



THE SHIELD



OFFICIAL NEWSLETTER OF THE BALTIMORE RETIRED POLICE BENEVOLENT ASSOCIATION

SERVED WITH HONOR

EARLY WINTER 2021

PRESIDENT'S MESSAGE

We hope everyone had a relatively Happy New Year, although we are sure it was a very subdued celebration. What a year 2020 was. Is 2021 going to be any better? We truly hope so.

This pandemic has been unlike anything we have seen in our lifetimes, at least when it comes to severity. We've had some dealings with viruses in the past, but nothing like this. I know that Maryland is on the downward curve with this virus, and I pray that other States are also on the downslide. The only good thing to say about this is that chances for survival have risen significantly as new treatments have emerged and all medical personnel learn more about the virus and how to treat it. In the beginning, it was all guinea pig treatment.

- The new Healthcare (Aetna) surely hasn't made 2021 any better of a year so far. Many people have had issues. We have been in contact with Aetna constantly regarding the problems. Getting ahold of the City has been a bit problematic for many, but we can't help you with that. We are also having our share of trouble.

Presently, we are receiving about 2-3 calls a day asking for help and about 95% of the problems have been resolved. The rest are being worked on. If you are still having issues, please feel free to call me and I will do all I can to help you. My number is 410-803-2293. If I don't answer, please leave a message and I will get back to you. If I don't know the answer to your question, I will help you get the proper answer.

We know that no one is crazy about change and for those of us who have had BC/BS for many years, it's been especially difficult.

A special thank you goes out to Kathy Conrad and Dan Fickus for all the help they have given to not only the BRPBA but to its members during this transition.

At our January 19, 2021 General Meeting, a representative from Aetna and the Director of Human Resources in Baltimore City were available via phone to take questions. Our FOP President, Mike Mancuso, Firefighter President, Tom Nosek, and retired firefighter President, Charlie Williams, joined us in person to also help answer our members questions. Unfortunately, our attempt to have Zoom set up proved to be difficult and it was canceled. We are very sorry and we will work on that.

Here are some phone numbers to keep:

Aetna Customer Service: 1-833-596-0868

Prescription Drugs: 1-833-596-0868

Behavioral Health: 1-833-424-5679

One note: This change was done by the City of Baltimore, not the BRPBA or the FOP.

- Last year, the Board passed a \$50.00 finder fee bonus for anyone who brought in a new member. This is still in effect. We need new members, and we need your help. We have lost so many members these past few years due to aging and/or illness, and as a result of changes within the City we are no longer receiving the lists of retirees each month. Therefore, we cannot market to them. Please consider talking to other retirees about our organization.

Bill Narango signed up two new members and donated his finders fee to United States Vets. Thank you, Bill.

We encourage all members to help us build our membership, and that of the FOP. There is strength in numbers. Let us all work together to fight for our

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**BALTIMORE RETIRED
POLICE BENEVOLENT
ASSOCIATION
EXECUTIVE BOARD
P.O. Box 6217
Baltimore, MD 21206**

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benefits and pension. We have witnessed firsthand what happens when the city is in control of our healthcare. We have to band together in order to have a voice in the future.

- We thought we would pass along this letter we received from one of our widows:

Dear Mr. Buhrman;

My husband, Robert J. Hall, Sr., passed away in January 2015. He was a retired police Sargeant out of the NE District and that was how we met. He joined the force in 1954 and was there for 34 years. I am sharing this with you because, after 30 years of marriage, I feel he is still caring for me with the help and hard work of all the people involved in the Benevolent Association.

May God continue to bless each and every one of you.

From a grateful widow,

Laura A. Hall

(May you continue to Rest in Peace Sgt. Hall, and thank you for the kind words, Mrs. Hall.)

Daryl

During the Board Meeting and subsequent General Meeting in October 2020, the Board and Membership voted to make changes to the by-laws which reflected changes to our Death Benefit. Please see those changes below:

Section 1: Full Death Benefit

In order for the beneficiary of a member to be eligible to receive the Full death benefit of Twelve Hundred and Fifty Dollars as set by the Executive Board and the General membership of the Association, the following will apply.

- New Retirees must join the association within one year after their retirement date.
- Dues Payments must be up to date.
- Must be a member for one full year.

Section 1 A: Partial Death Benefit

A beneficiary of a member retiree that joins the association after one year of the member's retirement date is eligible for a death benefit of One Hundred \$100.00 per year of membership until reaching the maximum full death benefit.

WANT YOUR NEWSLETTER EMAILED INSTEAD OF MAILED?

LET US KNOW AT brpbaoffice.com.

PENSION LITIGATION

The Court of Appeals of Maryland, our State's highest court, will hear our Pension case on February 4, 2021. In all likelihood, members can listen to it on the webcast portion of the Court of Appeals website.

The City argued that its actions in diminishing and amending our benefits did not constitute an actionable breach of contract. Our attorneys intend to argue that the Circuit Court properly found that the City breached its contract with the retired and retirement-eligible members and that active members as well have protectible contractual rights to a pension. The trial court correctly found that an earlier case of the Court of Special Appeals, *Quinn v. City of Frederick*, absolutely protected pension rights members had already earned by their service. Moreover, our attorneys intend to demonstrate that the Federal Contracts Clause does not preempt Maryland law governing the protection of police pension benefits. Indeed, the City's position is ironic because in the earlier federal litigation, it argued against application of the Federal Contracts Clause at all.

Of course, the elimination of the Variable Benefit amounted to a retroactive reduction of promised benefits for which labor had argued and which labor received as a benefit of the bargain made with the City. In response, the City argued that it had a reserved legislative authority to reduce benefits already earned by retired and retirement-eligible members. Of course, the active members also suffered a substantial loss from the actions of the City. Now, after having promised not to diminish or impair benefits, the City took the position that it could do just that, that a deal was not actually a deal.

Our counsel also must argue that the Trial Court erred in the manner in which it calculated our damages. In the first place, the City breached its funding obligation under the plan. In essence, it engaged in a shell game. The City unrealistically inflated at the assumption rate, i.e., the rate of return on its investments, because doing so enabled the City to contribute less than it should have. In addition to that, it engaged in a process called double smoothing, ostensibly designed to eliminate temporary wild fluctuations in returns so that the picture presented was actually more realistic. Unfortunately, the person's insurers cynically utilized the process not for that purpose but to kick the can further down the road, thus delaying the inevitable reckoning. As a result, the trial court's calculation of damages, which did not fully account for the shenanigans in which the City engaged, had the effect of depriving both active and retired personnel of the benefit of their bargain.

Unfortunately, no one can be sure that the Court of Appeals decision, which may take a while to craft, will end the matter because the Court could always remand the matter to the trial court for additional proceedings consistent with whatever decision the Court of Appeals makes.

Meanwhile, our leadership and our board remain firmly committed to getting our members as much as we can.

Michael P. May
January 17, 2021



Newsletter

January 2021

MY CLIENTS, ME AND COVID-19 (reminder)

For years, many of my clients have been sending all of their tax information to me through the mail, with no problems. For most of March and all of April last year (and May, June and July) I conducted all business through the mail, e-mail, or front door drop off. My experiences are that all of us adapted well and made this policy work.

Many of my clients are over 65. My wife and I are both over 65, and we both have underlying health issues. In order to not risk giving germs to my clients, and in order to not risk getting germs from my clients, **I have decided that I will continue to avoid face-to-face meetings with my clients until such time as me, my family, and my clients have all received the Coronavirus vaccine.** I expect that this policy will still be in effect for most, if not all, of the 2021 tax filing season. We can use the mail, e-mail, fax, or front door drop off / pick-up. We can discuss things over the phone, or we could teleconference using FaceTime, if that would work for you. Rest assured that I have both your health and mine as a high priority.

I told you of this policy in my July 2020 Newsletter, and I am reminding all of you about this now, in case you are not comfortable with my policy and would prefer to find another tax preparer that will allow face-to-face meetings. I plan to continue serving you, but I will respect your decision and cooperate in any way I can.

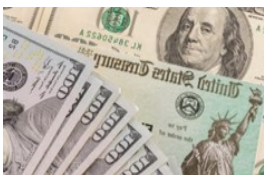
Thank you for your continued cooperation.



NEW 2020 TAX LAW ITEMS

The federal government passed several laws during 2020 that included many new tax provisions. The following items are those that I think may affect many of my clients:

1. STIMULUS PAY-



Any Stimulus Payments that you received in 2020 or 2021 are not taxable income. These payments are actually "Advanced Credits" for 2020. On your 2020 return, you'll reconcile (1) both rounds of stimulus payments with (2) the rebate credits allowed. If the credit exceeds the amounts you received, or if you haven't received a check and you are entitled to one, you can claim the balance on your Form 1040. If the payments you received are more than the credit, you won't have to repay IRS.

MEDICAL EXPENSES

The threshold for deducting medical expenses has bounced around from 7.5% to 10% of Adjusted Gross Income (AGI) and back again, several times. The latest tax law sets the threshold permanently at 7.5% of AGI.

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2. TEACHERS

Teachers are still allowed to claim up to \$250 in teacher expenses as a deduction from income, even if they do not itemize deductions. For 2020, PPEs (personal protective equipment, such as face masks) are includible in allowable teacher expenses.

3. 2020 SPECIAL CHARITY DEDUCTION

For 2020, taxpayers can claim a deduction for cash (or check or credit card) contributions of up to \$300 per tax return, even if they do not itemize deductions. That's \$300 for those filing Married Filing Separately, Single or Head of Household. However, if you are filing as Married filing Separately, each spouse can claim only \$150.



For 2021, this has been changed to \$300 per taxpayer. So next year, married couples will be able to claim up to \$600 in charitable contributions, even if they do not itemize.

Note: Non-cash contributions, such as clothing donations to Goodwill, are not includible.

4. FORM 1040-SR

In 2018 IRS introduced optional Form 1040-SR. Taxpayers age 65 and over could choose to use this form instead of the tradition Form 1040 when preparing their income tax returns. This form has larger print and bigger text boxes, and excludes line items not often used by seniors.

Form 1040-SR is still available for use in 2020, but please be aware that this form has now been expanded to 4 pages. (Form 1040 is still 2 pages long.)

5. FORM 1099-NEC

Previously, if you received at least \$600 in non-employee compensation (such as rental income, prizes and awards, legal fees, etc.) you would be issued a Form 1099-MISC. Starting with 2020, non-employee compensation will be reported on new Form 1099-NEC. If you receive a Form 1099-NEC, please give it to me when you give me your income tax information.

6. INCREASE IN RMD AGE

The age for taking mandatory Required Minimum Distributions (RMD) from you IRA, 401(k) plan, 403(b) plan, etc. has been increased to 72 for individuals who turn 70½ after 12/31/19. For people who turned 70½ prior to 1/1/2020, the age for RMDs is still 70½.

FILING DATE

As of this writing, Income Tax Returns are still due by April 15th. That deadline has not been extended.

MILEAGE RATES FOR 2021

Beginning January 1, 2021 standard mileage rates for the use of a vehicle will be:

- 56.0¢ per mile for business miles driven (down from 57.5¢ for 2020);
- 16¢ per mile driven for medical purposes (down from 17¢ for 2020);
- 14 ¢ per mile driven in service of charitable organizations (unchanged).



This quarterly newsletter provides business, financial planning, and tax information to clients and friends. None of this general information should be acted upon without first determining its application to your specific situation.

For additional copies of this newsletter or further details on any article, please contact me.

To: F&P Pension System Members

From: Bob Haukdal
F&P Trustee

Re: F&P Board Meeting
January 19, 2021

This month's pension board meeting was very routine, so there's not much to report. The big news for me was that our fund hit an all-time high and broke the three-billion-dollar mark. As of December 31, 2020, it was valued at \$3,101,291,381. Like any portfolio, the value can gain or lose at any time, so if it goes below three billion for a short time, there's no need to get upset. But let's hope three billion plus is the new norm.

There was some discussion on the impact of the City's new payroll system, Workday, had on the health insurance premiums on some of our retirees. Apparently, the City (not the F&P) is giving BNY Mellon, incorrect information which caused errors for some of our members. Hopefully, it will get straightened out soon. If you belong to the FOP, you will see updates on the issue.

Several years ago, the July board meeting was eliminated from our annual schedule. As making changes to our investments or putting one of our investment managers on the hotseat for not performing up to expectations takes much longer than what we can do as individuals to our personnel portfolios, I felt we need to go back to 12 meetings a year. I discussed it with several fellow board members and today the board voted to go back to the 12 meetings.

This is the time of year that some members like to adjust their federal and/or state income tax withholding. You can get the form at:

<https://www.bcfpers.org/membership/retirees-beneficiaries/retiree-beneficiary-forms/>

From there you can get the federal income tax withholding form: W-P4

And the Maryland state income tax withholding form: MW-507P

The completed form/s can be emailed to FPAccounting@bcfpers.org

Or faxed to 1-888-443-7008.

Ask them to send you confirmation of receipt.

The IRS Form 1099-R is scheduled to be mailed by BNY Mellon the week of January 24th. There are two options if you need a duplicate. One is to call the F&P accounting section at 410-497-7929, Option 2. The other option is to access your BNY Mellon payroll account. If you haven't set one up, you can do so at <https://bnym.accessmyretirement.com>. You will need to have your account number which can be found on the deposit summary BNY Mellon sends you.

That's it for now.

ASSAULT ON THE LEOBR: DISRUPTION OF DISCIPLINE

The beginning of the current legislative session demonstrated an extraordinary effort to dilute, and in at least one instance eliminate, the Law Enforcement Officers' Bill of Rights. Not all the bills were available as of the time of this writing. Nonetheless, many demonstrated considerable hostility toward law enforcement and the potential to affect the BRPBA's mission to support the profession.

Pre-filed although not introduced until January 13 was HB 151 which proposes to repeal the LEOBR, replacing it with nothing. The bill was referred to the House Judiciary Committee with no hearing date set yet.

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SB 50, also pre-filed but also not introduced until January 13, requires police to intervene in instances in which another officer engages in excessive force, further providing that failure to do so could result in a prison term of 5 years and/or a fine not exceeding \$ 10,000. In addition, an injured party may sue the officer who fails to intervene.

SB 260 provides for a Police Officer's Performance Review Board as an independent board functioning within the Department of Public Safety and Correctional Services. If an officer engages in racially discriminatory misbehavior, the Board may impose sanctions, including termination from employment.

HB 197 requires a police officer to display proper identification and provide information to certain individuals at the commencement of certain types of citizen stops.

HB 139 expands the abilities of aggrieved persons affected by the use of force to seek civil redress, as does HB 353.

SB 166 requires officers to report misconduct to a supervisor.

SB 178 provides that disciplinary records are not personnel records, which would render them discoverable in criminal cases.

SB 174 contains mental health provisions and programs for police officers while SB 92 provides for psychological screening as a precondition of employment in law enforcement.

The texts of all the bills were not available as of the time of this writing. For instance, the text of SB 381, sponsored by Republican Sen. Bob Cassilly, an extremely bright and capable legislator who would never gratuitously harm police, was not available. In addition, while many of the bills were referred either to the Senate Judicial Proceedings Committee or to the House Judiciary Committee, no hearings have yet been scheduled.

Nonetheless, the current political climate demands both vigilance and concern.

Michael P. May
January 17, 2021

BALTIMORE RETIRED POLICE BENEVOLENT ASSOCIATION TAG PROGRAM

As of January, 2021, we have 707 sets of professional looking tags in Maryland. Many members continue to display their pride of being a police officer, even in this current climate. Our tags are a one time fee of \$25.00 to the MVA and a small donation of \$20.00. Don't forget to contact Daryl if you want motorcycle tags.

Contact Daryl Buhrman at 410-803-2293 if you would also like to tell the world how proud you are to be a retired Baltimore City Police Officer.

Visit our website for more information at:
www.brpba.com under Member Information or call
Daryl Buhrman at 410-803-2293.



WE MAY ENCOUNTER MANY DEFEATS BUT WE MUST NOT BE DEFEATED.” – MAYA ANGELOU

Al Capone's Baltimore Days

by David Eastman

Jesse and Frank James were not the only infamous outlaws to take up residence in Baltimore.

Long before the St. Valentine's Day Massacre and his conviction and prison term for tax evasion, Al Capone worked as a legitimate bookkeeper in the Highlandtown area of Baltimore.

Capone was a small-time gangster in his hometown of New York. He was working as a bartender when he inadvertently insulted a female patron and was slashed with a knife on the side of his face by her brother, a gangster named Frank Galluccio: The wounds led to his nickname of "Scarface" which Capone detested. Capone was invited to join the Torrio gang in Chicago. Johnny Torrio was an enforcer in the James "Big Jim" Colosimo organization. Torrio took over the Colosimo organization after Big Jim was murdered, a killing that was allegedly committed by Al Capone. Capone came to Baltimore looking for work, accompanied by his wife, Mae, and his infant son, Albert Francis "Sonny" Capone. Although he was a grade school dropout, he set out to work at what he did best: arithmetic. It is not known if he was "laying low" because he was suspected of murder in Chicago or if he was trying to escape a life of crime.

Capone immediately found work as a bookkeeper in the Highlandtown office of a construction company owned by Peter Aiello. The location of the Capone residence at that time in Baltimore is unknown but the family led a quiet life with Al going off to work each morning. Peter Aiello's firm was responsible for building some of the most iconic structures in Baltimore including Our Lady of Pompeii church and school.

The Capone family's stay in Baltimore was to be a short one. Johnny Torrio sent for Capone, asking him to return to Chicago. In early 1921, Al's boss, Peter Aiello, lent him \$500 and wished him well on his return to Chicago. Al never forgot his debt and a few years later, he gave his former boss a parade in the Chicago suburb of Cicero, Illinois. Whatever the meaning of the parade was to Peter, Capone thought it was a great day showing that he had, indeed, arrived at prominence.

Upon arrival in Chicago, Capone took a job as an enforcer in a string of brothels run by Torrio. It was in one of these places that Capone contracted syphilis. In January 1925, Capone was ambushed and was shaken but unhurt. A few days later, his boss, Torrio, was shot three times while returning home from a shopping trip with his wife. Torrio survived but decided to retire from the rackets, leaving his right-hand man, 26-year-old Al Capone, in charge of his criminal organization.

Capone ruled his bloody empire until 1931 when he pleaded guilty of income tax evasion and was sentenced to 11 years in federal prison. After serving 8 years of his sentence in several federal facilities (Al was anything but a

model prisoner) he was paroled on November 16, 1939. His health had deteriorated, and his mental faculties were suffering due to his advanced case of paresis due to late-stage syphilis. Upon his release in San Francisco, Capone travelled to the east coast and went to Johns Hopkins Hospital in Baltimore for treatment. The administration at Hopkins refused to treat him because of his notoriety. He then went to Union Memorial Hospital on 33rd Street where he was treated by Dr. Joseph E. Moore.

On January 8, 1940 the Capone family rented a home at 5708 Pimlico Rd. The residents of the house were Al's wife, Mae, their son, Sonny, Al's brothers, John and Albert and his mother, Theresa.

The presence of a recently paroled gangster with the notoriety of Al Capone did not go over well with the politicians and law enforcement officials of Baltimore. A Maryland State Police sergeant by the name of Menasha Katz got a phone call from his friend, Harry Smart. Smart told Katz that the Capone family had rented the upstairs of the house he owned on Pimlico Road and were using the name of "Rossi". Smart also said that Capone did not feel safe at the Pimlico Road house because of its proximity to Pimlico Race Course where assassins may hide in the crowds of the day. Katz and Smart agreed that Capone and his bodyguards could live in the rambling old farmhouse on Pimlico Road and Oswego Ave. owned by Katz and he got permission from his State Police supervisors who thought it was a good idea for Katz to keep an eye on the gangster. Sergeant Katz, years later, said that Capone was very quiet around the house and that he dealt mostly with the bodyguards who paid the rent and bought the groceries. Katz said he had one conversation with Capone, telling Al that his daughter thought he looked like actor Edward G. Robinson. Capone replied, "Don't tie me in with that guy."

Capone stayed with Katz for several weeks and Katz recalled that Capone's health was rapidly deteriorating. Katz also said that when the Capone family would visit, they would order food to be delivered from Maria's, 300 Restaurant in Little Italy.

On March 20, 1940, the entire Capone family and associates just packed up and left Baltimore, driving first to New Jersey and then to Capone's Palm Island, Florida estate. Sergeant Menasha Katz said that Capone sent him two very expensive silk shirts in thanks for his hospitality. Katz went on to become a captain in the Maryland State Police and was an advisor to several governors. Al Capone, appreciative of his treatment at Union Memorial Hospital, donated two weeping Japanese cherry trees which were planted on the south side of the hospital complex. One of the trees was removed in the 1950s to make room for expansion but the other lives on, over 75 years later.

A large branch broke off the tree in a storm and wooden

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bowls were made from it and were sold to benefit the hospital.

Both of Alphonse Gabriel Capone's stays in Baltimore were uneventful. There were no crimes associated with him or any of his associates. He was just another citizen seeking medical treatment in the hospitals of Baltimore.

Bibliography

"Capone" by L. Bergreen, Simon and Shuster publishers
Baltimore Sun reports by Larry Perl, Justin Fenton and Gilbert Sandler.

Members we lost in 2020:

Frank Banahan

Joseph Barnes

Peter Barnes

Gary Best

Rollins Brown

David Buschmann

Jesse Chambers

Michael Cichowicz

Lee Cohen

William E. Cole

John C. Coleman, Sr.

John Cox

William Dowdy

Lloyd Emery

Robert Ewing

Richard B. Flynn

Richard Frazier, Sr.

Howard "Brent" Fromm

Clifton Gonce

Kenneth Hyman

Wardell James

Melvin Kelbaugh

Windsor Kessler

Paul Lamond

Raymond Leitner

Roger Leonard, Jr.

Raymond Meyers

Cynthia Molick

Carter Myer

Leslie Perrica

James Possidente

Steven Quinter

George Salbeck

Michael B. Scavone

Allan Scheidt

James R. Schmidt

Charles Schubert

Leon Smith

Andrew Snakovsky

George Stiemly

David Suter

Joseph Swann

Frank Walmer

Scott Yosua



DEVELOPMENTS IN THE LAW

Recently, the controversies over defend versus defund and the legislative push in some quarters to eliminate, or at least eviscerate, the Law Enforcement Officers' Bill of Rights have overshadowed other significant developments.

On January 11, 2021, the United States Supreme Court denied certiorari in *Carey v. Throwe*, an adverse decision of the United States Court of Appeals for the 4th Circuit, at 957 F.3d 468 (4th Cir. 2020), in which a three-judge panel unanimously upheld the legally correct dismissal of a lawsuit brought by a former Natural Resources Police Department employee against, among others, a Natural Resources Police Captain, stemming from an ongoing personal dispute. Carey joined the Maryland Department of Natural Resources as a civilian at will employee in August, 2015 for the Boat Tax Enforcement Unit. His contract was set to end on August 8, 2017. During his time with the Department, Carey received a certification card allowing him to carry a concealed firearm pursuant to LEOSA, 18 U.S.C. §926C, which provides for retired law enforcement officers to carry concealed firearms under certain conditions. Two of them are that the officer (1) retired in good standing and (2) currently holds a certain form of state-issued identification (in Maryland, the "LEOSA card"). On May 25, 2017, Joanne Throwe, the DNR Deputy Secretary, and Mike Lathrom, a Natural Resources Police Corporal, told Carey his contract had been terminated and did not give him a reason although he asked for one. Later the Department revoked Carey's LEOSA permit, and he lost his right to carry a concealed firearm.

Carey contended that DNR had retaliated against him for two blog posts he previously anonymously submitted to the Salisbury News Blog in which he went after Natural Resources Police Captain Edward Johnson for clearly tasteless Facebook posts that Carey contended violated the Police Department's Code of Conduct and Agency Values. Carey eventually filed a lawsuit for defamation, retaliation for his exercising his First Amendment rights and for interfering with his right to carry a concealed firearm under LEOSA because the Police Department rescinded his LEOSA card. The District Court (Judge George Russell III) dismissed the case, holding that none of the claims could survive because at least one fundamental defect in each. In the first place, neither of Carey's Salisbury News Blogs implicated a matter of public concern, which they had to do for Carey to bring a suit. The District Court dismissed the LEOSA claim because it did not provide for a private cause of action. Finally, the court dismissed Carey's defamation claim against Johnson, who had said that Carey had the integrity of a lifer on death row, because it was mere hyperbole and not capable of objective verification or refutation. In fact, the 4th Circuit noted, it was just another installment "in some long-standing feud between Carey and Johnson."

Clearly both Judge Russell and the 4th Circuit got it right under the law in that while public employees do not surrender their First Amendment Free Speech rights, their commentary must be as a private citizen on a matter of public concern when their interest in freedom of expression outweighs the governmental entity's interest in fulfilling its mission. See, e.g., *Pickering v. Board of Education*, 391 U.S. 563 (1968); *Garcetti v. Ceballos*, 547 U.S. 410 (2006) and *Connick v. Myers*, 461 U.S. 138 (1983).

Five days before Mr. Carey got his bad news from the United States Supreme Court, a Baltimore Police Officer got really bad news in an unreported (meaning that it cannot be cited as precedent) opinion of the Court of Special Appeals of Maryland in *Gentil v. State*, an appeal from the Circuit Court for Baltimore City. In January 2019 at 9:45 PM, Gentil, in civilian clothing and apparently on his way to work at the Eastern District, almost struck one Miller, a pedestrian, while Gentil was making a left turn. Miller was carrying a cup of tea which then hit Gentil's car. Gentil stopped and got out of his car, and the two of them exchanged angry words. Eventually, Gentil drew his firearm, trained it on Miller and directed him to the ground, without ever identifying himself as a police officer. He also never wrote a report. Nor, obviously, did he arrest Miller. Instead, he got back into his car and drove away after receiving the apology that he apparently demanded. Miller, suspecting Gentil was a police officer went to the Eastern District, located Gentil's car and made a complaint. While he was uncooperative with the persons at the Eastern District to whom he complained, he apparently cooperated the next day with detectives from the Internal Affairs Division.

At his criminal trial, Gentil argued that the court should find he was acting as a law enforcement officer and should not consider his subjective intent — which the trial court concluded was personal. He also argued that the court had to merge his convictions for first degree assault and for use of a firearm in the commission of a crime of violence for sentencing purposes.

In its 27page unpublished opinion written by Chief Judge Fader, the Court of Special Appeals of Maryland affirmed, holding that Gentil should not receive the benefit of a law enforcement justification defense because he was not acting as a law enforcement officer during the altercation. The appellate court further determined that the trial court was correct in discrediting Gentil's argument that he had placed himself on duty to investigate a misdemeanor and that he was therefore entitled to the benefit of the defense because, he argued, a reasonable law enforcement officer in his position could reasonably have taken the actions he took. The appellate decision further explained that the 2 convictions could not merge because the statute essentially provides they should not. As a result, the Trial Court's

sentence of 3 years for first degree assault and 5 years — consecutively — for use of a firearm in the commission of a crime of violence was allowed to stand.

The current Legislature will additionally consider HB 268, which eliminates a spouse's privilege not to testify against the other spouse in criminal matters. The concern the Bill attempts to address is that abusers coerce their victims into marrying them and then to refuse to testify, thus enabling the abuser to avoid criminal liability. In fact, in 2010, Judge G. Darrell Russell (no relation to the Federal judge) encountered grave difficulties when an abuse case came before him. The Public Defender representing an individual accused of assaulting his fiancée, with whom the defendant already had several children, asked the judge to grant a postponement because that would give the defendant and the victim time to get married so that the victim could assert the spousal privilege. Judge Russell married them that day and then found the defendant not guilty of the charge. Ultimately, Judge Russell, a compassionate and superb jurist, was forced from the bench after having been publicly pilloried.

One issue raised with response to HB 268 is whether the fact that the couple is engaged should play a role in whether the immunity should be abolished. Others would eliminate immunity only when there is a continuing course of conduct. As matters currently stand, a victim may only invoke the spousal privilege on one occasion anyhow. In the final analysis, domestic abuse is horrific and intolerable. It is doubtful that any law can eliminate it.

We live in interesting times.

Michael P. May, January 17, 2021

"I want to be a police officer and help people!" - younger me.

"Is this all the heroin in your butt or do I need to go back and get the rest?" - a hour ago me.



Start by doing what's necessary; then do what's possible;
and suddenly you are doing the impossible.
Francis of Assisi

WELCOME TO OUR NEW MEMBERS!

Freddie Bland

Hugh Carter

Ronaldo E. Morales, Jr.

Myrna Sexton

INCLEMENT WEATHER

Please remember, monthly meetings may be canceled due to inclement weather when:

- Baltimore County Schools are closed because of snow or inclement weather; or,
- There is a snowfall after schools are dismissed and the Baltimore County snow emergency plan is placed in operation.

CONTACT INFORMATION:

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Email Address: brpbaoffice@gmail.com

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FOP 410-243-9141
Balto. City Life Insurance 410-396-5830
Health Care Benefits 410-396-5307
Securian Financial 1-888-658-0193
Municipal Employees Credit Union 410-752-8313
Employee/Retiree Affairs Unit 410-396-2546

Newsletter Chairman:

Patrick Youells
(cody7762@hotmail.com).

Distress Fund Chairman:

Daryl J. Buhrman
410-803-2293

It is our attitude at the beginning of a difficult task which, more than anything else, will affect its successful outcome.

William James

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DISTRESS FUND NEWS

The 2020 Raffle Report

The BRPBA 2020 Raffle was a great success. The only problem we encountered was with the U.S. Postal Service. We had many returns stating that people had moved and when we checked, they never did. Obviously, the U.S. Postal Service cannot read or can't be bothered. In addition, we also had an issue with it taking two to three months for tickets to arrive (outgoing and incoming). It was very frustrating. For all we know, there could still be more out there.

Our 2021 Raffle drawing will be at our Holiday Party in December, as long as we are allowed to gather. Let's hope this pandemic is over with by then, but who knows.

Winners do not have to be there to win. All profits are deposited into our Distress Fund account to help our members and widows who have hit a rough patch in life. It happens to all of us at one time or another and that's why the Distress Fund was formed.

This year we are adding five (5) more \$100.00 winners! That would bring the total number of \$100.00 winners to 19. There will be four (4) \$200.00 winners, three (3) \$300.00 winners, and four (4) \$500.00 winners. That is 30 chances to win with just \$1.00.

People who sold over 100 tickets in 2020:

Bernard Joyce sold 510 tickets

Deborah Thompson sold 250 tickets

Terry Arrington sold 231 tickets

John Boyd sold 210 tickets

Ken Lang sold 200 tickets

Anthony Molesky sold 125 tickets (Donated money he won back to the Distress Fund)

William McKitrick sold 112 tickets

Sandra Gall (widow) sold 110 tickets

Shirley Wood sold 110 tickets

Dale Fields sold 105 tickets

Judy Rumpf (widow) sold 100 tickets

We appreciate every single ticket sold by every one of our members, but we would like to send a special thank you to those listed above for going above and beyond.

In Memoriam Donations Made to the Distress Fund

Mrs. Beverly Gardner in loving memory of her husband, Thomas Gardner

Mrs. Diane Larkin in loving memory of her husband James Larkins

Mr. Richard Bloom in memory of Sam Walters



BRPBA FINAL ROLL CALL

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Craig Gobin (01/08/2021), son of our members Dave Gobin and Betty Roberts

- Gary Best
- David Buschmann
- William Colburn, Jr.
- John Cox
- Joseph Cruse
- Lloyd Emery
- Robert Ewing
- Howard "Brent" Fromm
- Raymond Leitner
- Edward T. F. Marshall
- Walter McGovern
- Cynthia Molick
- Leslie Perrica
- Charles Steele
- David Suter
- Joseph Swann



Remembrance never dies.

SUPPORT OUR MEMBERS BUSINESSES!!!



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***Executive Board Meetings held the second Wednesday of the month and
General Meetings on the third Tuesday at Knights of Columbus Gardens,
4301 Klosterman Avenue, Perry Hall, MD. Please join us!***

(currently 50% capacity attendance)