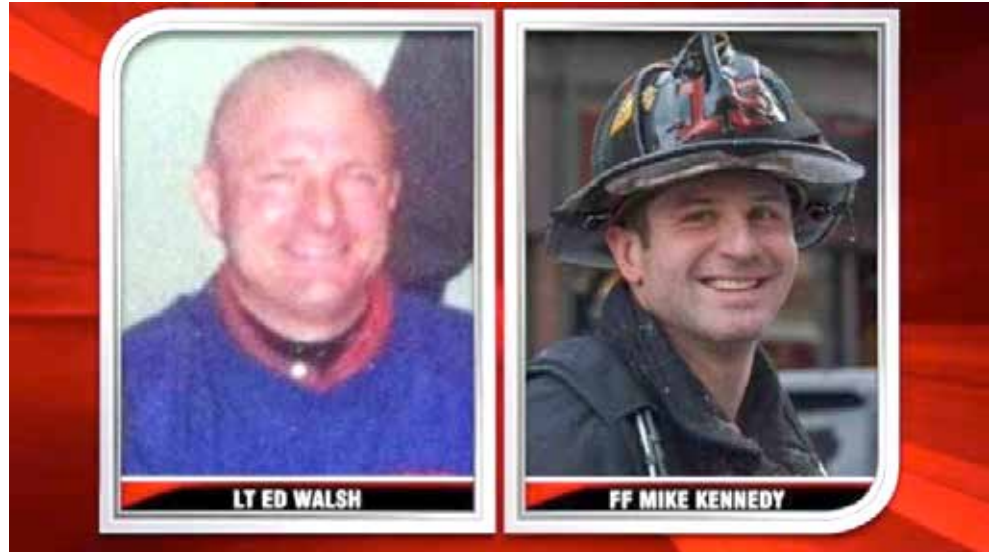
By **Mark A. Bruno**

No sooner did I finish my article on the one year anniversary of the bombing of the Boston Marathon and tragedy struck in the form of two Boston Fire Fighters losing their lives while battling a fire on Beacon Street. There is and will always be a mutual respect between fire fighters and police officers. The public safety professions we chose have risks and we all understood this when we gave our pledge to serve and protect. It is none the less heartbreaking to hear this news of our two fallen brothers from the BFD.

I watched this tragedy unfold in the media. You can always tell or feel when something is wrong. With this blaze Boston Fire Fighters were battling severe wind which may have caused a backdraft that sent the fire out of control. **Lt. Ed Walsh** and **Fire Fighter Mike Kennedy** were stuck in the basement trying to contain the blaze when they became trapped. Their water hose may have burned through according to reports in the Herald. The two immediately after entering the basement sent out a mayday call. **Captain Neal Mullane** and his men from Ladder 18 were blown backwards while trying to reach the two firefighters in the basement with a hose. They were unable to reach their brothers on time. Truly this is every firefighter's nightmare. Heroic actions dashed by a fireball which nearly killed Captain Mullane and his men.

Mike Kennedy was pulled from the basement a short time later and rushed to Mass General Hospital where he was pronounced. His body was taken out the back by Boston EMS onto Storrow Drive where a line of Boston Fire Fighters, Boston Police Officers, Mass State Troopers and other agencies rendered a final salute to the fallen hero. Fire Fighter Mike Kennedy was also a United States Marine who fought in Iraq. He was one of the responders at last years bombings and was training to run the Boston Marathon in April. He served on the BFD for six years.

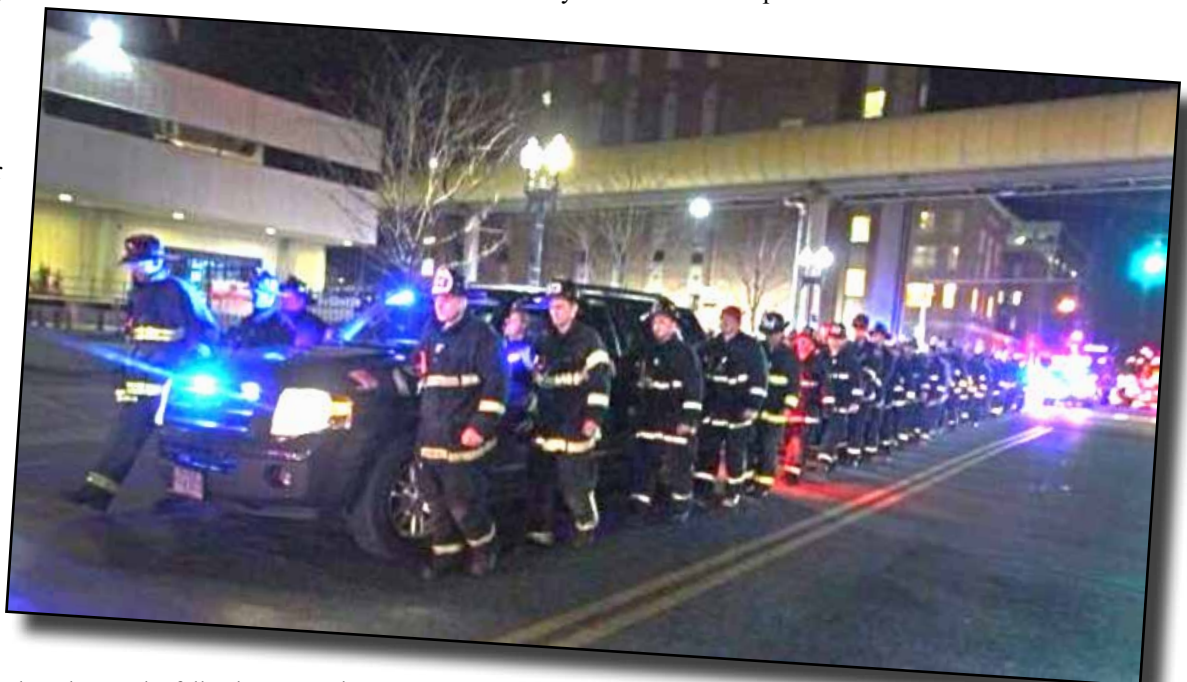
Lt. Ed Walsh was removed later when the fire slowed down enough for firefighters to go in and extract him. Sadly Lt. Walsh leaves behind a wife and three children who are all under the age of ten. Both Fire Fighters were again honored on Albany Street where they were taken from the morgue and brought to the funeral home. Fire Fighters and Police Officers along with EMS lined Albany Street with their emergency vehicles (lights on). All stood at attention and rendered a salute to the fallen heroes as they



passed by. It was reminiscent of the procession held almost a year ago in honor of MIT Officer **Sean Collier**.

President **Richard Paris** of Local 718 has set up a fund through their credit union across from Florian Hall. Both Walsh and Kennedy served out of the Boylston Street Firehouse which was draped in black bunting and had the American flag at half staff in honor of the two who gave their lives in the line of duty. The station had citizens dropping off flowers and extending their condolences to the grief stricken co-workers of Walsh and Kennedy. A solemn procession was being planned and is expected to have thousands of Firefighters from all over the country in attendance. EMS and Police Officers will also attend to pay their respects to their fallen public safety brothers.

Hearing Amazing Grace played by bagpipers is something we would like to hear a little less. The members of the BPPA would like to send their heartfelt sympathy to the Walsh and Kennedy Family. We would also extend the same to our brothers and sisters of Fire Fighters Local 718. May God bless and keep these two fallen heroes close to His Heart.



Free Justina Pelletier NOW!!!

By P.O. Jay Moccia

In a depressing case of what I opine is judicial/government over-reach a Massachusetts judge has granted custody of a Connecticut teen to the Department of Children and Families, after her parents disagreed with doctors at Children's Hospital(CH). Just a quick recap: **Justina Pelletier** was diagnosed with mitochondrial disease, and after consulting with her doctors in CT, she was referred to Tufts Medical Center (TMC) in Boston. While at TMC, Justina was referred to Children's to meet with a specialist there. She never saw that specialist. One of the first doctors to see her at CH opined Justina was misdiagnosed, and her disease was all in her head, and began treatment toward that diagnosis.

Justina's parents immediately sought to get her back to TMC, but the CH doc filed a 51A and involved the Mass Department of Children and Families-you know the organization that has lost over 100 children under its care, allows kids to live with convicted sex offenders, and may be complicit in the presumed death of a five year old child-THAT DCF! The case went to court and DCF presented evidence that the Pelletier's were abusive to CH staff while their daughter is getting treatment there. They are accused of using foul language directed at the doctors, and nurses who continue to treat Justina according to their diagnosis-even as her health fades. (Author's Note: gentle readers, I ask you, if your loved one was in a similar circumstance would you drop an "F" bomb or two?) Also, it should be noted that when DCF needs medical advice on a case it relies on-wait for it...wait for it...none other than ...Children's Hospital. Can you spell "conflict of interest" boys and girls? The court awarded temporary custody to the DCF, and the Pelletier's were allowed a 1 hour weekly supervised visit-replete with Mass State Police on scene. The Pelletier's appealed which brings us back to Judge Joe Johnston's ruling, after over one year of legal sparring, between the DCF, CH, and the Pelletiers. All while this poor girl's health worsens.

The latest volley comes from the CT DCF who claims they were not involved because there was no evidence of abuse on the part of Linda and Lou Pelletier. Now as cops we tend to be a little cynical, and as I did, thought there **MUST BE** more to this story. But, there isn't-it appears the Pelletier's are decent folks, who have just been

following their doctor's advice, and trying to do what's best for their daughter. Even Uber-Liberal Alan Dershowitz has offered to assist Lou and Linda Pelletier in their custody battle with DCF. When a guy that far left weighs in, you know The State is out of control. A difference of opinion between two doctors regarding the care of a minor



child should not be decided by the courts, or some over-worked bureaucrat at DCF, it should be the parents' call.

Massachusetts is truly a land of shameless cowardly liberals, who could care less about the well being of a child. I urge anyone who reads this to call or email your local Legislators, the Governor (if he's not off on some "trade mission") Boston Children's Hospital, and the DCF to express your displeasure with how this is being handled. Imagine losing custody of your child because you took her to the hospital in accordance with the medical advice you were given. The Pelletiers could be any one of us, and it's time we help them.

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

Tapdancing in a minefield

By **P.O. Jay Moccia**

I recently went by a convenience store under renovation in the Back Bay. I wondered if the contractor had to factor in cost for compensation and or relocation of the panhandlers in his job estimate budget.

Now that Menino's gone can we PLEASE have our candy and tonic machines back? I've been in plenty of City buildings that never lost theirs!

I've lived in Boston for my entire life. When I was a kid, pigeons were EVERYWHERE, and spying a hawk was a rare sight. Now it's just the opposite.

After working several details in sub-zero weather this winter, I'm pretty sure the phrase "Frozen Stiff" should actually be "Frozen Shrunk"

Circumstance forced me to the Mass Registry of Motor Vehicles. I think it's a lot like hell, only hell smells better...

We MUST protect the Ukraine at all costs, because if it falls, we will never be able to get Chicken Kiev again!

Speaking of the Ukraine, I don't think the Russians are intimidated by Obama threatening to draw a line in the sand. It seems every time he does, and it's crossed, he simply draws another one. Just ask Syria!

Has anyone ever barked up the right tree???

In the United Kingdom, interested parties can purchase citizenship for about \$4 million dollars. Why would you waste your money like that-if you come to the US, we'll pay YOU!

I went looking for a spoon in my cooler but couldn't find one, what I did discover were enough plastic knives to stage a revival of "West Side Story" on an airplane.

Walter Williams, an elderly farmer passed away at his home, and was declared dead by the local coroner. His remains were transported to a Funeral Parlor, where Williams came to and began to move inside the body bag which was in the embalming room. After changing his underwear, the undertaker phoned EMS. Williams was revived and survived for another two weeks, when he finally passed away for good. It's rumored his last words were: "Be sure to get a second opinion THIS TIME!"

If one more person uses the GPS excuse I'm going to flip! You know, "sorry officer, my GPS sent me down the one-way, through the red light, etc"-you get the picture. Same goes for "Where can I park?"

Mikeala Shiffrin, 19 years old, and a U.S. Olympic Skier won gold in Sochi. When you win a Gold Medal at nineteen, does it all go downhill from there?

Please mind your business! A busybody decided police needed to be called to investigate kids playing "pond hockey" on the Muddy River in the Fenway. With the temperature hovering in the teens for several days prior, and the depth of the Muddy River less than 5 feet, I think the possibility of "sudden death" would have been from a tie or frostbite rather than drowning.

A radio ad for WIC really makes my blood boil. It consists of women cackling about all the great things you can buy with your WIC benefits – with one eyeing the full grocery cart and exclaiming "look at all that stuff did you win the lottery?" Yes, she did win the lottery, and we (taxpayers) bought the ticket!

I always laugh at those commercials that show the well dressed housewife in the huge home, cleaning with the featured product. She buzzes about her giant house in a dress wiping and shining every sur-

face until it sparkles. C'mon in the real world a home that size would come with a team of housekeepers and the wife would be sitting around with a cocktail, making sure they didn't steal anything.

With so many things bearing the former Mayor's moniker, it's easy to confuse visitors to our fair city. Simply tell them to take a turn at the Menino (park, bike, building, ball field, flower garden, port-a-potty, etc) They'll be going in circles for hours.

In Colorado, an illegal alien is suing the local first responders who rescued him from his vehicle, after he was trapped by flood waters. Roy Ortiz has made no bones about it-he's only looking for money, claiming rescuers should have got him out sooner. I truly hope the judge in this case does the right thing and throws the case and Ortiz out.

A California State Senator, Leland Yee, has been charged with trafficking in illegal weapons. Yee promised FULL AUTO Rifles and Shoulder Fired Rockets to an undercover FBI Agent, for \$2 million. Yee claimed he could get the weapons from Muslim Terrorists based in the Philippines. In an ironic twist, the senator authored and supported many of California's tough gun laws-you know, the ones that apply only to law abiding citizens, not Yee, or his terrorist buddies, not to mention his gang banging organized crime associates. Yee also legislated Driver's Licenses for Illegal Aliens, and blocked Law Enforcement from turning illegals over to Federal Authorities for Deportation. Oh and did I mention, he's a DEMOCRAT!

Speaking of Illegals and driver's licenses, Massachusetts is entertaining the prospect, claiming it will make our roads safer. Whoever came up with this one must already be using the medical marijuana. If you're a bad driver with no insurance, a simple piece of paper isn't going to change things one bit. A Driver's License would also allow access to State benefits (although I don't think they're hard to come by without one), and Voter Registration. While not a fan of a Scarlet Letter, a great big red "IA" embossed over the info should be required. Then we'd be able to see just how well these folks drive, while safeguarding our wallets and electorate from their meddling. And please don't give me that "second class citizen" crap-they shouldn't be citizens at all!

Calls for a man with a rifle flooded Area D, with units from 4, 14, MSP, and Brookline Police searching for the camo clad suspect. Imagine the surprise when it turned out to be BU ROTC on a training exercise. It seems the proper notifications were made, but the word never got down to the boots on the ground, due to an oversight. A strange tidbit came to light during the aftermath, when one of the Boston Cops spoke to the Colonel in charge of the ROTC. They were forced to get permits after an anonymous complainant claimed to be scared and intimidated by the college troopers in their camouflage uniforms. Probably the same dolt that made the call. Anonymous complaints should not even be entertained.

I have been known to belt out a tune or two at karaoke but find it embarrassing to sing at church. It is possible that alcohol may be a factor...

Funny how a bum isn't responsible enough to hold down a job, yet manages to beg money from a median strip or a convenience store for several hours. Early morning through late afternoon, in almost any weather, they're more reliable than the US Postal Service.

The editor of Ebony.com is in a bit of hot water after sending out a few tweets with a racist spin. Jamilah Lemieux blasted Raffi Williams

after he questioned her commitment to diversity. Lemieux tweeted this rant after Williams offered to get her more info about a new magazine aimed at Conservative minorities: "Oh great, here comes a White dude telling me how to do this Black thing, Pass." Trouble is, Raffi Williams is black. Proving once again, that diversity and tolerance are great as long as you have the same opinion as the Liberals.

Not to be outdone by Ebony, Comedy Central's Stephen Colbert sent out his own racist Tweet slamming Asians, after his show attempted to lampoon Washington Redskin's owner Dan Snyder, who's refusing to change the team's name. Calls have been made to cancel the show or fire Colbert. If that does happen, where will the Occupunks and Libtards get their news?

Does anyone else find it ironic that the latest Boston Gun Buy Back is sponsored by "Target"?

Every time there's a promotional exam, several people go out injured. After picking up my copy of the Rules and Regs from the Academy, I may go out with a hernia. It's like carrying a #\$\$%*#@ suitcase. I can't believe any of us are still employed with that many regulations governing our conduct.

I went to a party held at a golf course. Due to inclement weather I let my wife off out front. She got mad because the sign said "bag drop".

Speaking of golf-it's one of only two sports you can play for life. The other is hockey. No matter how old you are or how much your skills have waned, you can still find enjoyment just from being out there.

President Obama met with Pope Francis, hoping some of the Pope's luster will rub off on him. Considering the Obama administration's attacks on Christianity, I wonder what they discussed? Conflicting reports on the topic of the meetings were provided by Obama, and the Vatican. Noting the President's track record, I'm going to lean toward the version supplied by the Holy See. Disagree? I only have this to say: "If you like your health care plan you can keep your health care plan-period."

Meanwhile, across the pond-it's been reported that UK hospitals have been incinerating medical waste for heat. Sounds so green, doesn't it, until you learn that included in what's called "medical waste" were over 15,000 aborted and miscarried fetuses. Hmm I recall some other group in Europe burning bodies in ovens... just sayin'

A Louisiana Sex Shop has been blasted for accepting EBT to purchase their (ahem) products. Apparently these leeches think edible undies are one of the four food groups.

Concerning the above item; how convenient is it that Liberals like Deval Patrick dismiss them as mere "anecdotes" even though they are true stories. BUT if you attempt to limit EBT abuse, the Loony-left concoct all kinds of imaginary scenarios and declare them to be true. I guess that's the best part of being a liberal, facts don't apply to you.

I saw a sign at a park that reminded people to pick up after their pets. It featured silhouettes of a dog and a cat. Who the hell walks a cat?? Really!

With the Retro in my wife and I decided to treat ourselves to a night on the town. After dinner at the Capitol Grille, we wandered down Boylston St. With an Anime Convention at the Hynes, we were treated to a myriad of cartoon characters along the route. How ironic was it, that as I enjoyed a cigar in the great outdoors, a kid painted blue and silver, sporting a pair of horns and a fur vest actually made a

face at ME for smoking.

Looks like the village idiot, also known as Vice President Joe Biden let the cat out of the bag when he referred to Illegal Aliens as already citizens. Just because you let them vote Joe, and give them benefits Joe, and pander to them Joe, and ignore their criminal activities, Joe, doesn't make them citizens. A citizen would have been arrested for perpetrating any of these frauds, Joe. Stupid is as stupid does...

Another contender for Dumbocratic Champion is Nevada Senator, and Majority Leader Harry Reid. After Republicans reported numerous cases of the shortcomings of Obamacare, Reid claimed they were all lies. He then denied his statements, even after videos were produced showing them. Either Reid thinks the American people are that dumb, or Harry is suffering from dementia. Neither of these choices is appealing to the USA.

Not to be outdone by these two, Rep Sheila Jackson Lee, who has referred to herself as a freed slave, has made her own bizarre statements. Including: Klansmen are now running the TEA Party; There are still two Viet Nams -one North and one South- living together in peace (author's note: I was under the impression that ALL Liberals knew the outcome of that war); US Astronauts planted a flag on Mars, and her latest gem-the US Constitution is 400 years old. Critics have said the Congresswoman's braids are too tight, I may have to agree...yet all you get from the mainstream media is: Chris Christie, the Koch brothers, Ted Cruz, not one of whom has made statements even vaguely as outrageous as these. And let's not forget dear leader's: "57 states"; speaking "Austrian"; bowling like a "special Olympian" Gone are the days of Woodward and Bernstein-they've been replaced by sycophantic lapdogs who toe the party line at the cost of journalistic integrity. I'm reminded of the old line about the Soviet press. In the old USSR there were two newspapers, called Pravda (truth) and Izvestia (news). The joke went in Pravda there is no Izvestia, and in Izvestia, there is no Pravda. That's where we're heading here.

And to finish (with another seamless segue) the Obama Administration, through the FCC is proposing implementation of "CIN" or Critical Information Needs, wherein a Government monitor would decide what stories are reported on during newscasts, in papers, and magazines, effectively censoring opposition! This is no pie in the sky conspiracy theory, this is legit! A pilot program is underway in South Carolina. Last time I checked, freedom of the press is guaranteed under the First Amendment-you know the one Liberals always trot out to bolster their position when they want to rip down a crèche. But Obama is the best president ever, Joe Biden should be leading Mensa, the IRS is not out of control, and Obamacare will keep us all healthy-now please stop pointing that gun at me!

Stay safe, thanks for reading, and don't forget the Commissioner's Cup! I don't know who'll win this year, but I know who won't-hint: 4 time champs who forgot humility...

On a more serious note, a Back Bay fire claimed the lives of two Boston Firemen-and although I like to joke around, we both serve in dangerous professions. I don't usually put words in others' mouths but I don't think I'm out of line by saying the thoughts and prayers of the staff of the PAX, and the entire Police Department are with the friends of families of these two "Bravest". Rest in Peace Lt Walsh and Firefighter Kennedy, you truly are heroes, in every sense of that word.

Your loved one's next move...

How to know when it's time

Sometimes an elder's need for help is sudden and obvious. More often, though, it becomes apparent gradually, experts say. So how will you know? Watch for changes in your loved one's behavior, such as ignoring favorite hobbies, missing dates with friends, or forgetting to pay bills. Not every change means danger, but when a shift happens, it's important to understand why, says Claudia Fine, an executive at SeniorBridge, a geriatric-care management company. So snoop, Fine advises. Tag along to your loved one's doctors' appointments and ask questions. Once you understand the person's situation, you can help develop plans, says Peter Notarstefano, director of home and community-based services at LeadingAge, an association for aging-services organizations. Although you may not see yourself as a "caregiver," that's the term for anyone who looks after a person who needs assistance with daily tasks. AARP's Caregiving Resource Center-aarp.org/caregivers—can help.

Staying at home

Keeping a loved one in their house, or yours, can be challenging if they need daily help with some tasks. Thankfully, there are services to make it easier.

- Adult day facilities offer meals, activities, companionship, and some medical care. One popular program for frail people is the **Program of All-Inclusive Care for the Elderly (PACE)**. It's free for those who qualify for Medicaid; others pay about \$3,000 a month.
- Service programs such as **Senior Corps** send volunteers age 55, or older to visit elderly individuals at home and provide companionship.

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

- **Occupational therapists** can evaluate a home and its resident and recommend grab bars and other changes to improve safety. They also help clients develop strength and skills, such as balance, so they can manage more of their daily activities. Studies show that visits from an OT help older people stay in their homes longer.
- If you and your family member want to live near each other but not in the same house, you can now rent a fully equipped, back-yard **mini-apartment** that attaches to your home's utilities. Some of these so-called assisted living structures come with monitoring systems.
- **Assistive-technology** companies have products that can ensure your relative is safe. SimplyHome (simplyhome-cmi.com) offers monitoring equipment such as motion sensors and GPS watches, and QuietCare (careinnovations.com) has a motion-sensor system that can learn a person's daily patterns and send alerts when there is a significant change.
- In some areas non-profit support networks called **Villages** help older residents stay in their homes. Volunteers perform some everyday tasks, and the Villages also arrange for discounted services, from plumbing to nursing care. Annual membership fees are usually \$300 to \$500. To see if there's a Village near you, visit vtvnetwork.org.

How to find care

1. Your local Area Agency on Aging (AAA) has info on living options near you and government services to which your relative may be entitled. Visit n4a.org for help locating your AAA.
2. SNAPforSeniors, a for-profit network of health care providers, lists residential facilities on its website, snapforseniors.com.
3. The National Association for Home Care & Hospice website, naahc.org, lists home-care agencies in your area.
4. LeadingAge, which represents 5,400 not-for-profit senior residences, has a housing-locator service on its website, leadingage.org.
5. Medicare's website, medicare.gov, offers a ranking of local nursing homes and home-health agencies.
6. Geriatric-care managers are certified professionals who can help with all aspects of caring for older adults. For more information visit caremanager.org.

Getting your loved one on board

- **Ease into it.** If possible, provide help bit by bit, "in spoonfuls and not buckets," recommends Susan Johnson, former owner of Care Management Associates. For example, start by offering to hire someone for a task your relative doesn't like, such as cleaning house.
- **Set a time line.** Try presenting care, in whatever form, as something to try out for a little while.
- **Make your relative the boss.** Describe care providers as "assistants" to show that your loved one is still in charge.
- **Tweak your language.** Frame help in the way that will most appeal to your relative. Maybe it's a deserved luxury; maybe it's something recommended by a trusted doctor or friend.
- **Don't command.** Include your loved one in any decisions, and avoid telling her what she "needs to do"; this usually triggers resistance, warns Linda Fodrini-Johnson, executive director of Eldercare Services.

- **Seek answers.** If your relative is reluctant to accept care, try to figure out why, says Jackie Lapidus, executive director of Care Management Associates. Your relative may be assuming one scenario while you're imagining another.
- **Turn the tables.** Remind your loved one that by accepting help, he is easing your fears and making your life less stressful.

Checking for quality

People fare better when they live near what's dear to them— friends, family, congregation. But once you find a facility in the right spot, make sure it's a good one.

To begin evaluating a residential facility, schedule a tour. Quiz the manager on how the facility addresses a resident's specific and changing needs. Then make unscheduled visits. Ask residents what they enjoy about the community and what goes on during the day. Will your relative fit in?

Most states license residential facilities. To discover your state's licensing requirements, start with the department-of-health.

If it's home health care you're seeking, look for an agency that hires its own employees, rather than using independent contractors, says Paul Hogan, chairman of Home Instead Senior Care and coauthor of *Stages of Senior Care: Your Step-by-Step Guide to Making the Best Decisions*. Make sure a supervisor occasionally visits your relative's home to see how everything is going, says Hogan. And don't

expect a perfect match the first time. If you have concerns, tell the care provider and possibly the management, too. When hiring in-home care, patience and perseverance pay.

For both residential facilities and home health care, ask about accreditation, a credential awarded by one of several private agencies.

Also consider these two websites, both of which rank nursing homes based on Medicare inspection data: Caregiverlist Inc. (caregiverlist.com) and the Medicare and Medicaid Nursing Home Compare guide (medicare.gov/nhcompare).

Scan this now

AARP's Caregiving Resource Center offers much more info on finding help for your loved one. Scan this code or visit aarp.org/caregivers.



(courtesy of AARP The Magazine, June/July 2012.)



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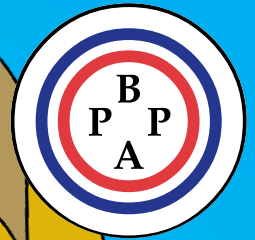
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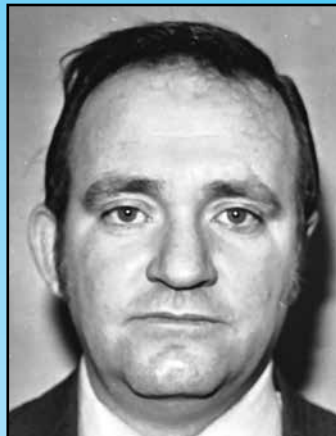
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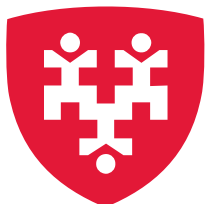
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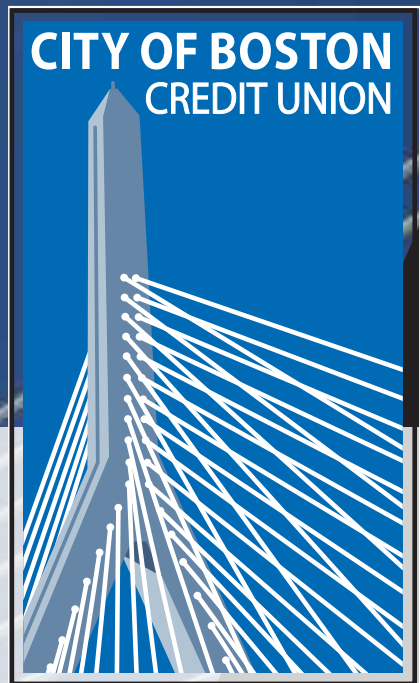
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