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KC LODGE 37

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Latest News For You

Chris Leyba

President's Message

OSI: A Case Study

Many of our members are aware that the Washington legislature intends to figure out a way to make the currently active but impotent Office of Independent Investigations (OII) work in the next legislative session.

Few of our members have really been briefed on what the OII can and will do, and what might come in the future as it becomes more important to state activism and politics.

One manner from which to inspect such a question is to look for similar examples in the United States, which is why today I want to talk to you about the NY Attorney General's Office and its Office of Special Investigations (NYOSI).

This unit evolved from a unit established in 2015 by Governor Cuomo called the Special Investigations and Prosecutions Unit (SIPU). The initial purpose of the unit was the sole investigation of cases where:

(i) a civilian died; (ii) the civilian was not armed and dangerous; and (iii) the death was caused by a law enforcement officer.

In 2021, this unit had its powers greatly expanded. This time, the NY Legislature ordered the expansion of the functions of the original unit via legislation instead of executive order, creating the NYOSI. The new purpose of the unit is as follows:

OSI will investigate every incident in which a police officer caused or may reasonably have caused the death of a person, whether the person is armed or unarmed, and whether the officer is on duty or not. The law further obligates OSI to investigate every incident in which certain state, county, or local peace officers caused or may reasonably have caused the death of a person or an incarcerated inmate.

Under the new expanded powers of the NYOSI, the first 5 months saw 95 notifications by NY police agencies for NYOSI investigation. From these cases thus far, OSI has indicated two officers in charges, once for Murder and one for felony assault.

People v. Allen The defendant, who was an off-duty member of the New York City Police Department, is charged with Murder in the Second Degree and other crimes for shooting and killing Christopher Curro, who was 25 years old, in Farmingdale, Nassau County, on May 12, 2020. Curro was unarmed. The defendant was arraigned on the indictment on August 20, 2021, and was ordered remanded pending trial.

People v. Oropallo The defendant, who was an officer of the Elmira Police Department, Chemung County, is charged with Assault in the Second Degree for striking the face of Gary Strobridge against a hospital floor, on August 22, 2019. Strobridge was in custody and unarmed. The court has set a trial date of December 13, 2021.



Superior service and transparency, for all

Additionally, 25 more law enforcement incidents remain open as of their 2021 annual report.

Detailed Public Reporting

The reports generated at the conclusion of each NYOSI investigation are detailed and thorough, encompassing police reports, investigative notes, medical examiner reports, etc.

Each report concludes with a legal analysis of the incident to analyze whether the force used during the incident was reasonable and whether any actions of any involved officers resulted in criminal conduct.

Additionally, the reports provide recommendations to the law enforcement agencies involved regarding equipment, training, or policy deficiencies that objectively conclude may have prevented the incident or strengthened the legal standing of the actions of the officers involved.

You can review any of these reports here

<https://ag.ny.gov/OSI>



In the two cases where NYOSI issued indictments, the results were a mixed bag. In April 2022, Officer Eduardo Oropallo was found not guilty of felony assault.

Officer Errick Allen is still on house arrest pending trial.

It is important to note that the circumstances were significantly different in both cases but, in both cases, it was ultimately investigation completely independent of the local law enforcement agencies and prosecutors that led to indictments.

What does this mean for Washington and the OII?

There is no evidence the Washington OII will adopt a similar operational and investigative structure to the NYOSI. However, given its established nature and now increasing scope of authority and power, it is a valid crystal ball in which to gaze and figure out where we might be headed in Washington State.

The Washington FOP is currently fighting hard to ensure that all parties involved in the OII are provided with good information and input from police leaders and experts from across the country. The fight to ensure that the OII will remain an organization that is justice and evidence based instead of politicized will continue on into the 2023 legislative session and your membership in WAFOP gives you the only reasonable voice left at the table representing the interests of our rank and file in this process.

The best advice we can give is to follow the law, take care of each other, and consider the full protection of FOP legal defense as we navigate these uncharted waters in the next few years.

MEDICAL BENEFITS

National FOP medical trusts give cops their own way

Did you know that the FOP maintains medical health trust for lodge members in different states around the country? Here is just one example of a set of medical plans from Tulsa FOP:

<https://fop.ccok.com/docs/2022/Tulsa%20FOP%20Benefits%20Guide%202022.pdf>

While this is a different health market, you can see that they have very competitive rates for their members.

Washington State is developing medical trusts for FOP members, including the Western States Medical Trust. While this will not cover our lodge for active duty members, there are plans available for retiring members in the future, this is a good way to start saving.

Contact our plan administrators today at russ@eba-insurance.com

The best way to save for medical expenses



Western States Police Medical Trust

The right plan for your retiree medical expenses



Lodge Administration 2022 Washington FOP Conference

As we enter the week, VP Zielinski and I are heading to Kennewick to meet with FOP representatives around the state to discuss issues relating to the profession and to stand together in unity for the mission of the FOP: to map out another year of doing the best for cops BY cops in Washington State.

One of the things we plan to ask for in this general meeting is a modification of our membership numbering and payment system. We will present some recent cases for an expedited service to take care of getting our members registered faster in order to keep up with the rapidly evolving environment and make sure members have quicker access to our services such as FOP legal defense, long term disability, and the host of other benefits offered to us through our membership.

Washington State Language Access Providers v. Washington Federation of State Employees (135731-I-22, 2022)

PERC has made a ruling on an interest arbitration on the above case in which they DIRECTLY cited the CPI of 9% in the Seattle area as a cause for concern. The state offered 2.5% for 2023 and 2% for 2024 in pay raises. AFSCME asked for 16.7% up front.

The arbitrator, specifically citing pay increases in the private sector well above public sector in recent years, combined with "unprecedented inflation", ultimately awarded 6% in 2023 and 3% in 2024.

A couple things about this... First, it shows you the arbitrators are thinking about how inflation is awful but local governments are still rolling in cash.

Second, it shows you what happens when a union is unreasonable in expectations up front. The state ended up paying double what they offered, but the union only received 46% of what they asked for.

The case is linked above but I figured this would be a good reminder that the PERC arbitrators do seriously consider both sides in these cases. This is why any wage increase request should be backed up by tangible evidence, comparables, and evidence of the government's ability to pay that.



Secretary

MEMBERSHIP

Recruit, Recruit, Recruit

We're still in the middle of our recruiting membership drive! Get 5 members to sign up (make sure they put your name down as Sponsor) and you get an Amazon Gift Card and placed in a drawing for a larger Amazon gift card drawn at the December meeting!!



*To be an active Lodge 37 member, you must be currently employed by KCSO, retired, or separated in good standing (ie: vaxx ax) or a Lodge 37 member who left KCSO in good standing for another agency not represented by FOP).

Membership Dues:

\$100 for Active Members*

\$75 for Retirees

Venmo: @KC-Lodge37

Mail: PO BOX 88882, Tukwila, 98138

Dept Mail: Bridgman, Sound Transit

*New members now until Nov 30 includes remaining 2022 and membership for 2023:

\$150 for Active members. \$112 for retirees

Any current members who have not paid for 2023 will now be assessed a \$10 late fee through 12/31/2022. If 2023 membership is not paid, they will be placed on inactive status starting 12/31/2022 on our logs as well as national. You will also be removed from the Lodge mailing list at that time.

MEMBERSHIP UPDATES

Total Active: 135

Total Retirees: 28

Welcome new members this week:

Jason Ankney (Sound)

Amy Crawford (Pct 2)

Garrett Jorgensen (Pct 2)

