

# PAXCENTURION

The Newsmagazine for the Boston Police Patrolmen's Association

## Coming: Computer Chaos Conundrum

See story on page 9



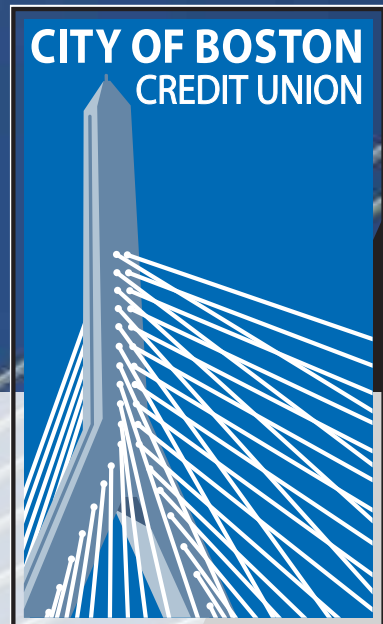
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## President's Report: Thomas J. Nee, BPPA President

# A sincere thank you



**F**irst and foremost, I wanted to send a sincere thank you to all of the members of the BPPA, the BPDDBS, the BPSOF and the entire BPD for the support shown to my family during our recent tragedy. There are no words that suffice to say "Thank you" a thousand times over. So "thank you". The Nee family appreciates it more than you will ever know.

Now that we have finally secured our contract and at least received the first step-increase, the rest of the retro payments should be on the way shortly. Many have recently received their FLSA/ compensatory time-owed payments. Some received nothing, some received a substantial amount, depending upon how much time you had accrued. If in doubt, check with your own time-clerk or payroll. The BPPA cannot verify how much time you had individually accrued-only you can do that. Hopefully, you kept good personal records of what and how much time they owed you...

We are hopeful that the retro-pay will arrive shortly. Certainly, we are long-overdue, and **Mary Ryan** in BPD payroll has been working tirelessly to finalize figures and get them shipped up to City Hall. (Please realize that there is a level of bureaucracy above Mary Ryan that neither we nor she has any control over.) As soon as we are notified, we will FAX out a message. We all know our spouses are waiting for the magic day when monies-owed arrive...

Now that Mayor **Marty Walsh** has permanently appointed **Billy Evans** as the new PC, we are hopeful that a new, mutually respectful relationship can begin again, much like the relationship we had with former PC **Kathy O'Toole**. PC Evans is a good man and in his quiet, unassuming way, has always shown nothing but respect for the patrol force. No, we will probably never agree on all issues, but we can agree on many. We sincerely hope that politics will remain out of the equation and that a desire to improve the BPD – both for the patrol force and for the public – will be our mutual concern.

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**Volume 44, No. 1 • Readership 125,000  
January/February 2014**

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# Congratulations!

The changing of the guard continues with Chief **Daniel Linskey** moving on after seven years. The Chief was helpful whenever possible which translates to having a good batting average with requests as opposed to having a lights out free-throw percentage with requests. The Chief was accommodating when possible, a strong advocate in mitigating discipline and outstanding in embracing the well-being of officers in need. Seven years of 24/7 takes a toll...the Academy is a good fit for a job well done if that ends up his final assignment.

Taking over will be Commissioner **William Evans** and Chief **Willie Gross** both with established experience from within the Department. If there had been an election for these appointments by Mayor **Marty Walsh** both candidates would have been overwhelmingly confirmed by the membership as well. Been there, done that resume for the Commissioner combined with a hands-on, ever-present number 2 bodes well for the Department. First-class command staff and day to day credibility will serve them well.

## Three Tours in a Row... You're Good to Go?

On November 2<sup>nd</sup>, officers from around the city were ordered to report for duty at 6:00 a.m. Saturday for the Red Sox Victory Parade. Usually this type of event entails a full-pop with mandatory attendance for all. Some first half officers were relieved at approximately 2:30 p.m. to return to their Districts for their regular tour of duty from 4:00 p.m. till 11:45 p.m. After finishing approximately 16½ hours plus travel time, a number of officers were ordered to work an additional tour of duty from 11:45 p.m. till 7:30 a.m. Sunday. This was also the weekend where clocks fell back an hour. This was a planned event and though it doesn't happen often it happens enough to warrant intervention because this scenario is in compliance with the Department's Special Order 06-045. The 1½ hour break that allowed officers to return to their district between 2:30 p.m. and 4:00 p.m. was considered sufficient down time for officers to be ordered for 2 additional tours of duty.

The Commissioner's Special Order dealing with hours of work was amended in November of 2006. The problematic portion of Section B states "**No officer shall be permitted to work more than two (2) consecutive tours of duty in a row or more than sixteen and a half (16½) consecutive hours in any given twenty four (24) hour period.**" The placement of the word "consecutive" in describing hours of continuous work is illogical and in conflict with the preceding sentence describing tours of duty. The removal of the word "consecutive" in describing hours would seem to be the proper intent of the Special Order but our requests for a reprieve continue to fall on deaf ears confirming the on-point message of the Department's "evil genius" to the middle managers...fall back on the word consecutive when officers' protest the sanity of the order.

The effects of patrolling 26 hours with no sleep and responding to emergency situations might need to be revisited unless the intended consequence of adding zeroes to prospective settlements is in Corporation Council's budget because it is not "if" but "when" the incident will occur.

This is far from the first time that an officer's number of hours within a 24 hour period has been questioned by the Union. It has become the norm to order a person past the 16½ hours especially after a first half into a last half based on the word "consecutive". The liability for the Department *condoning* an officer related incident after 18 hours within a 24 hour period has to be off-the-charts. Improvising at midnight to accommodate the minimum manning level is understandably part of our 24-hour workplace...but the officer's health and wellness should equally be given as much consideration. The other bargaining units have not taken issue with this 2006 Commissioner's Order if simply because they do not get ordered nearly as often. Voluntary acceptance of work in excess of 16½ hours takes place under certain conditions for those who feel they have had adequate rest leading up to the extended hours. Upping our acceptable number of hours to 20 does not get it done either because holding one first half officer from 11:45 p.m. till 3:45 a.m. and ordering another recently released co-worker from the first half to come back at 3:45 till 7:30, as was intimated, is just as insane.

In another real world workplace, an early December commuter train accident in New York involved the train's engineer doing what every one of us has done while operating a M/V in taking a "momentary nod". There was excessive speed entering a turn that caused a derailment. What ensued were fatalities and numerous injuries. The operator had a stellar record, all accident related tests were negative, he was on the 2<sup>nd</sup> day of a 5-day work week after a typical 9-hour work shift the day before. Clearly there was enough time to get restorative

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sleep. The investigation took into account a 72-hour timeline of activities prior to this tragedy. Tough to monitor or specifically identify what led to the lack of concentration but if the police time lines described on November 2<sup>nd</sup> were interjected into this investigation as being part of our acceptable working conditions there would no doubt be serious noise to follow.

Preemptive and corrective action in our attempt to remedy this wording flaw would be to remove "consecutive" from in front of the word *hours* in the Order and if ordering an officer to work 18 or more hours within a 24 hour period, the officer receives his/her next tour of duty off or receives eight hours of compensatory time if going on days off. If not agreeable an arbitrator can give some reasoned guidance. Where mental and physical fatigue is unavoidable, time off and rest is prescribed if collecting more than 18 months of a pension is the 32 year objective.

Please read Attorney Bryan Decker's article on page 28 giving a thorough explanation of earning and using comp time, FLSA overtime, contractual overtime and the 28 day/171 hour cycle.





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# The changing of the guard in Boston

**T**he New Year is here and with it a change of the guard, so to speak. With the election of a new Mayor comes a regime change or change of command for the BPD. Commissioner **William Evans** has finally been appointed as the Commissioner from 'Acting', believe me he doesn't have to act, a finer choice could not have been made. Commissioner Evans is a street cop that worked his way up for the bottom to the top, commanding at every level. He is a proven leader that understands the nuances of the neighborhoods, the overall city, the business community, the colleges, the politics and most importantly

the Police Officers themselves. He might have had the nickname: Mouse or Mousey, but he has the Heart of a Lion, the Courage of a Bear and the Intellect of a Law Enforcement 'Einstein'! We are very excited to follow this man and work with him in bringing the BPD,

the finest department in the land, to the next level. We congratulate you Commissioner Evans, you lead we will follow! Speaking of leaders, Welcome new Superintendent in Chief **William Gross**! Like the new Commissioner, a man that comes from this city's neighborhoods, a cop who also understands the special nuances of this wonderful city that we are lucky enough to police. Someone that can be the Top Cop and still lead us from the front, a 'follow me or get the hell out of the way' type guy! A man that knows what it takes to motivate and get the job done. A professional Police Officer of very high-caliber. Congratulations to you Chief Gross, we'll follow you to hell and back if that's what it takes! Do I seem a little excited, just

a little. I am actually excited for this department, for the City and for us, the Police Officers. I feel like we are part of something that comes around too infrequently in history, we hope to be a part of a team, a group of people that are actually going to have a serious effect on the day to day operation of this department. A group of people that are going to ensure that our city moves forward for all. A group that seems to have been destined to be here at this time to move us to the next level. I know there will be bumps in the road. I know there will be a lot of moving parts and transfers that will have some smiling and others crying. Some new Policy changes and some old Policies newly enforced. Maybe a different way of doing business, based on the new administration's own police and leadership experience. I realize there will be times that the Union and our members will not agree with the new administration and we will be forced to file grievances or seek legal redress to solve some disagreements, I'm not saying we will achieve nirvana, but I firmly believe we couldn't have been luckier to have these two men selected and appointed at this time! As I stated in my December article, "I

*would publically challenge everyone involved in this latest 'battle' (ie: the protracted negotiations) to stand tall, hold your heads high, no matter which side of the proverbial 'table' one has been, it is now time to get back to work protecting and serving the citizens of this great and wonderful city".*

With the aforesaid, I believe that we have to get down to serious business and finish interpreting the language spelled out in the award. There were quite a few changes made to the way in which we conduct business and a lot of the language affects our benefit pack-

age. We cannot allow certain individuals to become obstructionist (regardless of their position or title) and slow down this important work. The sooner the City Labor Division and the Union come to an understanding on each and every change, the sooner we can get back to conducting business. Conducting business in a manner that benefits not only the Citizens of the City, and the Department, but also the Police Officers. Once the City and Union are in agreement on all Award issues, we will print a new contract (CBA) pocket

book and distribute them to each and every Patrolman. I personally believe that the new administration sees the importance of having a good, honest, truthful working relationship with the Unions and the Officers.

I would be remiss if I didn't mention outgoing Chief **Danny Linskey**. Chief Linskey worked with the Union as best he could, given the circumstances. Chief Linskey championed many a cause for the Patrolmen's Association and went to bat for a lot of Officers that found themselves in precarious circumstances. As the Secretary, I will be forever grateful for his assistance in dealing with some very sensi-

tive issues in our member's lives. There are many members that owe their careers to his assistance and work done with us in your name. The outgoing Chief worked hand in hand

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with us in trying to better equip and train our members. On a personal note, I thank him for taking my phone calls when he didn't have to, for being there with us for our members and their families at the hospitals, in the living rooms and funeral homes and lending an ear when no one else would listen. Best of luck!

Be careful out there, don't forget to back each other up. Your number one responsibility is to get home safely to your loved ones. I wish you all a Healthy & Prosperous New Year!

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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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# Coming: Computer Chaos Conundrum

## “New and improved” computer system will cause delay, aggravation, frustration for patrol force

By James Carnell, Pax Editor

**M**uch of the BPD has, over the last six months or so, attended the “new and improved” computer training classes for writing reports. Initially, the “new and improved” report writing program was scheduled to begin on January 27<sup>th</sup>, but it has now been pushed back to some unknown date in April or May, 2014 for...er...”technical reasons...”. On behalf of virtually everyone who been “re-educated”, to borrow a North Korean colloquialism, may I humbly submit that the new and improved system sucks.

The “new and improved system” is nothing of the kind. If computers are supposed to make report writing easier, quicker and more efficient, this system does the polar opposite. It presents to the user (*that would be us*) a confusing amount of choices to decide upon, and it will obviously result in having nobody on the streets to answer radio calls or prevent crime. I envision each and every computer terminal in every station being occupied for hours on end by frustrated cops who cannot figure out this new and improved system. It is literally another example (similar to our new and improved detail slips) of a boob at City Hall re-inventing the wheel without regard for the consequences. Obviously, no street-level patrol officer was consulted about this debacle-waiting-to-happen.

Most of us were only able to complete the computer course with repeated assistance from our instructors. (*I am in no way, shape, or form blaming them – they were dealt of bag of sh\*\* and told to instruct us, and that’s what they did.*) The vast majority of us leaving the class forgot what we learned five minutes after we left, and others who were taught the system back in October or November forgot it back in ....October or November.

The system itself is literally a case of “too much information”; but it is information that the FBI wants *us* to expend hours providing for *them*, not the other way around. In order to glean more information on standardized forms for their UCR (Uniform Crime Reporting) system, the federal government provided millions of dollars to local police departments to “upgrade” the computer software. Of course, much like Obamacare, nobody bothered to check with the people in the street to see whether the system was practical or user-friendly. Of course, (again much like Obamacare), those in charge continue to march forward in progressive lockstep like lemmings over a cliff despite the rest of us telling them that the system sucks.

A simple towed-car report comes out to three pages, and requires hours of effort in order to enter the information into the computer. Make a simple mistake on the VIN number, and the system sends you back to ground zero. Re-do the report. You now need two “CC” numbers (a “P”# and an “I”#), where previously one sufficed, in order to

complete a report, and if you forget to click on the red bar at the top of the report or get distracted, within **four seconds** the number disappears, and you have to jump through cyber-hoops to retrieve it. The booking information is not connected with the report, so everything has to be entered manually, unlike our current system where we simply enter the booking number and ...*voila*... the arrested person’s information is automatically entered. (*And this is supposed to make report-writing “quicker”?* George Orwell was right... *this is like his famous novel “1984”.... Up is down, left is right, good is bad, etc., etc.*) We now need separate numbers for evidence and property, along with bar code tags that are supposedly going to be printed out (*Ya, right, have you seen the average Boston police station’s copier lately? ...In a pig’s \$%#@!.....*).

A simple shoplifting report can end up twelve pages long, with most of the pages being thoroughly superfluous. Front-desk clerks at area police stations, already harried by crowds waiting to make a report, will be out of their minds. A larceny report will take between 3-4 hours. If you forget to hit the “save” button, your entire report will be lost, and you get to start again. Special officers from department stores and malls will also be utterly confused, and will undoubtedly be requiring time and assistance from equally frustrated officers. Reports that haven’t been approved by the specific attending supervisor or might contain a

minor error can wait days for the reporting officer to correct them, especially if it’s late at night and the officer goes on days off. (Remember, the department is now another cycle of “cost-cutting”; the overtime budget is too high, so we are all supposed to “do more with less”, or so we’ve been told at roll calls.

(*EDITOR’S NOTE: “doing more with less” applies to the street patrol force, not to the command staff or suck-pumps assigned to politically sensitive units....*)

Somebody told me a long time ago, ...“always follow the money.” I’ll lay you dollars to donuts that whoever thought this system was a good idea has been wined and dined by the software company, and that somebody is related to somebody through politics. (*NO, Jim, you don’t say!? In Massachusetts!?*) . Again, nobody thought to ask a street cop whether this new computer system was a good idea. And they think we’re going to pull over to the side of the road and edit reports in our cruisers? Are they out of their minds? There won’t be a cop on the streets to answer a call. I heard that New York City is suing the software company and I understand that Cleveland and other major cities have dropped the program, finding it unworkable and impractical. Let’s stop acting like those lemmings I mentioned earlier. There is no need to re-invent the wheel. If it ain’t broken, don’t fix it.

And by the way, if the FBI and the Fed’s *want* this new system, that’s another good reason to say “screw you,” stick it where the sun don’t shine....



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## Gov. Patrick announces another nut program

### *More money for criminals and social-service leeches, less for cops*

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

**S**top me if you've heard this one before... "*Massachusetts Governor Patrick unveils recidivism initiative*" (Boston Globe, Jan 29<sup>th</sup>, 2014) Ah yes, Mini-me, our diminutive Governor from the south side of Chicago, announced \$18 million in loans for another social-service agency whose goal is to help criminals "turn their lives around." Yes, they're going to give this alleged social service agency an initial \$18 million – but then will funnel another "\$27 million" in "success payments" to this social service agency over seven years if they meet certain "goals." And of course, in Massachusetts, reaching statistical goals is a foregone conclusion. Fudging stats to throw in front of a gullible public is as easy as apple pie. Beyond the shadow of a doubt, the social service agency, named "Roca," will meet and exceed its goal of helping high-risk youth exiting prison "break the cycle of violence".

Not that it matters, Governor, but who helps the good kids who don't get in trouble? Does anybody give a damn, or give any credit, to them? Do they get free scholarships to college, make-work jobs handed to them by the state, welfare benefits, free housing or any other goodies that are routinely handed out to convicted criminals?

For 50 years, I've heard the same crap over and over and over again: "New program for ex-cons," "New program for at-risk youths," etc., etc. Beating the same drum with a different stick. Meanwhile, the Governor claims that using flagmen on detail sites has "saved the state \$10 million dollars" and wipes away the State's contribution to our 40-year old educational incentive known as the Quinn bill. He then spends \$9 million decorating his state office and hands out money left and right to social service agencies looking to sign up ex-cons in their newest, phony-baloney program. And I guarantee you, as with any entitlement program, it will become self-perpetuating, and they will have all of the contrived statistics to back them up the next time they have their hand out. And Deval – or whatever idiot liberal follows him at the State House – will nod their heads, smile a dopey smile, and hand them whatever they want.

But again, who sticks up for the rest of us, the ones who work a hundred hours a week, pay our bills and our taxes, and don't rape or rob other people? Yeah, I think I already know the answer to that one.....



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# Notes from all over – Points to ponder

By James Carnell, Pax Editor

## Upcoming Promotional Exam

As many of you know, the BPD has announced a “new and improved” exam which will be offered for promotional opportunities in June of this year. And as you will see, only 40% of the exam will consist of the written mark, 20% of the mark will be derived from training and experience, and the other remaining 40% will come from a subjective interview. It is during this subjective interview that undesirable candidates who are not politically favored will be eliminated, regardless of their mark on the written test. Call me a cynic, study as hard as you want, spend lots of money on test-prep materials, knock yourselves out, etc. etc. But when the time rolls around for any actual promotions, don’t say I didn’t tell you. The BPD has already announced through many different sources what this exam is designed to do and who they want promoted. Many years ago, during the regime of former-PC Mickey Roache, they invented the same process. (*The more things change, the more they remain the same....*) The subjective interview portion (known derisively back then as “Mickey-Points”) doomed many a good candidate who had scored near-perfect on the written part of the exam. Some officers who had aced the written exam suddenly found out they had “failed” the interview process, and earned only a handful of points, while other officers who had barely passed the written exam were (Surprise! Surprise!) awarded almost all of the points from their amazing verbal interview. (Geez, I wonder how that works????) See if history doesn’t repeat itself...

## “Arrogance” defined

(Merriam-Webster Dictionary) ...noun ... “An insulting way of thinking or behaving that comes from believing you are better, smarter or more important than other people”... “an attitude of superiority manifested in an overbearing manner or presumptuous claims or assumptions...”

Geez, let me see if this fits the bill: *Boston Globe*, Wed., Jan 15<sup>th</sup>, 2014 Page B-4, Maria Cramer quoting MAMLEO President Larry Ellison in an article entitled “Diversity hailed in Boston Police shake-up”: “Ellison said he was concerned no one in the administration had called anyone at his organization about the new appointments or sought his counsel.... Ahmmm, the last time I checked, nobody in the administration of the police department had “sought the counsel” of elected union bargaining units such as the BPPA, the BPDBS, the BPSOF, nevermind social/fraternal organizations (*of which MAMLEO is one*) like the Emerald Society (Irish officers), Italian-American Officers Association, Jade Society (Asian officers), Shomrim Society (Jewish officers), et al, before making command-staff appointments. MAMLEO and its officers do not need to be “consulted” by management before making appointments; that is the PC’s prerogative and an inherent management right. We may not – *or we may* - like various appointments that Commissioner Evans has made. But we at the BPPA would never be so arrogant as to believe that the PC has to “consult” with us before he invokes his inherent rights as PC to appoint his own command staff....

## One thing that **DOES** irk us at Headquarters though is....

When I travel to Schroeder Plaza on business, I invariably see little twenty and thirty-somethings prancing around the building with badges on their civvies and holding the proverbial, requisite piece of paper in their hands so they look like they’re doing something. I know I’m not getting younger, but please....if they’ve been out of the academy for more than a few years, that might be a generous stretch on my behalf. Headquarters assignments were, historically, always reserved for officers who were veterans, older, or injured, heading towards the waning years of their careers. Now, we have the ridiculous situation where 50 and 55 year-old officers are answering radio calls while politically-connected darlings cavort through headquarters cementing relationships to last throughout their fledgling careers. Get out in the street and answer some radio calls. Leave the headquarters jobs to senior veteran officers.

## Not that it matters, but....

How many times have you been sent on a radio call to BHA/federal/state/subsidized apartments where you know everybody is living on section 8, EBT cards, SNAP benefits, free medical, etc., etc. and seen wall-mounted, flat-screen TV’s in the living room or bedrooms? I was recently in an apartment in Charlestown’s Bunker Hill Development with **THREE** of them. (I thought you were supposed to be “poor” if you lived in subsidized housing?) Every apartment also seems to have satellite dishes hanging out the windows. I recall being in one apartment a few years ago in the Orient Heights project in East Boston where the apartment had been outfitted with brand-new, top-of-the-line, “**BOSCH**” brand appliances. Meanwhile, at my house, we’re re-using disposable coffee cups and plastic plates in an effort to save money and haven’t seen a new TV in years. Ever wonder why taxpayers rightfully get upset? I see it right in front of me every time I get a call to a subsidized apartment. And Governor Patrick, that’s not “anecdotal”... that’s the truth.

## Do more with less????

Our new command staff recently visited some of the district stations to tell the lowly patrolmen that we had to “Do more with less” due to upcoming budget cuts, since we had just received a raise. How magnanimous of them! And what is it that our command staff did to secure a raise for the lowly patrol force? (If I recall correctly, it was the BPPA that fought a 3½-year battle to secure a pay-raise, unsupported by any member of the command staff.) Would this be the same command staff who will throw us under the bus in a heartbeat if controversy raises its head or media criticism should arise? Do more tickets and tags, AKA: the largest causes of internal affairs complaints? Ahhhmmm, right.....And who will GPS be directed against, without a doubt? It won’t be tracking the command staff’s unmarked cars as they head down to Yarmouthport or up to New Hampshire on Friday mornings in July, I can tell you that much...



# Looking at Obama's 'flexibility'

**F**irst, let me state publically to those that previously followed my Veteran's Corner articles with interest, I apologize. I apologize for not submitting my articles to the new *PAX Magazine* for publication. I was so wrapped up in actually getting the new format and magazine style off the ground and published, that I allowed myself to be swayed by certain individuals that don't necessarily agree with some of my political viewpoints. I allowed myself to be talked into reaching out to others to write the 'Veteran's Corner,' to no avail I might add. After much consternation and deliberation, I have decided to continue the 'Corner' and share my pointed military beliefs, opinions and views with you regardless, unless the readership ask me to put down my pen. After all, I am a retired military veteran of twenty-two years and feel that I am amply qualified to speak on national and international politics and current events from a military standpoint. I will once again solicit help and suggestions from you, the reader and military veterans that serve the Boston Police Department. With that in mind, let's have at it.

If you remember back to April of 2012, I wrote an article concerning our President's guarantee to the Russian Federation that he could be more "flexible" with the Russians after he was re-elected. Everyone should remember the 'hot mic' incident back in 2012 when **Barack Obama** plead with Russian President **Dmitry Medvedev** to give him time until the election. I've included the first paragraph of that article to refresh your collective memories:

March 26, 2012 in Seoul, South Korea, the day the world heard the truth from his own lips: "On all these issues, but particularly missile defense, this, this can be solved, but it's important for him to give me space," Obama was overheard saying. Then his Russian counterpart and apparent friend Dmitry Medvedev stated "Yeah, I understand your message about space, space for you." Obama went on to state "This is my last election, after my election, I have more flexibility". "I understand" stated Medvedev, he continued "I will transmit this information to Vladimir," of course referring to Putin who is and has been the real ruler of Russia continuously for over the last decade. This conversation was overheard by the world press; our President apparently forgot to turn off his microphone while he was bargaining away the future security of our country.

Unlike so many of Obama's promises, he is keeping that one. After the election, he promised **Vladimir Putin**, through Medvedev, he would be more "flexible." Now we get to see this flexibility.

Barack Obama is continuing to approve the spending of almost \$700 million dollars of taxpayer money to buy Russian helicopters for the Afghan Air Force, even after Congress openly questioned the purchase. But wait; just like those TV commercials, there's more it gets better. When Congress passed the 2013 National Defense Authorization Act, it had an interesting provision. Congress included, as a part of that law, a prohibition on the United States buying helicopters from Rosoboronexport, the Russian manufacturer of the MI-17 helicopter. (You see, there actually were a couple members of Congress paying attention.) A few astute members saw the original 1.1 billion dollar line item in the pentagon budget, slated to be handed off to the Russian Federation. They questioned why we weren't buying American, why

not US made helicopters, why give money to the most corrupt military in the world? Those questions, in of themselves should have been sufficient. Unfortunately, as always happens when such laws are passed, Congress always gives the regime an escape hatch. The law stated that Obama could buy from Rosoboronexport if the Secretary of Defense **certified** it was in the interest of National Security. And of course, the new Secretary of Defense, **Chuck Hagel**, (friend of Iran, Hezbollah, Hamas and Russia) a man committed to destroying the US military, immediately signed off on that certification. Where do we even start with this one?

Congress is outraged over this with Senators and Representa-

tives from both parties writing letters concerning this purchase. Of course, this is Congress' fault for allowing a law to be written with such an escape hatch. Based on all of the media attention, letter writing and calls for investigation, the Pentagon (with permission, I'm sure) finally relented and cut the purchase from the original 1.1 billion, refused to purchase an additional 15 helicopters that were ordered and settled with gifting the corrupt Russian military machine approximately \$700,000,000.00. Please note that these funds are in addition to the tens of millions of dollars that our country has already spent buying Russian military equipment for Afghanistan. More importantly, Americans need to be asking just what the hell the Obama regime is doing. Why are we spending \$700 million dollars with

a Russian arms manufacturer? Why are we even giving the Afghans these helicopters? If we are going to give them helicopters, which we really shouldn't, then why not purchase and give them American made helicopters and put Americans to work? If we are going to give the Afghans Russian helicopters, why not get them used ones? There are hundreds of used MI-17 helicopters floating around the world. Why are we paying to give the Afghans brand new helicopters? In the era of the sequester, isn't there something better we can do with \$700 million? American medicare cancer patients are being turned away from hospitals and are being denied life saving treatment because of budget cuts. The American military is being gutted to the point of ineffectiveness because of budget cuts. In 2013, the United States Air Force grounded 17 squadrons because of a \$600 million dollar budget cut. There are plans on separating thousands of airmen for future budget cuts. Our own Air Force is not able to perform its mission because it lacks the money to fly, but we have the money to give Afghanistan \$700 million dollars in Russian helicopters. Military retiree pensions and services are being cut by 10 billion dollars over the next decade and I don't even want to start on the projected future cuts to our Armed Forces! Is this where Barack Obama thinks we should spend our money? How much more are we going to spend on a country that wants us out, how much more money are we going to take away from our own defense force to supplement the likes of Russia, Afghanistan, Iran and the others of their ilk? Enough is enough! It's bad enough that the law enforcement community has to put up with **Eric Holder** and his antics, now our military has to answer to **Chuck Hagel**, unbelievable. The security of this nation is on thin ice.

Next article we'll critique our new Secretary of State, **John F. Kerry**, it just keeps getting better and better!!!





# Only a cop

By **Harry T. O'Reilly**, "Police Badge" Magazine

I was at a cocktail party recently in Manhattan and my host, in efforts to get conversation going between people with mutual interests, introduced me to a shiny, well-groomed young man who had recently earned his master's degree in criminal justice. When he learned that I was a retired cop who was now teaching at John Jay College, he remarked that his father was a cop. When I asked where his father worked, he replied, "Oh, you wouldn't know him. He never did anything important. He's only a cop in the 32<sup>nd</sup> Precinct." My host saw the look on my face and before I could put my drink down so both hands could be free to choke him, he whisked the kid off to a neutral corner to protect him, rushed back, and begged me to forget about it. I couldn't, so I'm writing this column in the hope this message will reach that young man and so many people like him who are so quick to minimize the role of the working policeman in our society.

I've never worked in the 32<sup>nd</sup> Precinct, and I don't personally know any cops who do; but I've visited there a few times, much against my will, when I was "flown" in to supervise a detail of men who were supplementing the precinct's manpower during various crises over the years, and I know what it is like to work there.

I don't know that kid's old man, but I do know policemen, and I know that whether your beat is in New York City's Harlem district or in 3 suburb of Los Angeles, the nature of the job doesn't vary that much. The volume of activity may be greater or less, and the surroundings may appear to be different, but the dangers and the problems and the stresses and the heartaches are very much the same.

Listen closely, son, I'm going to tell you about your father. Your reference to him as "only a cop" upset the hell out of me, because "only a cop" implies a sense of failure or lack of achievement because he's not a sergeant or lieutenant or higher. How many brothers and sisters do you have? Did grandpa die and leave you a ton of money? If not, are you aware of the financial realities of raising and educating a family? Do you have any idea of how difficult the competition is to be promoted in an occupation where there are limited vacancies and opportunities for advancement?

Are you aware that if you have to work a second, and sometimes and third job to make ends meet, that maybe you are too weary to study or to attend promotion-tutorial classes? Are you aware that for many men, being "only a cop" can be so fulfilling that there may be no desire to be promoted?

Have you ever noticed those green, white and blue bars over your father's shield? Have you ever asked what they represent? I can assure you, he didn't get them in a Cracker Jacks box. Each one of them represents a superior achievement in a job where bravery, courage, danger and brilliant police work are considered routine.

While the chiefs and bosses were sitting in headquarters sending down orders to "use restraint" and while the sociologists were trying to explain (if not to justify) why people were rioting and looting, he

was more concerned with staying alive as boards, bricks and rifle fire came down from the rooftops. Despite his own fears, he was very careful as he fired his revolver towards the rooftop not to hit one of the innocent, curious, decent people who struck their heads out of the windows of the apartments where they had barricaded themselves in fear.

He never told you about the time when half a cinder block thrown by a "social protester" crashed through the roof of the radio car, narrowly missing his head as he and his partner drove along a side street on patrol.



He never told you about the rats, the pissy hallways, the fights or the dead babies. You never

knew that when you were a kid he wrestled with you on the living room floor while the Popeye cartoons blared out of the television set that a few hours earlier he was wrestling around on a filthy sidewall; with someone who was intent on taking his pistol from him and blowing his head off.

You wonder why he didn't show too much emotion when you cut your hand playing ball and had to get stitches. Perhaps he has become jaded to pain and

suffering. Perhaps he felt that your hurt was small in comparison to the accident which he handled the night before where he saw brains splattered across a windshield and a severed arm and smelled fiery death. Perhaps you should be proud and grateful that after that he still had enough feeling left to kiss the boo-boo and hug you and pat your head, brief though the moment of tenderness may have been. When you complained of him "never being home," he was usually out moonlighting to make the extra money required to pay off the house that he couldn't afford, but bought anyway, in order to get you away from the old neighborhood when he saw the violence and crime increasing. When you complained that he "wasn't there when you needed him," it wasn't his choice – he was out earning the money to pay your tuition while you whined to your friends about how he didn't care about you or understand you.

When he came home from work after a hard day and seemed a little abrupt to you, you sulked and felt abused and unwanted. You didn't know that yet another case had been thrown out of court due to some legal technicality after he risked his ass making the arrest; or that he had been hauled down to the civilian complaint review board again on some unwarranted charge because his accuser knew that lodging charges against the officer can be helpful to the defense in a criminal prosecution; or that an overzealous boss who never worked in a combat zone before was on his back over some petty rules infraction.

Maybe your pop is at fault for not sharing his job-related problems with his family. Maybe we all are. Maybe in our efforts to protect our loved ones from our frustrations and pain, we fail to communi-

See **Cop** on page 23



## HEARD ON THE HILL

By **James Barry**, BPPA Legislative Agent

# Outrage in domestic shootout

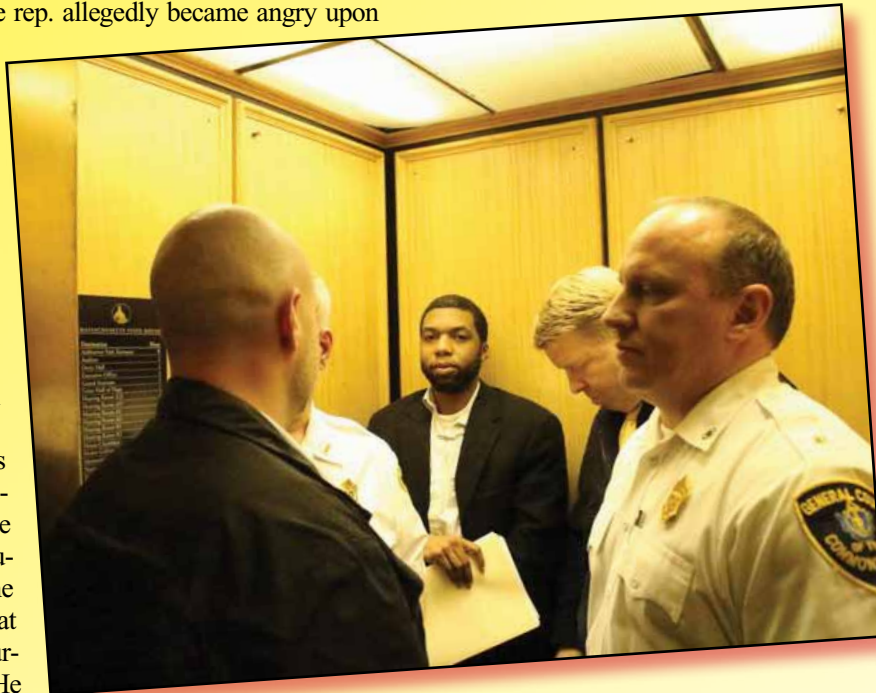
**C**arlos Henriquez, a Boston Democrat, was found guilty on by a Cambridge District Court jury of two assault and battery charges. He was acquitted of a third assault and battery charge, as well as larceny and witness intimidation charges. Henriquez was never charged with the more serious crime of kidnapping. The former state rep. allegedly became angry upon learning that his girlfriend **Katherine Gonzalves** would not leave her home with him after he drove to Arlington at around 3 a.m.. Rep. Henriquez got so upset allegedly struck her in the face, the chest and grabbed her by the throat before driving off with her in the back seat. She ran from the vehicle in Boston, near Northeastern University shoeless.

"When he suddenly was not going to get what he wanted from his trip out there, he flipped," Middlesex prosecutor **Clarence Brown** told the six jurors and two alternates at Cambridge District Court during the closing statements. He said, "What must have been going through Carlos Henriquez's mind that night; when he snapped and backhanded Katherine Gonzalves his life changed.

He was an elected official, and he had just physically assaulted a 23-year-old girl that he had been having a sexual relationship with for months. I am a father of three daughters who I taught to standup and fight for themselves. What a read about the actions that night and the aftermath I found very disturbing.

Carlos Henriquez, was a two-term elected state representative. Not only was a public trust was placed in Mr. Henriquez by his election to the Massachusetts House of Representatives. A private trust was also placed in Carlos when he was engaged in an intimate relationship with his girlfriend, Ms. Gonzalves.

What followed after his conviction was both sad and outrageous. Sad and outrageous, that a woman who said No, wasn't respected by Carlos and had her trust in him destroyed. A woman that said **NO**, has her character impugned and assaulted by Carlos and his supporters!



A woman who said **NO**, was lost to many in the community. A woman who said **NO** was forgotten there and she is a 23-year-old female victim of domestic assault.

In Carlos' world ... it was the woman's fault. (*I'm not sure how you rationalize that*). It was the jury's fault. (*Nor that*). It was those in the news media that devalued him. He was discarded by people of his own community. He was the "victim" here. Why couldn't everyone just see?

The sick part is many who you'd think would be with the victim (should be with the victim) are rallying to the side of Carlos Henriquez.

There is a 23-year-old female victim of domestic violence named Katherine Gonzalves. I wish we'd see the same kind of outrage and rally for her. We have a very long way to go in this society if this is our standard for victims of domestic assault.

Henriquez did not speak during his trial, or before his sentencing, and he did not answer specific questions from the Ethics Committee about his version of the events from the July 2012 evening. But the truth was heard and Carlos was convicted on two out of five counts of stemming from domestic assault crimes.





## Patrick's gearing up for White House run

**D**eval Patrick is holding firm that he doesn't need to change anything about the way he runs state government, this even as controversies at his state agencies continue to pile up. Patrick made these statements as he jetted out of Logan on a Swiss vacation.

Deval Patrick is totally blind to his scandals and will not be held responsible for any of them. If reporters question him, he bristles and goes on the defensive. He is very terse and short with his answers about them. Taken all together the incidents raise questions about his oversight, his accountability and competence. Deval owes the public answers.

His current scandal is the Department of Families and Children. A child at risk, was murdered by a systematic failure of people who were suppose to protect him. Anyone who has closely worked with that system, could see the train wreck coming. It just didn't just happen now, has been happening for years.

This DFC scandal comes on the heels of other two DPH national scandals that first came to light in 2012. The first involved DPH crime lab chemist **Annie Dookhan**, sentenced to 3 to 5 years for falsifying drug tests, who through intention, ignorance, apathy or negligence – jeopardized over 40,000 criminal cases, costing the taxpayers hundreds of millions of dollars.

The other involved the Framingham-based New England Compounding Center, which was overseen by DPH. It was responsible for a fungal meningitis contamination of its steroid injections which has so far resulted in 64 deaths, while sickening over 700 others. Tragic situations and results for so many patients and families.

No upper level DPH managers were punished in either of these scandals and the former DPH Secretary was given full honors and send off by Gov. Patrick just as both controversies broke. DPH's controversial oversight of both the crime lab and the compounding pharmacies while rewarding it's managers not smart.

Let's not forget the "squeaky clean" the Massachusetts Gaming Commission's licensing process and it's "connected" Chairman **Steve Crosby**. Plus a state auditor's report showing welfare benefits were going to dead people and an Early Education Commissioner who lived in Connecticut and stepped down amid questions over her enrollment in a program that trains school superintendents.

Can't wait for the White House run, if we survive the rest of his term.

— James Barry, BPPA Legislative Agent

## Throw-away phones don't pay E911 surcharges

**T**here is a bill pending in the legislature (House Bill 2131) that would require collection of E911 surcharges on all throw-away cell phones at the point of sale. This is not a new tax or fee, but is simply uncollected. The monthly \$0.75 surcharge paid by landline and post-paid phone customers is currently not being paid by prepaid phone customers.

Retailers have fought the idea of collection because it requires them to do it and they simply they don't want to. That isn't in the best interests of the public's safety. They want to sell it and be done with it. With the sale of the throw-away phone, comes the public responsibility to collect the E911 surcharge.

But cops on the streets have long seen many of these phones turning up. They are virtually untraceable and are the phone of choice in many illicit and illegal activities.

The projections for the monies that are going uncollected from this situation could be as high \$5 million dollars per year. In a time with diminished resources, a legislative correction to this situation is what's needed. Stop a throw-away of E911 money, that could be used for public safety services. It just does not make sense. There are 33 other states in collecting the important E911 surcharge on prepaid phones at the point of sale.

— James Barry, BPPA Legislative Agent







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# “Proud of our heritage” – The Emerald Society of the Boston Police Department

The Irish have been supplying Police Departments across the United States with personnel since November of 1851 when a County Galway Native named **Bernard “Barney” McGinniskin** was appointed to the Boston Police Department. Barney stood upon a chair in the locker room and loudly introduced himself proclaiming “I’m Barney McGinniskin, from the bogs of Ireland!”

The Yankee establishment hated his appointment and fought heavily to discredit Barney and keep the Irish from infiltrating the ranks of the Department. The Yankee establishment finally succeeded in getting Barney fired, but the door was opened and the Irish flooded the Police forces as they flooded the cities of America. The public perception of the ever present Irish cop on the beat was more than just a stereotype, it was a fact. Up to the mid-20<sup>th</sup> century, the Irish dominated the police and fire departments. These departments were largely made up of either Irish born or 1<sup>st</sup> or 2<sup>nd</sup> generation Irish. Since 1850, the Irish have produced more Police chiefs than any other ethnic group.

Soon new ethnic groups started to join the public safety ranks. The Germans, Italians, Polish and African-Americans joined the police and fire departments and eventually formed fraternal associations. Catholic, Protestant and Jewish religious organizations were also formed for Officers.

There was no association for the Irish and Irish-American Officers until the Emerald Society of the Boston Police Department was formed and incorporated on June 21, 1973. This finally tied together a group that had been loosely formed since the establishment of the first Emerald Society in New York City in 1954. The formation of an Emerald Society in Boston’s ranks began a bitter battle with then Police Commissioner **Robert DiGrazia**. The Commissioner refused to allow the Irish to form a society although it was pointed out that other ethnic and religious groups had already founded their organizations and that it was not against rules and regulations of the Department. After the founding of the Society, the Commissioner relentlessly pursued the removal of the title “of the Boston Police Department” from the Society’s name, needless to say he lost. The Commissioner also refused to allow members to wear their Society’s pin, calling it a “girl scout” button. The Society capitalized on his anti-Irish bigotry and it seemed that overnight half of the Department joined the club. Although a long a force on the Department, the Society gave the Irish an organization of their own something that brought them together.

The first headquarters was located at 642 Beech Street in Roslindale and the first meeting of the general membership was held at the V.F.W. Post #1018 on American Legion Highway. Post #1018 became the site of the monthly meetings which are still held on the first Tuesday of each month. In 1982, the society purchased the former site of the Suffolk Franklin Savings Bank located at #10 Birch St. in Roslindale. Lots of hard work on the part of many people

resulted in the beautiful building we now call our own. Sidewalk Sam, the famous local artist painted the murals that decorate the wall. His artwork was payment from the inspiration he received during a Society sponsored trip to Ireland. The first meeting at the Hall was held in September of 1983. Monthly meetings include the business of the Society, introductions of new members, planned functions and upcoming events, even drawings and prizes for members. Merchandise is also available.

There are three types of membership, “Active” membership requires the member to be an active or retired Boston Police Officer able to trace his/her roots to Ireland. “Associate” and “Honorary” levels of membership are less stringent, but require an “Active” members sponsorship. The Purposes of the Society, History, Applications and more information on the Emerald Society of the Boston Police Department are available on our web site: [www.bpdemeraldssociety.com](http://www.bpdemeraldssociety.com).

The Emerald Society hosts many events throughout the year including the Annual Emerald Golf Classic in June, the “Halfway to St. Patrick’s Day 5K Road Race” to benefit Cops for Kids with Cancer, “meet and greets” with other Emerald Societies and organizations that visit during the year, and also planned trips that have taken us to Savannah Georgia, New York City, Ireland and other destinations. The Emerald Society sponsors the Police Department’s Hockey Team, they are one of the best teams around and winners of the Silver Medal in the World Police & Fire Games held in New York in 2011. The Emerald Society Honor Guard marches in many parades and events throughout the year, including an a trips to present the colors during professional sporting games. From its beginning the Society has sponsored an annual scholarship program for members’ sons and daughters, giving away six \$400.00 Awards. This year, thanks to the Red Sox defeating the St. Louis Cardinals in the World Series, our brothers in the Metro St. Louis Emerald Society have supplied us with the funding for a fifth scholarship for our members.

The Emerald Society of the BPD is also one of the founding members of The National Conference of Law Enforcement Emerald Societies ([www.NCLEES.org](http://www.NCLEES.org)), an umbrella organization that serves more than fifty-five Emerald Societies in the United States and abroad.

This September, the NCLEES Fall Meeting will be held in Boston, this marks a return to Boston as the host City, last held here in 1998. Our brother Societies and their members will be in town enjoying the history of our City, taking in a Red Sox vs Yankees game and discovering why we are called the “Capital of Irish America”. A web site, Facebook event page and twitter account have been set up, for links, visit: [www.ncleesboston.org](http://www.ncleesboston.org). In May, during National Police Week, NCLEES holds

their main Meeting, followed by the 19<sup>th</sup> Emerald Society Annual Pipe Band March and Parade, a Service at the National Law Enforce-



See **Emerald Society** on page 30





# Massachusetts Firearm Laws - A brief overview

**M**assachusetts Law allows Police Officers to carry a firearm under the so-called "Color of Badge" Statute without also possessing a Firearms License to Carry. MGL c. 41, §98 "authorizes police officers to carry within the Commonwealth such weapons as the chief of police or the board or officer having control of the police in a city or town shall determine". Officers that wish to carry outside the scope of their employment must obtain a Massachusetts Firearms License to Carry ("LTC") pursuant to MGL c. 140, §131. The state legislature has enacted what the Supreme Judicial Court has termed "a large complex of legislation which relies not only on prohibitions but on controls of possession, carrying and transfer of firearms through techniques of licensing and identification." *Commonwealth of Mass. v. Davis*, 369 Mass. 886 at 888. Included amongst this "complex of legislation" are MGL 146, §131 which governs LTCs and which carries no mandatory predicate. Although §131 contains several basis for disqualification of the applicant it also grants the licensing authority broad discretion to deny a license to an applicant who is otherwise not statutorily barred. The licensing authority can refuse to issue a LTC if it does not appear that the applicant is a "suitable person" to be issued such a license. Each of the permitting statutes includes a provision mandating revocation or suspension of issued permits upon the occurrence of any event that would have disqualified the holder from being issued an LTC.

In order to obtain a LTC one must apply from the police department where the individual resides. For most BPPA members an application would be made to Boston Police Department. An application must be filled out. Falsifying information on an application is a crime and will result in a denial of the LTC even if you believe the information to be true, but are mistaken. One question to be careful of is question 10, which asks have you ever appeared in any court as a defendant for any criminal offense, including criminal traffic offenses. While an applicant does not have to disclose non-criminal traffic offenses, anything else must be disclosed. This question asks for information on court appearances. An arrest and an appearance are not the same thing. The key word is appeared, not simply arrested. As you know, many criminal court appearances do not involve physical arrest. Having been charged and convicted of a crime does not necessarily prohibit you from getting a license, however not answering truthfully will disqualify you. Understand that "ever appeared" includes all adult and juvenile appearances. It does not matter if you were found not guilty, if the charges were dismissed, or if you received a Continued Without a Finding; the information must be disclosed. Moreover, if you have a sealed record, you must indicate so. Sealed records are accessible for the purposes of firearms permitting.

Boston Police also requires a separate form to be filled out by officers. Question 11 asks: "Are you now under any charges for any offense against the law," and which could be construed to mean civilian complaints, IAD investigations and the like.

Massachusetts law has set forth several disqualifiers that will preclude you from obtaining a LTC. Certain misdemeanor offenses, generally those involving violence, and all felony convictions will disqualify an applicant from ever obtaining a LTC. Convictions require a final finding and do not include arrests, arraignments, dismissed cases or cases continued without a finding.



The significant criteria for determining the definition of a felony in all cases is the maximum possible sentence at the time of conviction or adjudication, not the sentence actually received. Crimes that carry a penalty of more than 2½ years will disqualify a person from obtaining an LTC for life, regardless of the actual sentence, if any, imposed in a given instance. These same disqualifiers will also cause a LTC to be suspended or revoked.

Examples of disqualification and/or offenses that would require suspension or revocation of a permit include operating under the influence offenses after July of 1994. Previously, a conviction for operating under the influence prior to July of 1994 carried a maximum 2 year sentence and would not disqualify a person from obtaining a LTC. The same conviction after July of 1994 now carries a maximum 2½ year sentence and is a disqualifier for life if a person is convicted or pleads guilty. Cases that are Continued Without a Finding ("CWO") are not convictions. Normally charges are dismissed once the continuance period has passed. A CWO is not a statutory bar to obtaining a LTC. However, in some cases a licensing authority may determine that someone is "unsuitable" to possess firearms based upon the charges that were CWO and deny that person a LTC, and which is permitted under applicable state law.

Persons denied a license or whose license has been suspended or revoked are allowed to petition the district court for judicial review of such a denial. The district court judge's task is to determine whether the licensing authority correctly applied one of the statutory disqualifications. If the license authority has suspended or revoked or otherwise denied the issuance of an LTC based on the reasoning that the licensing authority determined the applicant to be "unsuitable" the judge must determine if the licensing authority abused its discretion, was arbitrary or capricious. In appealing a denial of suspension or revocation of an LTC based on suitability, the individual has the burden to produce substantial evidence that he is a proper person to hold an LTC. The judge must determine that there were no reasonable grounds for the denial and/or suspension or revocation of a license for

See **Firearm Law** on page 26

# A couple of things

By **Chris Broderick**, D4 Representative

**H**ere we are some 500 or so days passed when we began our Arbitration, not to mention the years of work the BPPA put into bargaining preceding the Arbitration on just this bargaining cycle. The pay rate is right (for most people, but not everyone- yet). The City and Department have implemented the award (at least most of it but not all of it). The folks at the Payroll Department and the City Treasury are working on retro money. I imagine it to be a complicated process with a lot of moving parts and all reports are that there is a shortage of staff in the Payroll Department. They are unable to give us a target date yet and knowing cops I believe that is prudent of Payroll. If they go a minute over a self-imposed deadline the phone ringing alone would delay it two more weeks. It's coming... sooner or later. I know our wives, husbands and kids have a ton of great ideas on how to spend it. I know my personal list would require somewhere around \$60,000 in retro to satisfy so I'll have to scale my list back when it does eventually get here. We have to be patient. Though they are under no strict time line per the Award as long as they are reasonably working to get the payment to the entire patrol force in a reasonable period of time then it seems reasonable.

Moving on, there are some things going on right now that we should be paying attention to other than money. Keeping in mind that this Award was ultimately written by a third party independent Arbitrator; there are some "different" interpretations of what the Arbitrators intent was. This has led to a number of meetings between BPPA Leadership and the Bargaining Committee with the Department and City Labor Team. We've had to dissect the Award line by line trying to agree on what it says. Shockingly, it has been difficult for the

BPPA and City of Boston to agree quickly and without debate over issues that we could not agree on for years and therefore brought to a third party. Since the December 4<sup>th</sup> Council vote and all of these meetings between the parties we are slowly making some progress. I think we'll resolve some of the issues and be forced to fight, grieve and/ or litigate on others. If you believe you have been wronged or denied a right or benefit covered under the CBA let the Union know. The Comp Day section is new and confusing. If you were not afforded the experience of sitting in the room at the table while each point was discussed and re-discussed you may not completely grasp it at first. Not every Rep, Chief Clerk or Captain were there when this all happened. Please work with these people, especially your Rep. They may have to reach out to someone for the answer and the answer may not be what you want to hear but you do deserve a definitive answer if you don't agree with your Captain's interpretation.

The last thing is the exam. I'm sure you have all heard the plan is a one hundred question technical exam worth 40% of your grade given in the summer with the 75% highest scorers moving on to Phase Two made up of two Oral Boards and an undetermined Written Component that will make up another 40% of your score. The other 20% will be made up of a formula based on your Education and Experience. I don't believe that means experience in assignments but experience in Policing and related functions generally with the BPD or other agencies. My understanding is Boston time will carry a greater weight than other agencies. There has been a lot of talk about why the percentages are different and who will give what Oral Board and who

See **Things** on page 29

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# Only a cop

From **Cop** on page 15

cate to tell them the very facts which would help them to understand our anger. Perhaps you would have understood if your father was a “hollerer,” one of those cops whose wife always complains that he “takes the job home with him,” the guy who yells and rants and gets it off his chest and then goes back the next day to do the job again. Maybe your pop needed that kind of ventilation to void himself of the frustration he felt, and the humiliation and painful criticism of his work at the hands of the self-styled “community leaders,” who by their visible and vocal presence purport to represent a community whose decent, hard-working people do not share their views of the police, but who are more concerned with day-to-day existence and survival in a poverty area than they are in politics or community affairs.

When he came home late for dinner with a few drinks on his breath, maybe he had to stop off so that he could open his heart about some painful aspect of the job to brother officers who could understand what he was saying, rather than to inflict pain on those of you who he chose to protect. Perhaps he underestimated the strength of you and your mother, who might have willingly shared the pain and commiserated with him; or perhaps it would have been too much for you to handle. Who knows.

Your father has listened to the station-house rhetoric for years. He knows the old timers who claim to have given up, but who still fight you to get up the stairs first on a gun run; he knows the young buffalos who bitch beyond reasonable bitching but still do the job; and he knows the angries, the men who never seem to feel good about themselves because of the seemingly endless struggle against an unrealistic bureaucracy that demands so much of them and offers so little in the way of reward or compensation. After all they are “only” cops. Your father has sat in the back room of the precinct and listened to the negative remarks and ethnic slurs of his colleagues which, to an outside observer might indicate a deep-rooted hatred for the people of the community. But he tolerates the remarks, not because he’s afraid to take a stance, but because he knows that cop’s true feelings, and that the same cop who is doing the bad mouthing would not hesitate for one instant to crawl into a burning tenement and risk his life to save a child of the same ethnic minority which he was defaming a few hours before. He has shared the joy of birth - in fact, there are kids walking around the neighborhood bearing his first name, just as you do - because he delivered their mothers of babies in a taxicab or in an overcrowded sweltering tenement apartment. He has smiled with his people, and he has grieved over the deaths, the shameful waste of precious life, which is part of the life style of his community.

He has stood in the rain with tears streaming down his face as they buried yet another of his brothers who was killed in the line of duty. You never heard about it, but he lost a piece of himself each time it happened, and it happened far too many times.

Your “only a cop” description tells me that perhaps you think your old man isn’t too smart; yet he had the wisdom to insulate you

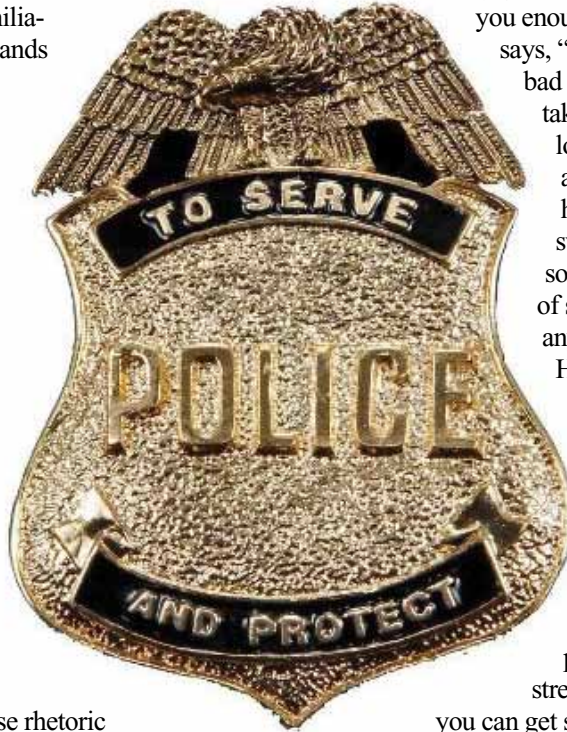
from the hardships and hurts of his life and to try and raise you in an atmosphere of normalcy that was denied him for at least eight hours a day for the greater part of his adult life.

Now son I’ll get off your case. I can understand your feelings, and so can your old man, believe it or not. I am not looking to lay any guilt trip on you. Maybe your father didn’t talk to you enough. Maybe you weren’t listening. As the song says, “There ain’t no good guys and there ain’t no bad guys.” But I’d like you to take a step back and take a good look at your old man again. You’re looking at a man who has seen more of the evil and negative side of life than anyone else you have ever known, and yet he is still able to be sweet and gentle when the time is right to be soft. He is a strong man, With a strength born of surviving a steady diet of painful episodes, any one of which might shatter a lesser man.

He has been through the fire that can destroy or purify, and he has emerged as tempered steel. Try talking to him sometime about the theory you have learned on the way to your master’s degree. You missed something somewhere along the line in your education if you can say that as a working cop your father “never did anything important.” Maybe if you can communicate with your pop and combine your formal learning with his street wisdom and knowledge of the real world, you can get something to get that will give you the impetus to effect the changes necessary to create a viable criminal justice system at some point in the future. The one we have now isn’t working too well, I’m afraid. It’s you and the people like you who will have to be the catalyst for change.

Just remember as you proceed in your career that your pop is, as all cops are, part of the thin blue line that each day preserves our civilization as a misguided society systematically places frustrating stumbling blocks in his way while protecting the rights of the criminal element and virtually ignoring the rights of their victims. It’s an awesome job, and yet he can still come home at the end of a tour and kiss mom on the cheek, ask you how things went in school, go on with his life, and go back into the pits again tomorrow. I guess being “only a cop” is a pretty worthwhile thing to be.

*Harry T. O’Reilly, known to his friends as “Harry-O,” is the director of investigative services training and educating project, Aurora, Illinois. He commutes frequently from New York City, where he is an adjunct assistant professor in the Department of Law and Police Science at John Jay College of Criminal Justice. Since his retirement in 1977, he has been affiliated with the Criminal Justice Center of John Jay College and serves as the director of investigative services. A 20 year veteran of the New York City Police Department, Mr. O’Reilly served as a Detective Supervisor in robbery, burglary, homicide and sex crime units. He was decorated 23 times for outstanding police work and had published numerous articles, texts, movies and television scripts dealing with police related subjects. He also lectures to police audiences throughout the country. This article originally appeared in the “Police Badge” magazine, of which Mr. O’Reilly was an Associate Editor.*







### NAPO's Meetings on Capitol Hill with Texas Congressmen

Over the past week, NAPO met with staffers for Congressman Michael Burgess (R-TX) and Congressman Michael McCaul (R-TX) (Chairman of the House Committee on Homeland Security) to discuss the McLelland-Hasse Line of Duty Act. Congressman Burgess is a co-sponsor of the McLelland-Hasse Line of Duty Act. This legislation would:

- Create a new federal crime for the killing, attempted killing, or conspiring to kill a United States judge, federal law enforcement officer, or federally funded public safety officer.
- Create a new federal crime for interstate flight to avoid prosecution for killing, attempting to kill, or conspiring to kill a United States judge, federal law enforcement officer, or federally funded public safety officer.
- Clarify and enhance penalties for assaulting a federal official during the discharge of his or her duties.
- Expressly allow all judges, prosecutors, and law enforcement officials, subject to limited regulations, to carry firearms into all federal facilities, federal courts, and in jurisdictions where the carrying of such weapons is otherwise prohibited by law.

NAPO supports this legislation, as NAPO believes the establishment of stricter penalties for harming or attempting to harm law enforcement officers will deter crime. Any persons contemplating harming an officer must know that they will face serious punishments. Increased penalties can make important differences in the attitude of criminals towards law enforcement officers, and ensure protection of the community.

NAPO's Executive Director traveled to Dallas in May 2013 to participate in a roundtable discussion with the sponsor of the Senate's version of this bill, Senator John Cornyn (R-TX). NAPO will continue to advocate for the passage of this legislation. In addition to the McLelland-Hasse Line of Duty Act, the following priorities were discussed with the staffers:

**Justice and Mental Health Collaboration Act (JMHCA) of 2013:** NAPO expressed our strong support of the JMHCA, which reauthorizes the successful Mentally Ill Offender Treatment and Crime Reduction Act and extends the life of the Justice and Mental Health Collaboration Program (JMHCPC) for five years. Individuals with mental illnesses are significantly over-represented in the prison and jail population. The JMHCPC helps criminal justice and mental health agencies work collaboratively towards better outcomes. The JMHCA will provide training for law enforcement to identify and respond appropriately to individuals with mental illness.

**Bulletproof Vest Partnership (BVP) Grant Program Reauthorization Act:** NAPO explained the importance of the BVP Grant Program, which provides federal funds to state and local law enforcement departments to assist state and local law enforcement efforts to purchase bullet resistant vests. NAPO continues to expend all available efforts to garner additional cosponsors for the House and Senate versions of this bill.

**Officer Sean Collier Campus Police Recognition Act:** NAPO provided background on the Officer Sean Collier Campus Police

Recognition Act, which amends the Omnibus Crime Control and Safe Streets Act of 1968 by adding campus police officers to the Department of Justice's Public Safety Officers' Benefits Program. This bill defines a "campus police officer" as a police officer who is authorized to enforce the criminal laws and is employed by an institution of higher education.

Both of the staffers were extremely receptive to the above proposals, and we look forward to working with them on these legislative initiatives.

NAPO also expressed strong support for the Social Security Fairness Act of 2013 during our meeting with the staffer for Congressman Burgess, as the Congressman is a cosponsor of the legislation. This bill strikes the Windfall Elimination Provision (WEP) and Government Pension Offset (GPO) formulas currently used to calculate Social Security benefits. Both GPO and WEP were enacted in the 1980s because Congress was concerned that Social Security paid unintended benefits to workers who had spent most of their careers in "non-covered" jobs. However, the formulas go too far and penalize workers with split careers who contributed a great deal to Social Security, but retire under their "non-covered" pensions. By significantly scaling back and reducing Social Security benefits for law enforcement officers and their survivors, as GPO and WEP do, officers and their families are provided much less protection against financial difficulties. NAPO looks forward to working with Congressman Burgess to pass this important piece of legislation.

### Senate Judiciary Committee Advances Nomination for Assistant Attorney General for the Civil Rights Division

On February 6, 2014, NAPO attended a Senate Judiciary Committee meeting, where the Committee voted 10-8 to advance Debo Adebile's nomination to be the next Assistant Attorney General for the Civil Rights Division at the U.S. Department of Justice. NAPO has consistently voiced strong opposition to Mr. Adebile's nomination. Under Mr. Adebile's leadership, the Legal Defense Fund of the National Association for the Advancement of Colored People volunteered their services to defend Mumia Abu-Jamal, a convicted cop-killer. Abu-Jamal was convicted of murdering Philadelphia Police Officer Daniel Faulkner in 1982. Mr. Adebile worked tirelessly to free this unrepentant cop-killer. The nominee's efforts led to the overturning of the just sentence Abu-Jamal received for murdering a valuable member of the law enforcement community.

We urge our members to write to your Senators to express opposition to the nominee. For your reference, NAPO's letter of opposition can be found at the following site: <http://www.napo.org/washington-report/latest-news-updates/napo-opposes-debo-adebile-nomination/>. Please send a copy of your letter to Melissa Nee ([mnee@napo.org](mailto:mnee@napo.org)) so that NAPO can ensure all of our member groups are heard.

If you have any questions, please contact Melissa Nee at: [mnee@napo.org](mailto:mnee@napo.org) or 703-549-0774.



## NAPO Works to Increase Support for the Justice and Mental Health Collaboration Act

As noted above, individuals with mental illnesses are significantly over represented in the prison and jail population. State and local governments are increasingly finding the need for greater collaboration between criminal justice, juvenile justice, and mental health and substance abuse treatment systems to better allocate resources across systems, increase connections to needed services, and reduce recidivism.

The Mentally Ill Offender Treatment and Crime Reduction Act (MIOTCRA) created the Justice and Mental Health Collaboration Program (JMHCP) to help states and counties design and implement collaborative efforts between criminal justice and mental health systems. The Justice and Mental Health Collaboration Act (JMHCA) of 2013 reauthorizes the successful MIOTCRA and extends the JMHCP for five years.

NAPO is a strong supporter of the JMHCP, which helps criminal justice and mental health agencies work collaboratively towards better outcomes. The JMHCP can help law enforcement agencies across the United States in their responsibilities in assisting those, and dealing with citizens with mental health issues.

This past week, NAPO sent letters to key Republican members of the House of Representatives to request they co-sponsor the House version of the JMHCA, sponsored by Congressman Nugent (R-FL). The House bill is currently supported by 35 GOP co-sponsors, and we are hopeful to get the cosponsor tally to 50 to demonstrate the strong support the bill holds.

If you have any questions about this legislation, please contact Melissa Nee at: [mnee@napo.org](mailto:mnee@napo.org).

## NAPO Participates in National Law Enforcement Memorial Fund Meeting

NAPO's Executive Director participated in a National Law Enforcement Officers Memorial Fund (NLEOMF) Names Committee Meeting on February 4, 2014. NAPO is a founding member of the NLEOMF. NAPO's efforts led to the successful passage of legislation to establish the Memorial, which is the nation's monument to law enforcement officers who have died in the line of duty. Dedicated on October 15, 1991, the Memorial honors federal, state, and local law enforcement officers who have made the ultimate sacrifice for the safety and protection of our nation and its people.

NAPO has made the NLEOMF a top priority, and we will continue to keep our members informed of updates on the NLEOMF.

## NAPO Briefing on Capitol Hill - Driver's Privacy Protection Act

On February 7, 2014, NAPO met with a senior staffer for Congressman Gus Bilirakis (R-FL), and took the opportunity to discuss our proposal to modify the recent amendment to the Driver's Privacy Protection Act (DPPA).

The DPPA requires state motor vehicle departments to receive permission from individuals before their personal motor vehicle record may be sold or released. The DPPA amendment authorizes a private right of action for knowing violations, and a court may award damages in the amount of \$2,500 for each time a record was accessed, as well as attorney fees and other litigation costs. Law enforcement officers are subject to these stringent punishments, even if they did not review files with criminal intent.

NAPO briefed the staffer on our proposed language modifications to the DPPA amendment, which include adding a clause that explains that penalties will be applied only if persons access information with the specific intent to secure an economic benefit. Also, NAPO proposes removing the \$2,500 penalty for a violation of this act, as well as adding a statement that explains there must be repeated disregard of this law for action to be taken. If the language is not modified, law enforcement officers will be subject to large fines, and even the loss of their licenses for de minimus actions.

NAPO will continue to aggressively lobby members of Congress to gain support for our proposed language changes to the DPPA amendment. We will keep our members updated on the status of these initiatives. If you have examples of law enforcement departments that have been negatively impacted by the most recent DPPA amendment, please contact Melissa Nee at: [mnee@napo.org](mailto:mnee@napo.org).

## HSGAC Advances Postal Reform Act of 2013

On February 6, 2014, the Senate Homeland Security and Governmental Affairs (HSGAC) advanced the Postal Reform Act of 2013 (S.1486) by a vote of 12-5.

The bill includes a provision that would reduce compensation benefits for those considered totally disabled to 50 percent of their pre-disability pay when the individual reaches full retirement age. NAPO has fought for this language to be removed from the bill, which Senator Tester proposed to the Committee during its first mark-up session. After that amendment failed to pass, Senator Tester offered an amendment on February 6th that would make this language apply only to federal employees hired after the date of enactment of the bill. Although the amendment was rejected, Chairman Carper and Ranking Member Coburn said this issue will be readdressed during conference with the House.

NAPO will continue to work this issue and provide our members with updates as the bill moves forward.

Please monitor NAPO's website [www.napo.org](http://www.napo.org), and Facebook page: National Association of Police Organizations, and follow us on Twitter at NAPOpolice for breaking news and updates.

# Massachusetts Firearm Law - A brief overview

From **Firearm Law** on page 21

a judge to order issuance.

Certain convictions may be reviewed by the Firearms Licensing Review Board which is separate and distinct from the district court. More specifically, the Firearms Licensing Review Board has the authority to review misdemeanor convictions and may not review convictions for assault and battery on a family or household member or a person with whom you have had a substantial dating relationship as defined by General Laws c. 209A, §1. The Review Board may not review crimes involving the possession, ownership, transfer, purchase, sale, lease, rental, receipt or transportation of weapons or ammunition or a crime regulating the use, possession or sale of controlled substances. Moreover, the Board cannot review petitions if the petitioner has a disqualifying felony conviction, was denied an LTC on the basis of suitability rather than a disqualifying conviction, or is disqualified for a reason other than a misdemeanor conviction such as having an active warrant or restraining order.

One of the most common causes for the non-issuance of an LTC or the suspension of and/or revocation of an LTC is in the area of 209A Restraining Orders. MGL c. 209A, §3b requires that the subject of such an order must surrender their LTC as well as all firearms, rifles, shotguns, machine guns and ammunition which (s)he then controls, owns or possesses. Law enforcement officers upon service of the Restraining Order shall immediately confiscate all licenses, firearms and ammunition. The requirement to surrender all firearms and licenses is immediate upon service of the order, even if you intend to oppose the issuance of the order and a subsequent hearing.

If a 209A Restraining Order was initially obtained without a hearing and your employment requires you to carry or possess a firearm

as a condition of your employment, you may file an affidavit demonstrating such an employment requirement and request an expedited hearing on the Restraining Order. The court will schedule a hearing, however the surrendering of your firearms and the suspension of your firearms license must occur.

If the restraining order is extended at the 10 day hearing, or at any time thereafter following an extension or modification hearing, MGL c. 209A, §3c requires that the individual's LTC remains suspended and any firearms may not be returned for as long as the Restraining Order remains in place. Thusly, any firearms or firearms license may not be returned to you until the 209A Order is vacated. In certain instances, 209A Restraining Orders can be modified to allow police officers to carry a weapon "under the Color of Badge" for employment purposes only during their regularly scheduled shifts provided that the weapon remain at the station and be signed in and out. Such instances are rare.

Even when the 209A Restraining Order is vacated or expired an individual's LTC may not be reinstated since the expiration of the of 209A Order does not erase the fact that the individual may have a history of being a threat and as such the LTC may be permanently revoked for "suitability" reasons. Individuals whose LTC has not been reinstated after a restraining order has expired or been vacated may petition the district court for judicial review.

Other areas of concern for law enforcement personnel involve the storage of firearms. Massachusetts law c. 140, §131L requires guns to be maintained in a locked container in a way that will deter all but the most persistent from gaining access. Even a door locked with a key is not considered secure. The phrase "secured in a locked container", is not defined by statute, however case law has determined that the legislature's intent was to prevent access to firearms to irresponsible persons and especially children.

§131L states that it is unlawful to store or keep any firearm unless such a weapon is secured in a locked container or equipped with a tamper resistant mechanical lock or other safety device, properly engaged so as to render such weapon inoperable by any person other than the owner.

While it is allowable to leave a firearm unattended in a motor vehicle, the same storage requirements apply. Note that a trunk or glove box is not considered a locked storage container. Rather, any firearm left in a motor vehicle should be secured in a separate locked case. That said, it is never a good idea to leave a firearm or any police equipment in an unattended motor vehicle.

Massachusetts firearm laws are some of the most stringent gun laws in the nation and are extremely complex. Byrne and Drechsler has had a long standing relationship with public safety professionals throughout the Commonwealth of Massachusetts including members of the Boston Police Patrolmen's Association. In addition to representing police officers in a variety of manners, including disciplinary hearings, investigations, personnel matters, departmental hearings in criminal matters, we have represented police officers and their families who have been the victims of wrongful death or who have suffered serious injuries, both on and off the job. Deploying our experience and trial expertise, we have been able to obtain substantial recoveries and successful outcomes for our public safety professional clients. We remain willing to answer your legal questions including questions you might have regarding the Massachusetts Firearms gun laws.

## Next Retired Patrolmen's Division Meeting Thursday, March 6, 2014 at 1 pm BPPA Union Hall

### BPPA RETIRED PATROLMEN'S DIVISION MEMBERSHIP APPLICATION

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



# Cyberyne Systems is here and SKYNET is now fully operational

By **Dennis Murphy**, D14 Representative

**T**his may not be the Terminator, but it might as well be. In what appears to be a classic case of tripping over quarters to pick up pennies the BPD has spent tens of millions to get tens of thousands in government grant money. Money that will probably end long before this monster dies the death it deserves. All because certain data wonks were tired of sifting through thousands of 1.1s to find the information they need for whatever foolish study they decided will be the answer to end all crime as we know it and also possibly make a decaf coffee that taste just as good as regular coffee.

What a colossal waste of time and police resources this new report writing program is. Instead of streamlining the report writing process, it turns it into a nightmare. Officers will now spend more time at the keyboard, trying to figure out this stupid program, than doing anything else in their workday. We are now no longer law enforcement officers but data entry drones.

The program itself is ridiculous. Its not user friendly, I think it actually **HATES** us. You have to answer **YES** or **NO** for every report to the question of is this a crime involving **CARGO**???? Now I know what some are thinking, so what, one question. However, if this task only adds an extra second, over the thousands of reports written every year by the BPD this starts to add up to real time. And this is just one of hundreds of extra steps in the matrix. This one question is for a crime we rarely have, who was the last person to do a 1.1 on a railroad car or merchant ship B&E???? Of course you will spend even more time on that one box if you forget to check it. Because you can not finish the report without it, and that is just one box out of the hundreds more we now have to add to our man hours.

If Dr. Evil sat down to create a system that would lengthen an Officers time off the street, out of service, bogged down with a diabolical program designed to frustrate even the most computer savvy, he could not have created a better system than this. In training even the simple shoplifting report was over five pages long. Three different places all had to be checked answering the same question, **YES THERE WAS AN ARREST**???? It is insane.

There are so many tasks to be performed in this program to stop actions from happening which we don't want to happen, just to get a 1.1. It is like Glock gave us a pistol that **HAD** to be on safe before loading a magazine or it would fire. Would we accept that from the company?

Make no mistake about it practice will **NOT** make this easier. This program is filled with boxes to click, the searching of menus, the tabbing of tabs, searching for dozens of data entry choices listed in no logical order. Crimes are listed, not by the logical category of larceny or receiving stolen, but under **PROPERTY**???? Then under that heading you can find larceny. However that pattern is not even followed in the subsequent section for associated charges. There it is listed by receiving, or larceny, etc. They do not even list crimes anywhere close to MGL or the courts. They have larceny listed as \$199 and **UNDER** or \$200 and **OVER**????



In the box for listing how the suspect gained entry into a building there is no listing for **REAR DOOR** however "Living Room" is listed as an entry area???????? In the section for **VEHICLES**, motorcycles are not even listed???? Not as a type of vehicle, nor by manufacturer. There are no Harley Davidson, Indian, Triumph or Victory listed under the manufacturer's box in the vehicles section. Motorcycles are not listed in the vehicles section, except under license type (why, what's the point)???

When you get around to select the color of a vehicle you have all the major colors available. Black, White, Brown, Red, Red....yep that's right they have Red listed twice, for when it's **REALLY** Red I guess????

As most of us found out in training, under this program, shoplifting is a more important crime, as far as Big Brother is concerned, than receiving stolen motor vehicle and must be prioritized as such. We now must also be masters of the convoluted system that is the Federal Government's hierarchy of crime classification and prioritize accordingly.

Another of the many faults in this system is the ability to make a supplemental report to a report that has **NOT** been written???? Or many supplemental reports if you like, and the system will allow it. It won't even ask "are you sure you want to create a supplemental" when there is no initial report. I used to think it was annoying when Windows would second guess me at every turn. I would rather that,

See **SKYNET** on page 29

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# The comp time section of the Arbitration Award – *What it means for you*

**A**s you know, the recent Arbitration Award creates, for the first time, a formal “Compensatory Time” section of the contract. Prior to the Award, the department administered an ad hoc “WI/WO” program that varied in administration from district to district. The new “Compensatory Time” provision will ensure that officers will earn and use “comp time” in a uniform fashion, regardless of assignment. This article will attempt to summarize the comp time section of the award, so that you know when, and how, you will be able to use comp time.

## How comp time is earned

**O**fficers will continue to accrue comp time (the terms “working in” and “working out” will no longer be used) in only limited circumstances. Unlike many departments, where an officer can earn comp time instead of money when working an overtime shift, comp time in the BPD can only be earned in situations where overtime is unavailable. The BPPA argued for a “traditional” comp time accrual system, but the Department would not agree, and the Arbitrator did not award it.

The most important thing to know about earning comp time is that comp time can *only* be earned voluntarily. You *cannot* be ordered to work outside of your shift in exchange for comp time, you *must agree* to the extra work. Any extra work that you are required to perform *must* be paid overtime.

Comp time can be earned for the following:

- **“Officer Initiated Out of Turn Service”** – this is the new name for a “self-swap.” An officer, with the approval of his Captain, may work a shift in order to get a scheduled shift off. The officer must work the shift before taking the exchange shift off. The officer must designate the shift to be taken off at the time she or he requests to work. A full shift must be “earned” before a full shift can be taken off.
- **Clerks covering each other.** This practice shall continue as always.
- **Training** – Officers will continue to accrue compensatory days according to Article IX, Section 3(F)
- **Overtime Service on a Vacation Day** – As per Article IX, Section 4(D), an officer called in for overtime shall receive a compensatory day off in addition to overtime pay.
- **Department meetings** – an officer may voluntarily attend a meeting if there is a special need for him/her to be at that meeting. An officer attending such a meeting will earn comp time on an hour for hour basis.
- **Award ceremonies, Funeral escorts/wakes, Gaelic Column, Honor Guard, Community meetings** (not for CSOs). All of these assignments *must be voluntary*. For these voluntary assignments, Officers will earn a 4 hour minimum of comp time, and hour for hour over 4 hours (unless the FLSA requires time and a half).

If the department desires to have an officer work outside of his/her regular shift for any other purpose, the officer *must* receive overtime compensation for that work.

## How much comp time an officer may accumulate

**A**s of January 2014, all comp time banks will be “paid down” to 160 hours, and no officer will be allowed to earn more than that many hours of comp time. The pay down will be at the officer’s current hourly rate (all pre-award hours were already multiplied by 1.5 to comply with the FLSA).

As of January 2015, the maximum will be reduced to 80 hours (and anyone over that number will again paid down to that cap).

## How comp time is used

**T**he most advantageous feature of the Arbitration Award is that it creates a uniform process for officers to use comp time. All officers, regardless of assignment or location, will be entitled to the same rules for using comp time once earned. The Award also increases the number of officers who must be granted comp time requests. Requests to use comp time are governed by:

- An officer requests to use previously earned comp time by filing a form 0047-BFS-1011. Requests must be made 96 hours in advance of the shift the officer wants to take off.
- All comp time must be used in full tour increments (we were unsuccessful in getting smaller increments).

The number of officers who must be granted a comp time request is dependent on the size of the district or unit involved and the time of year. In addition, different rules apply to whether an officer is requesting to use FLSA comp time or contractual comp time. FLSA comp time is comp time that is earned by an officer after that officer has *actually worked* over 171 hours in the current 28 day work period (prior to the Award, this was 40 hours in a 7 day period, but the Award grants the longer period). The department may only deny an officer the use of FLSA comp time if the use would “unduly disrupt” the operations of the department (this term is not defined, but is a high standard to meet. It could include a “full pop,” or similar “all hands on deck” situations). As such, the number of officers requesting FLSA comp time will reduce the number of officers who will be granted contractual comp time requests.

The Award requires the Department to grant more comp time requests in larger units and districts. The Award also guarantees that more officers may use comp time during the majority of the year (all year other than the “high season” – the 14 summer vacation weeks and the 2 weeks around Christmas). Finally, more requests must be granted on weekdays (any shift between 4 p.m. Sunday through 4 p.m. Friday).

In units or districts with 25 or more officers assigned, on weekdays 4 officers may use contractual compensatory time on a shift, on weekends the number is reduced to 3. During the high season, the weekday number is 3 and the weekend number is 2. In units or district with less than 25 officers, 2 officers may use contractual comp time on a shift, that number is reduced to 1 officer during the high season.

See **Comp Time** on page 30

# Cyberne Systems are here and SKYNET is now fully operational

From **SKYNET** on page 27

than to have to rewrite this new standard 15-page towed vehicle report over on this system just because I initially clicked the wrong tab.

When writing an injured officer report or just a regular 1.1 where an officer was hit, you find that A&B D/W Police Officer is at the top of the drop down box where most charges starting with the letter A are located, like A&B on fireman. However simple, A&B PO must be searched for way down the bottom end of the scroll down list. Under Assault & Battery on a Police Officer????? This frigging company does not even follow the alphabet.

"Well at least we can now do FIOs electronically" yes, how nice. However under that section under duration of time of the stop. We have **ONE TO TWO HOURS** available as one choice but not anytime **LESS** than 15 minutes????? I don't even talk to the person I'm riding with that much in a shift, forget about during an FIO. Also in the intel report section is where we will now do our Crime Scene 26s, but there is no place to enter your Name or ID other than down in the narrative???? Forget that and homicide will get a shit load of reports from "witnesses not known to the Commonwealth."

"You can write your 1.1 in the car" My ass. You think I am going to sit in a department car, hunched over that MDT, which was positioned in the best possible location, to render it equally out of alignment of both driver and passenger, all the while head down, in situational awareness Code White, swearing and cursing for all to see. Nope, not I. Hell you can not even send the report via MDT to the district printer to print the damn thing. You have to log off, go in the station, log on, re-sign into the multiple layers of Pan's Labyrinth just to get to your report.

Another favorite of this system is its own little version of the Y2K virus. Everywhere there is a box with **TIME**, even one that you may not need because of the nature of the report. This program auto fills in 00:00 in all blank boxes????? That's right, rather than program this POS to leave time blank, it puts in midnight on all empty time blocks.

"Its OK, the validate button will tell you what is wrong" No it won't, it will just tell you what section the error is located in, "F-You Pig, you find what's wrong yourself" is the system's cry. It would be a great tool if it actually took you to the point of error. And lets not forget that this program **DOES NOT AUTO SAVE**. You have to manually save, **OFTEN**, because when it goes down, and it will your screwed.

It was asked, by many, why are we buying a program that was

written for a department that is not this department. This system does not speak our language or follow our procedures. It does not work for us, we work for it. It is a one size fits none. The answer was, we can't spend any more money having it tailored to fit us. Really, we have to change everything about the way we work to fit the product we are buying, not the other way around.

This program will cost a lot more than it will save. Not only in lost production, but in money for toner cartridges for all the printers that will have to print 1.1s, that are four times longer. In printers and copy machines having to be replaced earlier because their operational lives are sped up copying four copies of all these longer reports for court. In OT for all those extended tours needed to finish what used to be a three line report.

It will not get better. It will not get faster. Officers will not clear these reports any quicker, how can you, when you have to included at least a third more information in every report. It will have the exact opposite of its intended goal.

In the history of man it has always been this way. If you make something more difficult humans will just avoid doing it at every chance. It is why the Romans built walls. It is why OUI arrests dropped statewide after the paperwork involved was increased. It is why movers have been down across the board since racial profiling forms, and all those extra boxes to check on citations, were added.

How can this program possibly **HELP** the citizens of Boston we serve? It's going to cost millions, take cops off the streets, and reduce productivity exponentially.

SKYNET is here, and Judgment Day is upon us.

## A couple of things

From **Things** on page 22

will score the written component. There are definitely issues with the exam. There seems to be some issues with the changes to the exam style relative to the City's obligation to bargain. The BPPA, in my opinion, has an obligation to ensure our collective rights were not violated and if so, how the City can correct that. I realize a lot of people have spent a lot of money on materials and a lot of time studying. The goal is not to stop the exam or control the way the exam is given. The goal is to ensure all 1,400+ members are allowed to compete in a fair exam process. That applies to this exam as well as others down the road. Hopefully, we are able to work with the other Bargaining Units involved in the process along with the Department and the City to come to an agreement on the exam. Hopefully that happens with plenty of time to spare before the Technical Exam date so people have peace of mind while preparing.

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# The true story of the chicken gun

*Sometimes it does take a rocket scientist!*

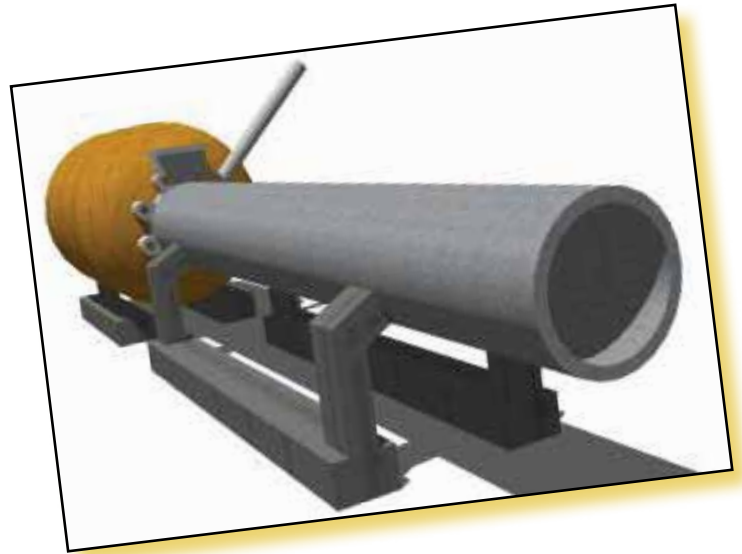
Scientists at NASA built a gun specifically to launch standard four pound dead chickens at the windshields of airliners, military jets and the space shuttle, all traveling at maximum velocity. The idea is to simulate the frequent incidents of collisions with airborne fowl to test the strength of the windshields.

British engineers heard about the gun and were eager to test it on the windshields of their new high speed trains. Arrangements were made, and a gun was sent to the British engineers.

When the gun was fired, the engineers stood shocked as the chicken hurtled out of the barrel, crashed into the shatterproof shield, smashed it to smithereens, blasted through the control console, snapped the engineer's back-rest in two, and embedded itself in the back wall of the cabin, like an arrow shot from a bow.

The horrified Brits sent NASA the disastrous results of the experiment, along with the designs of the windshield and begged the U.S. scientists for suggestions.

NASA responded with a one-line memo -- "Defrost the chicken." (*This is a true story.*)



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## The comp time section of the Arbitration Award – What it means for you

From **Comp Time** on page 28

The number of officers who use FLSA comp time will impact the number of officers who must be granted a contractual comp time shift. (Note that officers will likely earn less FLSA comp time with the introduction of the 28 day work period, so the number of occurrences where FLSA comp time "bumps" contractual comp time will be minimal).

In units and districts of 25 or more, on weekdays 2 FLSA comp day requests will be granted without impacting the right of 4 officers to request contractual comp time (each FLSA day request over 2 reduces the number of contractual comp time requests that must be granted by one). On weekends, and at all times during high season, 1 FLSA comp day request will be granted without impacting the right of officers to be granted contractual comp time. In units or districts with less than 25 officers assigned, 1 FLSA comp day request will be granted without impacting the right of officers to be granted contractual comp time.

One additional caveat, the department may deny comp time requests "where the Police Commissioner determines that staffing levels must be temporarily increased to meet public safety needs. This includes but is not limited to the following events/circumstances: First Night, Boston Marathon, Caribbean Festival, July 4<sup>th</sup>, major sporting events, major cultural events, and weather emergencies."

One additional note – prior to the Award, the department unilaterally stopped the practice of "rounding up" all WI work to a full shift. While that practice is now changed by the award, the Union filed an unfair labor practice over the unilateral change. Pursuant to a settlement agreement, the Department is obligated to "make whole" all officers who were denied a full roll-up prior to the award. These monies should be paid in January, 2014.

While this all sounds complicated, and we've no doubt there will be issues with implementation, it is, for the first time, a system that will not allow local commanders to administer different rules for granting comp time requests. It is our understanding that the Depart-

ment has already initiated training for Captains on their obligations under the new system. Once fully implemented, the new system will ensure fairness. As always, the BPPA will be vigilant in making sure that the Department is properly running the new system. If you believe that your rights under the new system are being violated, contact your rep immediately.

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## Proud of our heritage – Emerald Society of the BPD

From **Emerald Society** on page 20

ment Memorial and a social event following. This year another name of a Boston Police Officer Killed in the Line of Duty will be added to the NLEOM Wall. He is Donegal, Ireland native **John Lynch** who succumbed in 1944 from injuries that occurred in performance of his duties.

Each year in March, we hold our Annual Awards Banquet which is a consistent sellout. At this time we have our installation of incoming Officers. We also present our "Man of the Year" and "Officer(s) of the Year" and other awards. It is a time for the celebration of our accomplishments and a time of reflection of our losses. These are two things we refuse to forget. Although our list of accomplishments in Law Enforcement continues to grow, so does the price we pay. Of the more than 19,000 names on the Law Enforcement Officers Memorial Wall in Washington DC, statistics provided by the NLEOM themselves show a third of the names to be of Gaelic descent. In the Boston Police Department's Headquarters a wall is also dedicated to the heroes who gave their life for the City, with many more who can trace their roots to "the bogs of Ireland."

Join the your Emerald Society and help keep the tradition alive!

– Robert "Doc" Welby, President, The Emerald Society



# What it means to be 'essential'

**D**uring the last snowstorm, I was going through some day-old emails between calls. I saw several sent out from the Public Health Commission that cautioned "non-essential

personnel" to stay home, and if uncertain, check with their supervisor to see if they were "essential" or not. I came away from those messages thinking how glad I was to be 'essential personnel'.

Boston EMS EMTs and Paramedics are 'essential personnel'. It takes a special kind of person to be one of them. EMS work is difficult on a good day. Add in bad weather, and it becomes especially trying. Crews trudge through waist-deep snow, clamber over debris-filled snow banks, and fight their way up slippery walks and streets to reach patients who call for help, all the while carrying better than fifty pounds of equipment on their backs.

Despite bad conditions, somebody has to help people who call 911 for emergency medical care in this city, and the men and women of Boston EMS rise to the occasion four hundred times a day, despite blizzards like the ones that have visited Boston over the past few years.

This dedication is not only demonstrated during bad weather, however. Working for Boston EMS means an EMT will miss out on many special occasions and holiday celebrations with their families, as a result of their dedication to duty. Being 'essential personnel'

means that the ambulances have to be staffed and running at full compliment in order to answer that call for help, no matter what day it is.

The Operations Center, likewise has to be fully staffed so that calls for help get processed and dispatched appropriately.

Everyone at EMS knows that when former Mayor Menino pinned that badge on their shirts that they were taking on a great responsibility that came with the job, and everyone takes that responsibility seriously. The dedicated EMTs and Paramedics of Boston EMS show up for work on holidays, and the dates of special family events when scheduled, and do it with pride. I have always been proud to be counted amongst such a group that would never shirk their duty

onto someone else. No one at EMS would be so **SELFISH** as to call out on a holiday shift that another EMT would have to cover. **To do so is simply....'snake-like'**. The very idea is abhorrent to personnel at EMS. Calling in sick for a football game? No one worth his salt would do such a thing at Boston EMS.

So when another snowstorm is on its way, or there's a big holiday coming up, the citizens of Boston can rest assured that the ambulances of Boston EMS are staffed with the most dedicated, and responsible people in the business, all of them 'essential personnel'.



## Please help the homeless

By **Ed McCarthy**, EMS Editor

**I**t's that time of year once again, everyone. The weather is cold, and the nights are long, and dark. We all need to set aside extra blankets, jackets, and other cold weather items for those less fortunate than most of the rest of us. No, I'm not talking about the homeless on the street, or any other needy group such as that. I'm talking about Boston EMS crews with no stations.

In a situation that would **never be tolerated** in our sister public safety services, several Boston EMS units have no stations to go back to between calls. These crews shift-change at EMS garages where ambulances can park in a bay, but are not allowed to stay there. They are told to go, and sit at designated street corners for their entire shift, and are warned not to "be caught hanging around" the station. There they are assigned to sit. On the side of the road. All day.

Boston EMS is trying to grow to meet demand. The call volume increases year by year, topping out in 2013 at over 110,000 calls. In an attempt to reduce response times, more units were put into service, particularly in outer lying areas of the city, but there were no stations to house them. With no solution, the crews were assigned street corners.

One glimmer of hope was dashed by our own administrators. A small station was acquired by EMS for Ambulance 17 in Roslindale Square. The building was refurbished for the use of the EMS crews, and even had the departments' communications

system and intranet installed. The phone number was 3-1017 in the EMS Department directory. All ready to go. Unfortunately, some folks from the Public Health Commission took a liking to the building. Shortly thereafter, they informed EMS that it could no longer use the it, as the PHC was going to use the building to store

See **Homeless** on page 32





# Please help the homeless

From **Homeless** on page 31

old paperwork. Now, with the lease allowed to expire, the building is a body shop. A-17 now sits in Roslindale Square, on the side of the road.

In an ironic twist, EMS crews have been warned by management not to idle their units, as it is bad for the new engine systems, and creates diesel dust, and other toxins which are bad for the crew, and the environment. How are they supposed to keep the patient compartment comfortable, particularly for the elderly? How are these crews supposed to keep themselves warm in the winter, or cool in the summer? And in a further irony, how are they supposed to keep their use of sick hours down if they have to sit out in the cold all winter?

**I ask anyone reading this, would you want to work under those conditions?** Even if you owned the comfiest of cars, which I assure you the ambulances are **NOT**, would you want to sit in it all day? How do you think your back would feel? Now factor in bad weather. Blistering heat, or freezing cold, you are out there. Stuck. Banished. Like a leper.

I have been mocked for bringing this up as a problem. Loudly. Saltier EMTs of years-gone-by have scoffed at me, saying that they never had stations (or much of anything else) when EMS started up in its "modern form" in the mid 1970's. I guess I'm a weenie. They are apparently proud of this legacy. Enduring decades of bad working conditions is a point of pride for them, as are their bad backs, heart conditions, and personality disorders, I suppose. I think they are fools, and should be ashamed of themselves for not pushing for better conditions back then (which probably could have been realized much easier than today). Didn't anyone ever think EMS was going to grow?

Fortunately (or unfortunately depending on how you look at it) most Boston EMS units are so busy, that getting back to the station to use the bathroom, change your shirt, or eat a sandwich is a rare occurrence anyways. On slower days, these 'station less' crews are sometimes spotted sitting at a Dunkin' Donuts having a coffee, or reading the paper, just to get out of the ambulance for a few minutes. I have heard ignorant people in line mutter: "Look at those lazy EMTs." I wonder if that would change if these people knew they had nowhere else to go.

Many people are quick to say what a great job Boston EMS does. Indeed, in the first days of December 2013, Ambulance 5, currently shackled to the corner at Holy Name Circle, saved nearly 60 people from Carbon Monoxide poisoning at the Edelweiss Assisted Living Center in West Roxbury. The EMT's detected the poisoned air, began an evacuation, and laid the foundation for managing a mass-casualty incident, that thankfully did not evolve. The crew was lauded for their efforts, and even received a rare interview on the news. I wonder what the reaction of the news people would have been if they knew these hard working EMTs didn't even rate a couch to sit on from their bosses. Or heat, for that matter. And the perceived reaction from the Boston EMS administration? "Yeah, yeah, yeah. Great Job A-5, now go back to your street corner where you belong. And bundle up tonight, It's supposed to be in the teens."

So, in order to benefit these poor souls working thanklessly without even so much as a roof over their heads, I have established a donation box at A-14. Please donate any department outerwear, gloves, hats, and the like. Items will be distributed to ambulance crews in need. Thank you for your kind support.



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# Doing less with more or something like that

By P.O. Jay Moccia

**D**uring snow storms, I like to get out in front of the plows and go slow – just to see how they like it!

*Even though I carry a gun when I walk my dog at night, I still freak out when he spins around and growls into the woods.*

I don't think I've flushed a public toilet using my hand in years.

*A solicitation from the local food pantry claimed "\$1=8 meals." I want to know where they're shopping!*

The United States Post Office is the latest Government Agency to stock up on small arms ammunition. **GO POSTAL!**

*I was inspired by the PSA's to make a donation at Christmas to OXFAM, but gave up after I couldn't gift wrap the %^^\$#@\* goat.*

If you throw a rock at a car you could be charged with willful and malicious destruction of property, but if the plow hits you with that 00 buck rock salt it's ok.

*After a plane crash in Afghanistan, the Taliban took to social media to claim credit. What do they have like a Facebook Page or Twitter Account? Follow the Taliban at @diegreatsatan #wehateamerica.*

The Massachusetts Legislature is considering toughening the states' already Draconian Gun Laws. In typical Liberal fashion, the solons welcomed input from victims, criminologists, law enforcement, just about anyone **EXCEPT** lawful gun owners.

*Speaking of those crazy libs and their wacky ideas, smoking is now banned in all Boston public parks. The City Council snuck this one in during the dead of winter, when the weather's so cold – no one's out anyway. Wait until spring when golfers will face a \$250 fine for puffing while putting.*

I heard a rumor that the *Globe* editorial page asked to be considered as Police Commissioner of Boston.

*After a vandal spray painted racially charged graffiti on the home of a bi-racial football player, the town of Lunenburg cancelled the remaining games, and launched a full scale investigation. Concerned citizens held candlelight vigils, and vowed the tagger would be caught. Closer scrutiny from Law Enforcement determined the perp was none other than the boy's own mother! Someone send this dope to a parenting class if this is the best she can come up with to get her kid out of football.*

Disgraced Rep. Carlos Henriques was booted from the Mass. Legislature, after being convicted of assaulting his girlfriend. He had forced a vote, after refusing to resign, claiming he could continue to serve his constituents from behind bars. The local branch of the NAACP supported Henriques – urging lawmakers to allow him to remain a rep. Now I ask you gentle reader, is the Mainstream media shouting that the NAACP is declaring a war on women? This guy was **CONVICTED!** Oh, that's right he has a "D" after his name. If he was a Republican who slapped his gal around and the Tea Party supported him, it would surely be national news.

*Someone (terrorists?) fired over 100 rounds in about 19 minutes at an electrical substation in California, just a day after terrorists bombed the Boston Marathon. The transformers were heavily damaged, but because of low demand, no blackouts occurred. The incident was hushed up while authorities investigated, but to date no suspects have been named or arrested.*

Attorney General Eric Holder's DOJ has decided to seek the Death Penalty in the case of Boston Marathon bomber Dzhokhar Tsarnaev. Local libs are appalled that an execution could take place.

Let's see how long it takes – Right Wing nut Timothy McVeigh was put down within six years – I hope we're not looking at **THIS** piece of ungrateful garbage on his 30<sup>th</sup> birthday.

*Actor Philip Seymour Hoffman was found dead of a drug overdose in his New York apartment. Authorities also discovered over 70 bags of heroin. The actor had struggled with addiction, but had been sober in recent years. Hmmm – 70 bags? That's like falling off the wagon at a bar and ordering a keg (too soon?)!*

Also in NYC, new mayor Bill DiBlasio officiated at that town's version of Groundhog Day. The mayor managed to drop the forecasting rodent, who suffered no ill effects. Good thing Bill's a flaming liberal – if a Conservative dropped that rat, PETA, SPCA and Sara McLachlan would have been all over him like a fur coat.

*In a shocking ruling by ICE, the President's uncle – Onyango Obama will be allowed to remain in the United States, despite being ordered to be deported several times since overstaying his visa. Uncle Omar's famous nephew claimed no consideration was given, even though he couch surfed at Omar's place. You may remember he denied even knowing the guy after Omar's OUI arrest.*

How shameful is it that we know more about four closed lanes of traffic in New Jersey, than four abandoned Americans killed in Benghazi?

*My Mercedes features a weather band on the radio. It's convenient when planning for a trip or detail. The only drawback is the metallic sing-song automated computer voice – it's like getting a weather report from Stephen Hawking.*

I would find it much easier to tolerate people walking in the street in the winter if they weren't the same people who walk in the street during the summer.

*Just a word on GPS – coming soon to a cruiser near you... The BPD News website, as well as the BPPA website were hacked and knocked down by a couple of Occupy geeks in a tent with a MacBook. I'll never forget that ridiculous embarrassing video – no, not theirs, the one we put up when we regained control of our pages. I never thought I'd miss "the Bringer".*

I've been watching the Winter Olympics from Sochi, and began to wonder, what do the color guys/gals do in the lass than prime time sports between games. Do they bartend or work in an office?

*Also from Sochi, a reporter did a story on Siberia. I couldn't help but notice almost everyone was wearing a fur coat. Guess PETA's commitment only goes so far.*

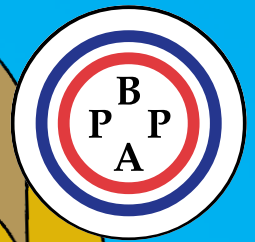
If you see someone on the street, and you think you recognize them from the Internet, it's probably a good idea to not ask, especially if you surf porn. Just sayin'

*We're now operating under a new contract. The City Council voted to approve/fund it, and now it remains to be seen, will our relationship with new Mayor Marty Walsh be as contentious as we've had in the past with City Hall. We'll soon find out, this pact will expire in a year and we'll be back to the table sooner than you think. Here's to hoping we can bargain a contract that's fair to both sides. Also, congrats to new Commissioner Billy Evans! Again, let's see how long the honeymoon lasts. We should work together to resolve any issues, and restore pride and morale in the ranks. With that said, stay safe, and let me know when the retro's in...*

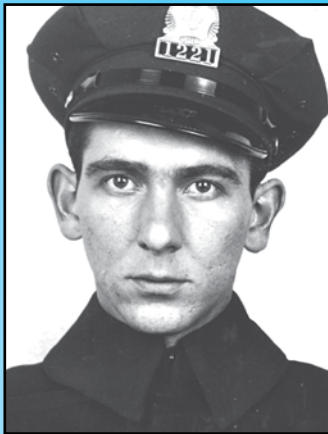




# In Memoriam



*They Served With Dignity and Honor  
We Shall Not Forget Them*



**Police Officer  
Alexander J. Malinkowski**  
November 11, 2013



**Police Officer  
Frederick A. Tessari**  
November 22, 2013



**Police Officer  
Vincent J. Provenzano**  
December 13, 2013



**Sergeant Detective  
Joseph V. McCormack**  
December 16, 2013



**Police Officer  
Samuel Spinnazola**  
December 20, 2013



**Police Officer  
Joseph V. Manning**  
January 8, 2014



**Police Officer  
Mark A. Sennett**  
January 14, 2014

**We apologize for any errors or omissions.**



# Mug shot.

Putnam is proud to support the joy of learning through the Boston Patrolmen's Association Scholarship Fund.



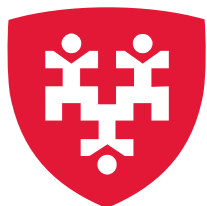


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when people work together.**

**Count Us In.**

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Boston Police Patrolmen's Association.**

**We applaud their dedication  
to keeping our communities and citizens safe.**



**Harvard Pilgrim  
Health Care**