



THE SHIELD



OFFICIAL NEWSLETTER OF THE BALTIMORE RETIRED POLICE BENEVOLENT ASSOCIATION

SERVED WITH HONOR

LATE WINTER 2018

PRESIDENT'S MESSAGE

Hello to all!!! It's been an eventful few months since our last newsletter. We've had our FOP election, our BRPBA election, our country-wide election, and the painstakingly slow moving forward of our Pension trial. Fifteen of our members have sadly passed away, and fourteen new retirees have joined the BRPBA.

I think that's a lot of activity packed into three months.

First off, I would like to address the FOP election. Most of the BRPBA endorsements were reelected and we are thankful for that. We strove to maintain retiree representation in the FOP and that was accomplished. Thank you for your votes to keep them in office.

We do, however, have a new FOP President. We did not endorse President Mancuso, but we wish him the best of luck in this new endeavor. Time will tell how the relationship will be between Mr. Mancuso and the BRPBA. We are certainly willing to work hard to make it a good one and we hope he is also.

Lisa Riha was reelected as secretary and we are very grateful as we have developed and maintained a great working relationship with her over the years. However, President Mancuso felt it best that she be reassigned, so she no longer has a physical presence at the Lodge. You can still reach her at LRiha@fop3.org.

Secondly, I want to thank all of you who voted the BRPBA current Board back into office. We are happy and honored to continue serving you. The BRPBA has grown in strength, presence and recognition over the years and it is imperative that we keep up the good work.

Third, at our September meeting we gave our member authors the opportunity to sell their books. We didn't hear how it went, but we hope that this was a lucrative opportunity for them. On the subject of books, one of our members, Wesley Wise, has graciously offered his advice to other members who would like to write a book. You can reach him at 443-327-7502.

Also at our September meeting, we honored Dominic Mastromatteo with a plaque thanking him for his many years of service to the BRPBA. Dom stepped down this year to be able to spend more time with his family and to enjoy his retirement years. Please read more about this on the second page of this newsletter.

Fourth, we can say that both a lot and a little happened at the Pension trial. Most of this will be explained further in the newsletter by Mike May. A lot of people testified, and the City trial lawyer proved he really had no leg to stand on, plus a certain previous Mayor embarrassed herself on the stand. However, we know that this trial is moving forward like molasses, so in many ways... little is being done. Some people who were waiting for their Pension money are no longer even with us. That's just ridiculous. We hope we get a positive outcome around the first of January and that the City doesn't keep appealing over and over.

Lastly, as we did last year, this year we received the name of a family in need in Baltimore City. We, along with the manager of the store, gifted them with a grocery cart full of food and some gift cards for Thanksgiving, and the same family will receive help for Christmas.

The holidays are upon us. We always wish the best for our members at this time of the year, but for many of us it's also a rough time of the year. Some members are ill, some seriously ill, some are struggling financially, and some are coping with depression. We want every member to know that the BRPBA is here for them and they are never alone. Remember: the holidays are not about presents. It's about family and friendships, kindness and caring. Even if you do not have family, you have our friendship and we are here for you if you need to talk.

Our thoughts and prayers go out to everyone.

Daryl Buhrman
President



TRIBUTE TO ONE OF OUR BEST

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POLICE BENEVOLENT
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Perhaps his quiet nature caused the delay. Maybe his modesty, his refusal to promote himself, to boast about his achievements, made us wait. Possibly, his steadfast capability caused us to take him for granted. After all, he accomplished all his responsibilities without ever once seeking fanfare. Then, one day, in deference to his family and his other responsibilities, he told us he would leave our Board. Finally, we realized how much we respected him, how much gratitude we had for all he done for our Association and for all our members.

On September 8, 2018, at our first post-summer General Meeting, we honored Retired Detective Sgt. Dominic Mastromatteo, and we thanked him for his years of service, for his advice, for his wisdom, for his passion and for his compassion. He served the Baltimore Police Department for decades, excelling in every assignment. He always exhibited immense talent through creativity and intelligence. He made those around him better, and he made the City better from the day he first took that solemn oath. Never one to complain about having too much to do or to revel in his accomplishments, he took on even more work by serving in positions within the Baltimore FOP and on our Board.

On the night we honored him, his long-time partner and friend, Dick Nevin, our First VP, spoke and captured the essence of Dominic's character and decency. With his wife, Dick's wife and so many friends present, Dominic graciously accepted a plaque commemorating the occasion and our gratitude for all he did, does and will do. Typical for him, he used only a word or two, and merely a second or two, to thank everyone before he joined the membership to socialize, to commiserate and to reward individuals with his insight.

At a time when police, past and present, endure all manner of criticism, looking to Dominic Mastromatteo restores our pride in our chosen vocation. We honored him one night. He honors us every day by remaining among us.

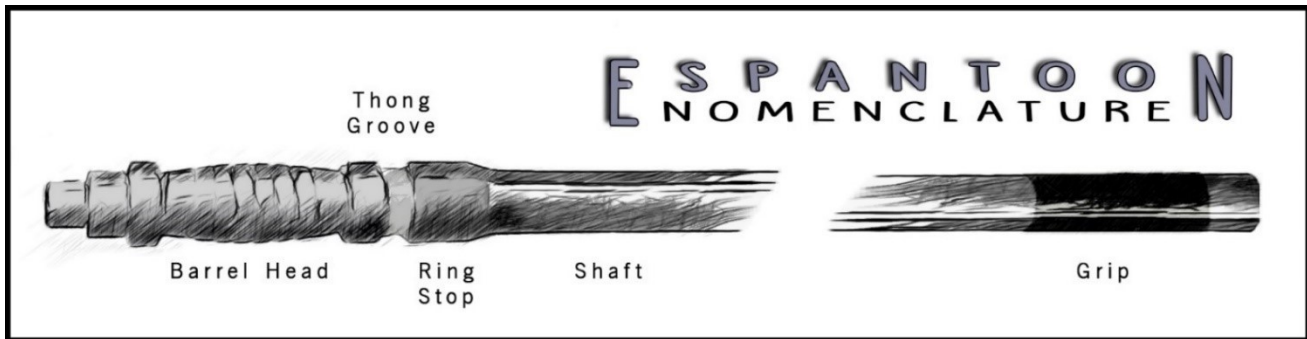
Michael P. May



Dominic Mastromatteo, right, holding the plaque.

What Makes an Espantoon an Espantoon

By Kenny Driscoll



Espantoon Nomenclature

If we look at the Nomenclature above, we see the portion to the left, that is often mistaken as the handle. It is called the Barrel Head, which is actually a Burl Head. This was an error which likely stems from a combination of the Baltimore accent, and/or the so called southern drawl. Either way this mispronunciation or misunderstanding resulted from years of older officers telling younger officers the parts of the Espantoon, telling them where to hold the stick, and as the officer reaches for the handle they are corrected, and redirected to the Shaft, with the strap, actually called the thong wrapped around the officer's wrist, or finger.

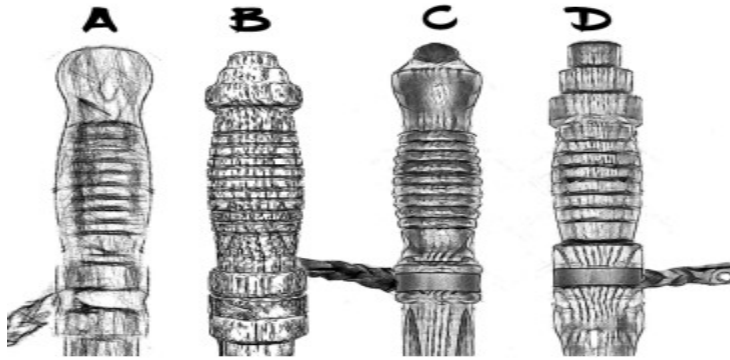
Just last week (this being worked on 16 Nov 2018) we received more information about our Espantoon. Prior to last week's information coming in, we could trace things back to just three wood workers that turned out the best of the best when it comes to Baltimore's Espantoon. Some are known simply due to the numbers of sticks they turned out, while others were known for the significant changes they made to the stick, and others for both. Still we couldn't trace our sticks back any further than the three names already so well known. We knew it was Howard Uniform that supplied our agency with the baton but we never knew who turned them before Howard uniform. Back then the quartermaster dealt with Mr. Harold Berman as he was the Vice President of Howard Uniform at the time. What we didn't know up until the 16th of this month who it was that turned the Baltimore Espantoons for us and other well-known police supply shop.

Then an email came in giving us the name of the subject that turned out sticks and how he obtained the contracts. As it turned out the man that turned them started in 1957 after making an attempt to buy a lathe from another area Reverend, a man named Reverend W. Gibbs McKenney. McKenney had already given the lathe to a Boy's School out west, but as he shook hands with Reverend John D. Longenecker he realized he had a woodworker's hands. This caused the two to exchange stories of their lives, both starting out as small children for family businesses. One of them was only 9 years old when he began, the other was a pre-Teen. Within a very short time, Rev. Longenecker had the tools he needed and was learning to turn the Espantoon. So, from 1937 until 1957 Reverend McKenney was turning our sticks, then in 1957 Rev Longenecker took over and continued turning them until 1977.

Aside from Reverends McKenney and Longenecker, a man named Carl Hagen also turned them for a short time. Mr. Hagen ended up turning down the offer for the Howard Uniform Contract, and instead began turning sticks for direct sales to our officers. He enjoyed selling completed sticks that were made personally for each officer he sold to. He made sales from 1955 until 1979. In 1974, a retired house builder named Edward Bremer started turning sticks, But Bremer was making them bigger than anything police had been using up until then. Some guys turned their own sticks out of a table leg or two, but for the most part the guys were all carrying issue sized sticks. When officers started seeing Mr. Bremer's sticks, they all started ordering from him. West side officers, seeing the east side sticks, started going to their local guy and asking him to make his sticks bigger and in 1974 Carl Hagen started selling a bigger stick. Mr. Hagen had some interesting changes credited to him, those were to start making the Espantoon bigger, but he also added what he called a "NIBB" to the top of the Barrel Head. Prior to Mr. Bremer, there was a small Nibb shaped design on the stock stick, but it was nothing like those added by Mr. Bremer. Mr. Bremer felt it was a better way of making the stick better for jabbing than just swinging it during an altercation. He felt jabbing was a better way of using the stick, followed by various come along holds, arm bars etc. In 1977, Mr. Bremer stopped turning sticks, but he had added the Nibb, or made the suggestion of what to do with said, Nibb. He also introduced exotic

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Sticks A & B were Turned by Carl Hagen
 Stick C was Turned by Ed Bremer
 Stick D was Turned by Joe Hlafka

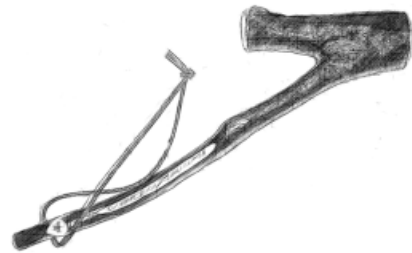


woods, these were woods being used by officers that were turning their own sticks, but other than turning a stick yourself, officers had no way of getting these harder exotic woods for their sticks. Before long Carl Hagen was also using the same type woods, making larger sticks etc. Both men at the time had their own style. Around 1977, when Bremer stopped turning sticks, our own Joe Hlafka, started turning sticks. He used the same wood types, but he also added a few things. First, he went a little larger than Mr. Bremer, and he added the swivel to the thong making spinning the stick much easier.

Now what makes a Nightstick an Espantoon

To start, on the 19th March 1798, an ordinance was approved by City Hall that described the duties of a Baltimore Police Officer. One of the first things written was that the officer was to, “Walk through the streets, lanes, and alleys of Baltimore every day, with MACE in hand.” However, when most people think of Mace they think of a can of some sort of chemical or pepper gas that was used to spray into the eyes of a suspect. That would be, “Chemical Mace” a nice commercial way of describing and selling a product that would stop a suspect much the way a Mace, a Nightstick or our Espantoon would.

But for the definition of a Mace, we should go back a little further. A Mace was a blunt force weapon, described as having a solid shaft with a blunt weaponized end attached. A true nightstick wouldn't fall into the category of a Mace on its own because it doesn't have the weaponized end. But lets take into consideration the way our former police thought. Many of them came from other countries knowing various weapon types, and let's not forget this was taking place in the 1790's, early 1800's, prior to the civil war, and while American soldiers were still fighting Indians and everyone knew well of the Tomahawk, a blunt force weapon made up of a solid shaft with a blunt weaponized end attached. They knew a Mace as a club with a heavy weaponized head of some sort on the striking end. They knew it was designed in the most primitive of ways to deliver very powerful blows and to hopefully end a confrontation as quickly as possible. It has been mistaken over the years that a Mace has to have metal spikes or blades on it. This is not so. Just look at other blunt force weapons that can be described as having a solid shaft, with a “Burl Head” weaponized end. We could start with something as basic as a cave man's club or the more modern Irish Shillelagh. The Shillelagh was taken from nature almost as natural as they came from a tree. By cutting a branch off in such a way that the branch would have two parts of the intersection where the limb and branch came together.



The Shillelagh might also be found like this in which the Burl Head is reshaped to a rounded smooth edge, but as you can see it is offset to the shaft. What our ancestors in the Baltimore Police Department did to convert an issued nightstick into a Mace was to turn the stick around holding it by the shaft and using the former handle as that blunt weaponized striking end of the stick. It might be interesting to know that this is not just something we do, it is part of our General Orders. Even today if we were to go to modern BPD Policy – Policy #1111 - BATONS / IMPACT WEAPONS, Espantoon — Wooden baton between 22-25 inches in length, with the **striking end** of the baton being between 1 1/2 - 1 3/4 inches in diameter, and the grip end being 1 3/8 inches in diameter. Essentially saying in the orders that the striking end is the end that is often mistaken for the handle.

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So, what makes a nightstick an espantoon is the way it is used. Looking at pictures back into the 1920's and 1930's up to the early 2000's and currently, our police have been using the larger end of the stick as the weaponized striking end. Whereas, in looking at similar pictures from other agencies, we'll see they all hold the stick by what we call the striking end.

We can go to the Baltimore City Police History site, and under the top menu dropdown labeled BPD History on the bottom left hand column is a link for the Espantoon page. Once on that page you'll find links for our collection, and some Easter egg links to our private resource page, and to this complete article, with links to the pictures mentioned in here of our officers holding the sticks the way we do and have been for many years.

One last quick note, from the way articles are written and the many photos we have as well as the actual Espantoons we have purchased over the years, it would appear as if our Espantoons were not issued until sometime after the Police school started, and then when they were issued it was upon graduation from the School/Academy and it was a completed stick ready for patrol. It wasn't until around the time Reverend McKenney started turning sticks that sticks were issued unfinished. We know from the Reverends past interviews that completed sticks sold in the area of \$6.00 and unfinished sticks were around \$2.00, so this was most likely done to keep costs down. But it would appear as if the unfinished sticks that most of us were issued, were only issued from about 1937 until 1996 when the department stopped issuing Espantoons.

*The names and years the known artisan turned sticks were as follows
Woodworkers that Turned Baltimore Espantoons
1937 to 2007*

*1937 / 1957 – Rev W. Gibbs McKenney - Made BPD Issue - Sold to Howard Uniform - 10,000 hickory 2,000 redwood over 20 yrs. -
1957 / 1977 – Rev. John D. Longenecker - Made BPD Issue - Sold to Howard Uniform - 10,000 hickory 2,000 redwood over 20 yrs. -
1955 / 1979 – Carl Hagen - Made BPD Issue & his own Stick - Sold to Howard Uniform and Officers - 2,000 various wood types over 24 yrs. -
1974 / 1977 – Edward Bremer - Made his own Stick – Sold to Officers - 300 various wood types over 3 yrs. -
1977 / 2007 – P/O Joe Hlafka - Made his own Stick - Sold to Officers and Police Supply Shops - 10,000 various wood types over 37 yrs. Take a look at our Espantoon page on the History Site... and follow the links to part of our collection and some of the Easter Eggs (hidden links) you might find on the page, usually hidden in a pic.*

<https://baltimorecitypolicehistory.com/baltimore-police-history/espantoon.html>

NEW SCAM! Please see first hand account below: (Posted on Facebook)

This morning I got a call saying my card had been used for a purchase over seas of \$780 and the lady said some guys name. She asked if I had lost my card and I said no. She said can you get it. I did and again she told me the same stuff all over that my card would be credited, etc. I asked her what the last 4 digits of my card were. She didn't answer but asked does your card start with 416, no I said, she then tried again with another number and again I said no. She asked what is it? I said you tell me and she hung up. I called CIBC and she told me this is a scam going on and they are aware of it. I am worried that seniors will fall for it and lose money. Please pass this on.

The Board has recently been discussing bringing back the merchandise that we used to sell years ago. Before we made a decision on it though, we wanted to gauge your interest. Would you be interested in hats? Shirts? Jackets? Challenge Coins? Pins?

What are your thoughts? We would love to hear from you. Please contact Kathy Conrad on our Facebook page—Members Only BRPBA, email to kirwin3367@aol.com, or call her at 410-303-0184.

A man went to the Police Station wishing to speak with the burglar who had broken into his house the night before. "You'll get your chance in court." said the Desk Sergeant. "No, no no!" said the man. "I want to know how he got into the house without waking my wife. I've been trying to do that for years!"

Newsletter

October 2018

SHOULD YOU ITEMIZE OR TAKE THE STANDARD DEDUCTION?



As I mentioned in my April 2018 Newsletter, Maryland tax law says that if you itemize deductions on your federal returns, you must itemize deductions on your Maryland return. And if you take the standard deduction on your federal returns, you must also take the standard reduction on your Maryland returns.

When deciding whether to itemized deductions or to take the standard deduction, the obvious approach is to take whichever amount is higher. The New Jobs and Tax Act that was passed in December 2017 increased the 2018 federal standard deduction to \$24,000 (up from \$12,700) for married taxpayers and to \$12,000 (up from \$6,350) for single taxpayers.

The Maryland General Assembly chose not to follow suit. Consequently, taking the federal standard deduction may decrease your federal taxes but may result in an increase in your Maryland taxes. You still should report to me all of your itemized deductions. I will prepare your tax returns both ways, and then see which way results in the lower total combined amount of federal and state taxes that you must pay.

A NEW, SIMPLER FORM 1040? – WELL, NOT REALLY!



The streamlining of these forms is misleading, however. The 2019 Federal Form 1040 is smaller, but you still need to report the same amount of information! So to accommodate the information that will not fit on the smaller Form 1040, you must attach additional schedules. If you have a very simple return, the smaller form, by itself, may work just fine. Otherwise, you will have to include up to 6 new schedules with your tax return. You will have to attach schedules for Additional Income and Adjustments (such as taxable refunds, unemployment, capital gains, business income, and deductions for educator expenses; self-employed health insurance; contributions to an IRA; and student loan interest) and for various tax credits and tax calculations.

Even though the new Form 1040 itself appears to be shorter, the number of new schedules and additional forms that may be required suggest that the full tax return will not be simpler, and that taxes returns aren't going to be getting much simpler next tax season or in the foreseeable future

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MEDICARE OPEN ENROLLMENT PERIOD

The Medicare “open enrollment period” is from October 15th through December 7th. If you are Medicare-eligible and do not have Medicare, or if you wish to change your health coverage, you must sign up with your chosen provider during that period. (If you are happy with what you currently have, you generally have to do nothing.)

Many people have Medicare parts A & B and are happy with those plans. But one of my clients informed me that he found another plan that was less expensive and provided better coverage for him. Every person’s situation is different, and what is the best plan for one person may not be right for everyone. In my personal situation, I am happy with Medicare parts A & B. But it may be beneficial to investigate other options before you commit to a specific health care option.



ERRONEOUS LETTERS FROM IRS.

Over the past several months several of my clients, and clients of other tax preparers that I know, have received letters from the IRS saying that the taxpayer has failed to calculate tax on some of their income, and that they must pay more taxes. Tax years 2016 and 2017 were involved. In each of these cases, the money was properly reported to the IRS, and the money was properly excluded from taxable income either because it was a trustee to trustee transfer, an allowable early distribution, or some other legitimate reason. In each case, the income was reported and excluded properly, and the tax return was filed properly, but the IRS computer system failed to handle the return properly. In each case, we had to respond to the IRS and point out their error. This requires additional work on my part, and additional cost and aggravation on your part, all because the IRS failed to process the submitted tax return correctly.

IRS

If you receive a letter from IRS telling you that you owe more taxes, do not automatically assume that IRS is right. The first thing you should do is contact me, send me a copy of the IRS letter, and let me review it. I can advise you on the best way to proceed.

ARE CHARITABLE CONTRIBUTIONS STILL DEDUCTIBLE?

With respect to the new tax law, the one question that I am most often asked is, “Are charitable contributions still deductible?”. The short answer is yes – charitable contributions are still includible in your itemized deductions. As in the past, that includes monetary donations, clothing and other goods donated to Goodwill, etc., and miles driven for charitable work (but not for your personal time spent volunteering for a charity). But just as before, if you take the standard deduction and do not itemize, your contributions do not produce a specific tax benefit to you.

I will again discuss the new tax law in my January 2019 Newsletter.

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.

Life is 10% what happens to you and 90% how you react to it.

WHY POLICE CAN'T STOP CRIME IN BALTIMORE

Baltimore is a city standing on the precipice, a city in crisis. The vibrant “city of neighborhoods,” home to the Star Spangled Banner, notables such as Edgar Allan Poe, Frederick Douglass, Babe Ruth and cultural legends like James “Eubie” Blake, Billie Holiday and John Waters has recently become known more for something much more ominous. Baltimore has become the murder capital of the United States.

The city attained this unenviable distinction after statistics showed that it suffered the highest per-capita homicide rate in the entire nation. The surge of increasing violence has permeated the streets, making the long-suffering residents of some of the most disenfranchised areas in the city virtual prisoners in their own homes.

While the effects of this violence are painfully obvious, the causation is varied and disproportionately affects young people of color. Poverty and the lack of employment opportunities, the absence of educational and housing opportunities, and easy access to illicit guns, have plagued policymaking efforts in Baltimore for years, making it appear virtually impossible to affect any real change and creating a vicious cycle. Another arguable component of the recent surge in violence is a lack of a coherent, well managed, and supervised strategy by the embattled Baltimore Police Department—an agency operating under a hovering cloud after several highly publicized failures.

Following the death of Freddie Gray in 2015, Baltimore invited the Department of Justice to investigate the agency and its relationship with the community. The DOJ report cited widespread discriminatory and unconstitutional police practices, especially in poor black neighborhoods. In response to the DOJ report, the city, the police department, and the DOJ Civil Rights Division negotiated a consent decree, which included guidelines for how the department should engage those suspected of criminal activity, enhanced training for dealing with youth, people suffering from a mental illness, and protestors. It also calls for greater supervision and oversight within the agency.

Following the consent decree and the highly publicized (and ultimately failed) prosecution of six members of the police department in the death of Freddie Gray by Baltimore State's Attorney Marilyn Mosby, many insiders and observers noted a definitive lack of proactive policing. This coupled with the catastrophic and embarrassing federal discovery of a long-time criminal enterprise perpetrated by members of a formerly elite and highly decorated squad known as the Gun Trace Task Force (GTTF) did little to increase officer morale or public trust in the agency. Subsequent disclosures of rampant overtime abuses by the GTTF and others in the police department only added fuel to an already blazing fire. Part of the concerns expressed both inside and outside the agency was, how did such a rogue unit operate with such brazen impunity for so long without drawing the attention of varying levels of supervision? I firmly believe that the

answer to this and many other issues within the police department boils down to a breakdown of checks and balances and supervisory oversight coupled with a top-heavy command structure. That command structure is far removed from the rank and file and it is either incapable or unwilling to come up with a comprehensive delineated plan for fighting crime. Now, consider the fact that Baltimore is bringing on a new police commissioner—the sixth since 2012 if you count interim Police Commissioner Gary Tuggle—and what you have is a troubled agency that is desperately in need of strong, innovative leadership. The question as to whether the new commissioner will be up to the difficult task ahead is a relevant one, and the answer to that is anyone's guess, especially since he or she will be taking the captaincy of the Titanic in its last stage of buoyancy. Only the ship's smokestacks are above water and its crew is either hanging on for dear life or piling into lifeboats.

The new commissioner will be taking over an agency that doesn't appear to have a workable crime-fighting strategy, is suffering from horrible internal morale, and has a pervasive air of growing public mistrust. He/she must basically be a miracle worker who is able to bridge the ever-widening gap between the department and the community that it serves while attacking the burgeoning violent crime problem that is infecting the city's streets. Is success even feasible given the obstacles? Various strategies have been employed in the past in Baltimore and other cities around the nation. “Zero tolerance,” a policy that has been recently touted by some and attempted before, has proven to be poisonous. It only scratches the surface of underlying crime while creating an angry and disenfranchised community. “Jump out quads” (plain clothes officers who roll up on a crowded corner in high-crime neighborhoods, surprising and accosting groups of standing people) have also been a popular policing method. The squads mostly use stop-and-frisk tactics (also known as the Terry Stop) as a tool. Stop-and-frisk tactics were recently boisterously championed by the president as a solution to the violence in Chicago. This technique involves temporarily detaining, questioning, and at times searching civilians on the street for weapons and other contraband. Officers must have reasonable suspicion that a crime had been committed or that the person being frisked is in possession of a weapon. While this is a valuable tool for officer safety, it can damage police-community relations and result in claims of unconstitutional policing practices when it is arbitrarily used as a standalone crime-fighting strategy. This is a concern that was highlighted in the Department of Justice report.

Any crime-suppression strategy has the potential for catastrophic consequences for a law enforcement agency, especially if it is not coupled with a well-planned, well-managed and strictly supervised system of checks and balances. Baltimore, unfortunately, has not had such checks and balances and supervisory oversight in place for some time. It should be noted that previous plans have been successful. Between 2007 and 2012, Police Com-

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missioner Frederick Bealefeld and Deputy Commissioner Anthony Barksdale teamed up at a time when the city's murder rate was climbing, along with high arrest numbers that sparked complaints from the judiciary and civil-rights groups. Their tenure saw less than two hundred homicides in 2011 (the lowest in three decades) and arrests drop from more than one hundred thousand just six years before to about forty-five thousand. Stressing quality arrests over the quantity of arrests, the Bealefeld community-oriented style of policing was supplemented by Barksdale's crime-fighting strategy, which merged targeted proactive enforcement with increased (and at times intense) accountability of command leadership through a program called Comstat. The program forced individual unit and district commanders to answer for any shortcomings and outright failures.

The point is, successful constitutional policing, police accountability, and a proactive strategy do not have to be mutually exclusive of each other. Baltimore leadership seems to fear targeted proactive enforcement and has instead leaned towards reactive measures that simply do little, if anything, to quell the violence. Placing empty squad cars in the street with flashing bar lights does not fool criminals. Perhaps it confuses the occasional speeder, but it does not deter the criminals. Pulling officers from their positions at headquarters and putting them on the street in areas that just experienced a rash of violence without a carefully planned strategy is little more than window dressing. While officers walk around aimlessly in a five-block area, the shooters will watch the parade and then shoot each other eight blocks away. Many rank and file uniformed officers now sit and await calls, running from job to job and writing reports. Why would they be proactive? With a constantly changing command structure that seems to be completely out of touch, rife with internal squabbles and unable or unwilling to draw up a blueprint for success, why would an individual officer or first-line supervisor take a chance? All police officers are cognizant of the inherent risks that they take daily, but when those risks are coupled with poor leadership, a lack of a cohesive plan, and a pervasive feeling that no one in upper management or Baltimore City Hall supports them, many of them start to feel like being proactive comes with not only physical risk but a risk to their careers and reputation. This is an issue that can only be correctively addressed by strong and competent leadership at the top, because as the ancient proverb states, "A fish rots from the head down".

Now Baltimore is poised to hire a new police commissioner following the resignation of Police Commissioner Darryl De Sousa (who resigned after only three months after it was announced that he was facing charges of tax evasion) and interim Police Commissioner Gary Tuggle's withdrawal

from the hiring process. To compound the despair felt by many of the city's officers and citizens, an outlandish scenario played out when the mayor of Fort Worth, Texas, reported on October 19 that Fort Worth Police Chief Joel Fitzgerald was taking the job, only to have to walk back that statement, explaining that she was reacting to an unconfirmed post on social media. Baltimore officials, who had been under fire for what many decried as a lack of transparency in the hiring process, would say nothing other than the fact that Fitzgerald was under consideration. With all of this, as of October 23, 2018, Baltimore had experienced forty-four murders in a thirty-day period with no end to the violence in sight.

Will the new police commissioner have the experience, vision, and courage to attack the top-heavy—and seemingly inept—police department's upper command staff? Will he or she be able to rebuild the trust of a wary citizenry and formulate an innovative strategy that incorporates constitutional, well-managed policing into a successful plan? Will he or she be able to reform a badly damaged agency, rocked by scandal, while improving the morale and working conditions for the majority of officers who put on the uniform and badge of the agency every day with pride and integrity? The new commissioner must deal with these issues while at the same time restoring a system of strict checks and balances that can best prevent recent failures from reoccurring. It seems a Herculean task under the best of circumstances, much less the present circumstances. It will require the skills and bravado of a magician instead of a law-enforcement executive.

Baltimore is a wonderful, high-spirited city with a rich culture, history and diverse residents. That is what makes it one of the most unique places in the country. The Baltimore Police Department has served the city since 1845 and itself has a proud and storied history. The citizens of Baltimore deserve (and have every right to expect) a safe and accessible city, served by a competent and transparent police department. The selection of the new police commissioner will be one of the most crucial decisions made by the mayor and city council because it will either give Baltimore a chance to return to its former glory or push it farther into the abyss.

Mark Tomlin is the investigative supervisor for the State of Delaware ARMS Unit. He was the Chief of Police of the town of Port Deposit, Maryland, from 2001 to 2005. Prior to that, he was a police officer in the city of Baltimore from 1978 to 1999 and spent several years of that time investigating homicides.

Some people look for a beautiful place. Others make a place beautiful.

Hazrat Inayat Khan

SHE GOT IT WRONG AGAIN

Jean Marbella's prominent *Baltimore Sun* article of May 27, 2018, *Death Ignites Racial Conflict*, ostensibly about the murder of Officer Amy Caprio, drew breathtakingly unsupported and unsubstantiated conclusions. Masquerading as objective commentary, it demonstrated cynical, result-oriented sophistry achieved by cherry picking both facts and sources.

Ms. Marbella has a tendency to get things wrong. On March 20, 2016, she published a Page 1, above-the-fold, article depicting one Christine Samuels as a highly sympathetic victim of the plague of drugs afflicting Baltimore. About a week later, a minuscule inside-the-paper *Sun* report said Baltimore County law enforcement charged Ms. Samuels with theft of \$9955.00 from the Orem's Elementary PTA, where she had been a high-ranking official. Ms. Marbella either did not know or did not report that. Nor did she report that while she was awaiting trial for stealing from little children as a PTA official, in September 2016, Ms. Samuels unsuccessfully filed a peace order petition against a Baltimore Police Detective Sergeant after threatening the sergeant's son and another youth. She also failed to report that recently her husband sued Ms. Samuels, whose address by then was the Baltimore County Detention Center, for divorce.

At the time of those events, Amy Sorrells Caprio daily put on her badge and uniform, visible symbols of her career choice to sacrifice her safety for the safety of the citizens she took an oath to protect and to serve. On Monday, May 21, 2018, a scant six days before she turned thirty, Officer Caprio, operating a police vehicle with the words "Integrity Fairness Service" emblazoned on its side, thwarted a burglary in progress in Perry Hall. She never got to celebrate that milestone birthday with her husband, parents and siblings. The getaway driver killed her.

Ms. Marbella's article said that the "the wrestling over race and justice promises to continue," followed immediately by the assertion of J. Wyndal Gordon, Esquire, the self-anointed "Warrior Lawyer," that Officer Caprio displayed "aggression." The reporter did not remind the reader that in an op ed piece criticizing then-State's Attorney Gregg Bernstein's actions in a 2011 dispute between Shomrim, an Orthodox Jewish community watch group, and part of the African American community, Gordon wrote, "Did I have to mention that Gregg Bernstein is Jewish?," a clearly bigoted rhetorical query. Instead she only repeated his remark implying that the officer's actions in attempting to arrest several burglars, were improper, not the burglary and subsequent attempt to escape. Mr. Gordon outrageously insinuated that Officer Caprio's attempt to arrest felons was wrong and caused her death, and Ms. Marbella echoed it.

The Marbella article repeatedly relied on "authorities" with an evident anti-police bias, disguising their speculative opinions as vigorously tested and scientifically valid fact, for the proposition that police practices unfair-

ly and disproportionately adversely affect and afflict minorities. She advanced that proposition less than two days after Amy Caprio's funeral and the day before the thirtieth birthday the officer never got to celebrate.

Ms. Marbella published the complaint of a college professor that "we want to know the full [psychological] story of [white] Dimitrios Pagourtzis [the shooter in the Santa Fe, Texas school massacre] or Dylann Roof [the vile white supremacist who murdered innocent African Americans in a Charleston, SC church]. When the perpetrator is African-American, it doesn't matter. We don't want a portrait." Surprisingly (not really), Ms. Marbella failed to mention whether she had confronted the professor with questions about African-American mass shooters, like the DC snipers, John Allen Muhammad and Lee Boyd Malvo, like Mikah Xavier Johnson, the mass murderer of Dallas police officers protecting an anti-police protest or even like the lone African-American gunman with Muslim sympathies who ambushed and shot Philadelphia Police Officer Jesse Hartnett. Attributing evil to any one racial or ethnic group, as Ms. Marbella's article seems to do, is factually and morally wrong.

The *Sun* article, both in its timing and its prominence, desecrates the memory of Officer Caprio. Its superficiality and misleading assertions, impliedly casting law enforcement and its supporters as bigoted Neanderthals, and African-American police as Uncle Toms, impedes, rather than encourages, reasoned and productive discussions. If anything, it brings to mind the remark of the British critic, Ruskin, in *Modern Painters*: "The essence of lying is in deception, not in words."

Indeed, comparing mass murder to a murder of a police officer in the course of an escape equates apples to oranges. The real issue is whether not only the driver, but also his cohorts, should be liable for first degree murder under the felony murder rule, and a reasonable person would conclude they are. Burglars escape as part of their crime. Injuring or killing a police officer to get away is a foreseeable aspect of flight. That makes all participants vulnerable to conviction for first degree felony murder, even those not in the car when it ran over Officer Caprio.

Clearly, both extremism and ugly racial animus continue to plague our society. Both breed hatred, irrationality and inaccuracy. Both stifle reason and productive discussion. Good people should recoil in disgust from appeals to bias, hatred and stereotyping, especially when bad people use them to gain some advantage.

Today, ever more citizens, including police, become murder victims. Yet, various components of the criminal justice apparatus now tend to resemble Sisyphus, the Greek mythological character condemned to roll a huge boulder uphill endlessly, only to have it roll back to the bottom every time it reaches the top. Emphasizing our differences and demonizing one another guarantees that absurd result.

The French philosopher, Camus, in *The Myth of Sisy-*

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phus and other works, said that the answer to absurdity is not suicide, but revolt. Clearly, society, and its police, must revolt against the lawlessness that claimed the life of Officer Caprio and so many others. Part of that revolution must include a resounding rejection of the type of extremism, prejudice and bias that affect, and infect, all of us.

Officer Caprio gave her life to protect citizens, not so her death would serve as an defacto launching pad for people with various proverbial axes to grind to spew invective.

She deserves honor and gratitude, and her families, both personal and professional, need and merit our support.

Mike May

BARRY WOOD MEMORIAL SERVICE

By Patrick Youells

I was going to write something about the humor of police during the holiday time between Thanksgiving and New Year's Eve. Then I had a change of mind.

On Sunday 4 November 2018, I attended a memorial service for Flight Officer Barry Wood. It was held at Martin's Airport at the Baltimore Police Aviation Division Hanger.

I first want to say that Martha Wood, Barry's widow, did a fantastic job at being the MC for this service.

For those of you who were either retired, not yet hired, or off that day, I will give a bit of history.

On 4 November 1998, I was working daywork and in K9 at the time. I was just about to drive into Druid Park when KGA put out a 10.50 Red for Fox Trot. That means that Fox is coming down and has no power at all. The crash happened right at the iron fencing that separates the B&O Museum from Pratt St. Barry managed to fly this helicopter without power and miss the traffic and civilians on the ground and landed with his side of the cockpit taking the brunt of the accident. This action by Barry saved his partner, Flight Officer Mark Kellers' life. No one on the ground was injured at all.

Command Staff also arrived as they had been at the funeral for Police Officer Harold Carey, which had just concluded. Officer Carey died in a traffic accident going to a wagon run.

The scene was surreal. It was as if time had slowed down for a short time once I arrived. The impact of the crash was so hard that rounds from Barry and/or Mark's sidearms and clips were on Pratt St.

Once both Barry and Mark were taken to Shock Trauma the waiting began.

Mark was in very serious condition. However, Barry passed away while in surgery. Martha related how numb she felt when Dr. Scalia gave her the sad news.

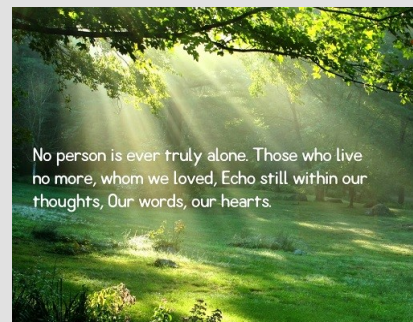
Mark spoke at the service and told stories of how Barry was as a coworker and a human being. In addition, Mark's oldest son, Mark, gave the most touching account of a great tribute to Barry. Mark's second son was born three years after the accident and was named after Barry.

There was a video tribute where Martha, Mark and Ret. Major Don Healy spoke of that day.

The stories that one of Barry's fellow Vietnam pilots, Sal Milizano, told were another glimpse into Barry and the man he was.

I had the honor to meet Barry and fly with him once. However, I went to this 20-year Memorial Service for Barry not really knowing him, but I left with a sense of who and what kind of a good man he was. I left the event thinking we need more folks like Barry in this world as police.

Now when I see Fox Trot in the sky, I think that they really are the angels of the air that protect and watch over their fellow police on the ground.



THE MENTALLY ILL REMAIN AMONG US

She suffered from bipolar disorder, manifested by extreme and abnormal mood swings. Divorced after stabbing her first husband, she then lived with her boyfriend and teenage son. Her treatment for depression, a different illness, had no effect. Eventually, she could not take the pain any longer. She decided to kill herself. She also thought, in her demented state, that no one else could care for her son adequately, so she had to kill him too. But, if she killed her son, her boyfriend would prevent her from killing herself, so she had to kill him first.

She woke up early one morning armed with a .25 caliber pistol with which she had practiced. She looked at her sleeping son. Armed, she then went back to the bedroom and shot her sleeping boyfriend, but the round only grazed his forehead. He sat up and asked her what she had done. She tried, but failed, to fire another round. The first one had not completely ejected, so the pistol's slide could not go forward to re-chamber another. She fled, and the police arrested her shortly afterward.

Her lawyer entered a plea of not criminally responsible, arguing that because of a mental disorder, in this case her bipolar condition, (also known as manic depression) caused her to lack the substantial capacity to appreciate the criminality of her conduct or to conform her conduct to the requirements of the law. A psychiatrist retained by the lawyer agreed. A psychologist testifying for the State did not. The judge agreed with the State's psychologist, found that she was criminally responsible and sentenced her to only 5 years.

The law required judges to impose at least a 5 year sentence for the firearm violation. Under the circumstances, the five-year sentence amounted to a huge break because the defendant could have received a 30 year sentence for the attempted second degree murder and another 1-5 for the firearms violation. Later the judge told her lawyer that she thought the defendant suffered from mental illness but that it was not sufficiently severe to meet the test of "not criminally responsible," Maryland's insanity defense.

Between 1951 and 1977, Patuxent Institution had a program for defective delinquents, mentally ill people who were not insane enough to be held "not criminally responsible." The State could continue to hold someone in that category, a defective delinquent, beyond the expiration of the person's sentence until a team of psychiatrists decided it was safe to release the individual. Article 31B Sec. 5 said "A defective delinquent shall be defined as an individual who, by the demonstration of persistent aggravated antisocial or criminal behavior, evidences a propensity toward criminal activity, and who is found to have either intellectual deficiency or emotional unbalance, or both, as to clearly demonstrate an actual danger to society so as to require such confinement and treatment, when appropriate, as may make it reasonably safe for society to terminate the confinement and treatment." Thus, a 30-year-old who received a five-year sentence and was later deemed a defective delinquent could die in prison. Predictably, the practice generated litigation.

Eventually, the matter of holding persons beyond the ends of their sentences because of defective delinquency reached the United States Supreme Court in *McNeil v. Patuxent Institution*, 407 U.S. 245 (1972). In that case, the petitioner received a five-year sentence for burglary. A judge referred him to Patuxent for an examination to ascertain if he should be committed for an indefinite term as a defective delinquent. The petitioner refused to cooperate with the examination. His sentence expired, but the State continued to hold him, contending that a person confined under Maryland's Defective Delinquency Law could be detained until completion of the procedures for examination and report, regardless of whether the criminal sentence had expired. The Supreme Court confined its decision to the facts of the case and did not reach the larger issue of whether holding a person indefinitely and beyond the end of his or her sentence violated the Constitution. The Court said that under the circumstances of the *McNeil* case, holding the petitioner on the basis of an ex parte order committing him to observation without the procedural safeguards commensurate with a long-term commitment, was improper.

Three years later, the Court of Special Appeals of Maryland decided *Burton v. State*, 26 Md. App. 591, 338 A.2d 4 21 (1975). In that case, in 1966, the trial court had referred the defendant, convicted of burglary and sentenced to 4 years, to Patuxent for a defective delinquency evaluation. In 1969, he had a redetermination hearing before a jury, which found him to be a defective delinquent, so he went back to prison. Then, in 1974, he filed another petition, in which a

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Patuxent staff psychologist provided Judge Mary Arabian the astounding opinion that schizophrenia was not a mental illness. The psychologist "explained" that it was a psychosis instead. Judge Arabian granted the defendant's Motion for Directed Verdict at the end of the State's case. The Court of Special Appeals affirmed, stating, "[T]he State proved appellee to be insane..., but the record does not disclose that he was 'cured' nor that he remained a defective delinquent." *Id.* at 596. The defendant was released.

In 1977, Article 31B, Sec. 5, ceased to exist. Convicted mentally ill criminals still receive some form of treatment at Patuxent. In addition, the Department of Corrections maintains Special Needs Units at various institutions. The professionals there do the best they can, but as a practical matter, they have too many patients and too little money. As a result, the mentally ill, often violent, eventually return to society.

In America, unlike the old Soviet Union, people cannot be confined to mental institutions interminably. In fact, long-term involuntary commitment simply does not exist in Maryland. In the meanwhile, mentally ill persons remain in society. While Patuxent and its defective delinquent protocol did not provide an answer, releasing mentally ill people back into society benefits no one.

Michael P. May

WHY THE MENTALLY ILL REMAIN AMONG US: THE CIVIL PART OF IT

Some years back, a mother brought her son to the hospital because he had been suffering from suicidal thoughts and hallucinations. The hospital released him, telling him to return if he felt he would harm himself or others. The same night, he spent several hours wandering the streets. He broke into a house and stood in the front yard, wielding a knife. When the police arrived, he rushed them. They shot and killed him. The family sued the hospital for failing to admit the person. The Court of Appeals of Maryland ruled that the health care providers had immunity from suit for their good faith decision to release the young man in *Williams v Peninsula Regional Medical Center*, 440 Md. 573, 103 A3d 658 (2014).

On July 12, 2018, the Court of Appeals decided *Bell & Bon Secours v. Chance*, 460 Md. 28 (2018). Brandon Mackey struggled for years with chronic mental illness. At age 23, he tried to kill himself when he was living with his mother and stepfather by slashing his wrists. An ambulance took him to Harbor Hospital which referred him to Bon Secours where he was voluntarily admitted. The doctor there diagnosed him with depression and discharged him.

Less than 2 weeks later, he tried suicide again by stabbing himself in the neck. This time his mother took him to St. Agnes Hospital. From there, he went again to Bon Secours, this time on an involuntary admission. The same doctor resumed treatment but gave him a different diagnosis: paranoid schizophrenia. Two days before a scheduled hearing on involuntary admission, the doctor released him. The next day, after his mother went to church, he went to a subway station and killed himself by jumping in front of an oncoming train.

His mother sued and obtained a judgment of \$2.3 million. The trial court granted the posttrial motion of the doctor and the hospital to set the verdict aside. The Court of Special Appeals reversed the trial court. Then the Court of Appeals reversed the Court of Special Appeals, stating, "[W]e hold that the immunity statutes related to involuntary admission of an individual to a mental health facility apply to the entire process of involuntary admission from the initial application for admission to the mandatory ALJ hearing. If a psychiatrist employed by the facility applies the statutory criteria for involuntary admission in good faith and decides to release an individual prior to the ALJ hearing, the psychiatrist and the facility are immune from civil and criminal liability for that decision...." *Id.*

The Bell opinion thoroughly explained the involuntary commitment process. An individual may not be admitted involuntarily unless he or she (1) has a mental disorder; (2) needs inpatient care or treatment; (3) presents a

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danger to the life or safety of himself or others; (4) will not or cannot be admitted voluntarily; and (5) could not receive a less restrictive form of intervention consistent with the individual's welfare and safety.

The final decision as to whether the individual satisfies the criteria for involuntary admission must be made within 10 days by an impartial hearing officer, an Administrative Law Judge. But, between the initial confinement of an individual and the hearing, the doctor caring for the individual at the facility must authorize release if he or she believes the criteria for involuntary admission are no longer met. That decision is immune from civil liability and may not be the basis of a verdict for medical malpractice.

The law also provides that the ALJ must release the individual from the facility unless there is clear and convincing evidence of each of the 5 criteria required for involuntary admission. In addition, even if an ALJ authorizes an involuntary admission, the individual or the Director of the Behavioral Health Administration may apply for a writ of habeas corpus. In fact, a footnote in the Bell case says that a responsible individual, defined as the Director or Administrative Head of the facility housing the person may direct the release of the patient if he or she finds that the patient does not have a mental disorder or does not need inpatient medical care or treatment for the protection of the patient or another, would not endanger himself or another person or property, and the patient or another responsible person is willing and able to provide any necessary care.

Frequently mentally ill patients have no health insurance and no assets to guarantee payment for the treatment they receive. At the same time, any patient could allege that his or her involuntary commitment was improper and sue the hospital and the doctors. The law probably would not give them immunity for that. Thus, if the doctors and hospitals release patients, they have immunity from suit, but if they keep them, they probably do not. Meanwhile, they receive no compensation for the care they provide while the patient is in the hospital.

The law attempts to forge a difficult compromise between protecting society from mentally ill persons and protecting the mentally ill from themselves on the one hand, while trying to keep people with mental illness from being arbitrarily locked away. Realistically, the current law probably causes dangerous people to be released.

No easy answers exist.

Michael P. May

JOIN US FOR OUR HOLIDAY CELEBRATION ON

DECEMBER 18TH, 6 P.M.

RAFFLE DRAWING! GOOD FOOD!

PLENTIFUL DRINKS! COMRADERIE!

American Legion Post 130, 8666 Silver Lake Drive, 21128

THE FALLEN, 2018.

9/11 related illness - 13, Assault - 3, Automobile crash - 25, Drowned - 3, Duty related illness - 4, Fall - 1, Gunfire - 48, Gunfire (Accidental) - 1, Heart attack - 16, Motorcycle crash - 3, Struck by vehicle - 5, Vehicle pursuit - 5, Vehicular assault - 7

Trooper Michael J. Anson, NY
Lieutenant Christopher Robateau, NJ
Deputy Sheriff Daniel A. McCartney, WA
Lieutenant Jeffrey W. Francis, NY
Detective Micheal Robert Doty, SC
Dep. Marshal Christopher David Hill, USMS
Deputy Sheriff Heath McDonald Gumm, CO
Police Officer Glenn Anthony Doss, Jr., MI
Deputy Sheriff Micah Lee Flick, CO
Deputy Sheriff Steven Belanger, CA
Reserve Officer Jarate Dewayne Condit, OK
Police Officer David Charles Sherrard, TX
Police Officer Chase Lee Maddox, GA
K9 Officer Eric Joseph Joering, OH
Police Officer Anthony Pasquale Morelli, OH
Commander Paul R. Bauer, IL
Police Officer Darren Maurice Weathers, MI
Deputy Sheriff Kevin James Stanton, FL
Police Officer Justin Taylor Billa, AL
Sergeant Mujahid Ramziddin, MD
Sergeant Mark J. Baserman, PA
Dep. Sh. Alexis Thunder Eagle Locklear, NC
Deputy Sheriff Jacob M. Pickett, IN
Police Officer Rodney Scott Smith, KY
Police Officer Malcus Williams, II, OR
Police Officer Christopher Ryan Morton, MO
Police Officer Gregory Casillas, CA
Dep. Sheriff David Lee Sean Manning, NC
Res. Off. Christopher Michael Lawton, LA
Police Officer Scotty Hamilton, KY
Deputy Sheriff Ryan Douglas Zirkle, CA
Police Officer Andres Laza-Caraballo, PR
Special Agent Melissa S. Morrow, FBI
Trooper First Class Kevin M. Miller, CT
Police Officer Phillip Lynn Meacham, KY
Corporal Dale Shannon Hallman, SC
Police Officer Keith O'Neal Earle, AL
Patrolman Kevin F. Crossley, NY
Sergeant Sean McNamee Gannon, MA
Sergeant Noel Beltran Ramirez, Jr., FL
Deputy Sheriff Taylor Fletcher Lindsey, FL
Detective Sergeant Brian Scott Cuscino, PA
Deputy Sheriff Casey L. Shoemate, MO
Police Officer Tamby Yaqan, NJ
Master Deputy James Lester Kirk, Jr., SC
Corporal Eugene Cole, ME

Police Officer Rogelio Santander, Jr., TX
Police Officer Jesus "Chuy" Cordova, AZ
Police Officer Charles Whites, TX
Police Officer Robert Shawn Pitts, IN
Agent Joel Alexis Pantojas-Fuente, PR
Deputy Sheriff William J. Gentry, Jr., FL
Police Officer Alex Isai Sable, PA
Deputy Inspector General Richard W. Hale, TX
Police Officer Lance Christian Whitaker, FL
Police Officer Emmett Paul Morris, MS
Police Officer Thomas Coulter, FL
Sergeant Kent Donald Swanson, ID
Police Officer Ayrian Michelle Williams, LA
Police Officer Amy Caprio, MD
Trooper Samuel Newton Bullard, NC
Chief of Detectives William Allee, NY
Senior Special Agent Paul Scott Ragsdale, DOJ
Police Officer Anthony Christie, GA
Special Agent in Charge David J. LeValley, FBI
Sergeant Daniel Scott Baker, TN
Trooper First Class Walter Greene, CT
Co. Oper. Man. Christopher Todd Bacon, DHS
Police Officer Charles G. Irvine, Jr., WI
Sergeant Charles R. Salaway, NY
Supervisory Special Agent Brian L. Crews, FBI
Deputy Sheriff Patrick Thomas Rohrer, KS
Deputy Sheriff Theresa Sue King, KS
Correctional Officer Tawanna Marin, FL
Senior P. O. Christopher James Driver, NC
Police Officer Richard Lopez, NY
Police Officer Mathew J. Mazany, OH
Special Agent Timothy Allan Ensley, DHS
Chief of Police Lonnie Verdell Burton, TX
Trooper Nicholas F. Clark, NY
Police Officer Vu X. Nguyen, OH
Deputy Jailer Randy ZoeRay Haddix, NE
Police Officer Jarrod Kyle Friddle, TX
Sergeant Michael C. Chesna, MA
Special Agent Nole Edward Remagen, DHS
Police Officer Bronson K. Kaliloa, HI
Agent Cadet Immanuel James Washington, LA
Corrections Officer Joseph Gomm, MN
Corrections Officer Kyle Lawrence Eng, NV
Sr. Corporal Earl James "Jamie" Givens, III, TX
Police Officer Diego Moreno, WA

Trooper Tyler James Edenhofer, AZ
Police Officer Michael J. Michalski, WI
Police Officer Adam Edward Jobbers-Miller, FL
Investigator Timothy Dale Cole, Sr., OK
Officer Kirk A. Griess, CA
Police Officer Fadi Mukhlis Shukur, MI
Police Officer Kathleen O'Connor-Funigiello, NY
Deputy Sheriff Benjamin LeMont Zirbel, FL
Assistant Chief of Police Kirt Roy Ricks, III, LA
Deputy Sheriff Aaron Paul Roberts, MO
Police Officer David Alexander Tinsley, IN
Police Officer Oscar Adrian Reyes, CA
Corrections Officer Armando Gallegos, Jr., CA
Corporal Garrett Willis Hull, TX
Chief of Police Frank A. McClelland, Jr., GA
Deputy Sheriff Robert Kenneth Kunze, III, KS
Detective Mark S. Gado, NY
Deputy Sheriff Mark V. Stasyuk, CA
Corrections Officer Joseph Parise, MN
Deputy Sheriff Mark A. Cox, TX
Patrolman James Kevin White, MS
Corporal Walter Zachery Moak, MS
Sergeant Terrence Felipe Carraway, SC
Sergeant Dennis W. Reichardt, NY
Federal Agent Kristopher David Youngberg, DOE
Deputy Sheriff Raymond Bradley Jimmerson, TX
Corrections Officer Mark Anthony Gaspich, PA
Trooper Kevin Keith Conner, NC
Police Officer Antwan DeArvis Toney, GA
Investigator Farrah Turner, SC
Assistant Chief of Police Dennis Burt Vincent, UT
Special Agent Dennis P. McCarthy, DHS
Deputy Sheriff Loren Y. Vasquez, TX
Corporal Travis Wells, NC
Sergeant Ronald Lee Helus, CA
Police Officer Jared William Franks, NC
Police Officer Toshio Hirai, CA
Police Officer Jason Michael Seals, LA
Police Officer Samuel Jimenez, IL
Police Officer Leann Simpson, MS
Police Officer David Romrell, UT
Police Officer Hunter Edwards, VA
Deputy Sheriff Antonio Hinostrza, CA

(As of 11/29/18)

*Lord, As I go on duty, I am your servant, Your hands and feet on the streets.
Protecting the vulnerable, Correcting those who have gone astray, And assisting people in their time of need.
As I go on duty, You are my friend, Guiding my hands and feet on the streets, Protecting me from harm, Correcting my thoughts
and actions, Assisting me each time I call upon you in prayer. Thank you. Amen.*

THE PENSION TRIAL

In 2009, Baltimore Police and Firefighters had a pension system providing them raises, tied to the market performance of the F&P invested assets, known as the variable benefit annuity, a practice first enacted under the Schaefer administration decades before. The new millennium, however, saw a plummeting dot com market followed by devastation in the housing market and governmental bailouts of large financial institutions which had made reckless investments but which, in the estimation of the politicians, were too large to fail.

An issue quickly arose as to who should bear the burden of the financial crisis. In Baltimore, those in power determined that, among others, police and firefighters should take the hit. After all, according to Edward J. Gallagher, the City's financial head, most retirees did not even live in Baltimore City. Ultimately, the City passed a law by which it reneged on the bargain it had made by taking back benefits both retirees and active duty members had earned in risking their lives for Baltimore's citizens.

Governmental pensions in Baltimore are defined benefit plans. F&P is one. It generally provides retirees with half their pay and periodic raises. It places the risk of financial shortfalls on the plan sponsor. Defined contribution plans on the other hand, such as 401 KS, place the risk on the beneficiary. In Baltimore, the government decided to shift the defined benefit risk to F&P beneficiaries, whose members then began to suffer, as indeed they do today.

The trial in the Circuit Court for Baltimore City disclosed that the City engaged in a number of questionable devices designed to lower the amount it was required to contribute each year to the F&P pension system to assure its actuarial soundness. Those City personnel responsible for making sure that the system was fiscally viable manufactured an unrealistically high assumption rate, the amount they purportedly assumed F&P investment assets would earn. Doing that enabled the City to contribute significantly less money. The same people additionally engaged in questionable "smoothing," a process designed to dampen the effect of the market's wilder fluctuations. The City then contributed even less.

Like a Ponzi scheme, the situation became more and more dire. Eventually Bob Cherry, the FOP 3 President in the 2009-10 time period, recognizing the danger, proposed that the employees contribute an extra 3% of their salaries, to be phased in at 1 % per year, and that the

City guarantee a 2% COLA. Despite the fact that the variable benefit, by law, was a contract, the City rejected the proposal. When Detective Sergeant Cherry testified at trial, counsel for the City demeaned him as a "professional witness."

The trial, in essence, amounted to a battle of the experts. The F&P actuarial experts testified convincingly that the City's practices and treatment severely imperiled the pension plan. Indeed, Tom Lowman, the F&P's brilliant actuary, testified that he had warned the City Council almost a decade ago that the system was in trouble because the City Fathers were engaging in a financial shell game designed to reduce the amount the City had to contribute, a classic case of robbing Peter to pay Paul. The F&P members all became Peter, regardless of their actual first names.

Tom Tanneyhill, retired now as the Executive Director of the F&P, attempted to act as a savior for the City. His attempts at rescue, however, fell short. He had to admit that the variable benefit annuity did not create any problems for several decades. He blamed the current problems on the beneficiaries, not on the City. He developed a terrible memory in cross-examination. In fact, at one point, confronted with a contradiction between his testimony "justifying" the City's breach of contract and reports he had written back when the city was contemplating the breach by attributing them to possible typographical errors, he could offer no coherent explanation.

Stephanie Rawlings Blake, the former mayor, testified while eating Halloween candy on the witness stand. After some prodding, she admitted that she said that the F&P had placed the City on the cusp of bankruptcy, a remark that was demonstrably untrue. Confronted with the law indicating that the F&P pension obligations amounted to a contract, Ms. Rawlings Blake, an attorney as well as our former mayor, indicated that she did not know what a contract was. She additionally had trouble, apparently, understanding what the word "agreement" meant. During cross-examination, Mr. Monk, the chief trial lawyer for the F&P asked her an appropriate series of questions about the substance of her testimony. The former mayor stopped chewing candy long enough to ask Mr. Monk if he wanted her to tell him what had transpired or whether he simply wanted to "keep guessing."

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One of the City's experts, an actuary, stated that the plan was irretrievably sick. A graduate of the London School of Economics, the gentleman opined that he was right and that every other actuary who expressed an opinion about the plan was wrong.

Another of the City's experts admitted having first been retained in 2010, when the City first developed its plan to take F & P benefits away. He spent 7 hours in testimony advocating on behalf of the City and justifying some of the positions the City took, such as characterizing Stephanie Rawlings Blake's untrue bankruptcy remark as a mere colloquialism. He also did not believe that the reliance of the police and firefighters on the City's promises with respect to retirement eligibility and retirement benefits had any significance.

Startlingly, Ms. Rawlings Blake testified, for whatever her remarks were worth, that no one had ever thought about the fact that the City conversion of the raise structure from the variable benefit to a 0% (before age 55), 1% (from age 55 to age 65), and 2% (after age 65) COLA would create an enormous hardship for persons with significant disabilities as a result of Line of Duty injuries. The police retirees' class representative, Chris Houser, shot in the line of duty and severely compromised as to the use of his right hand, testified superbly, indicating that he would be ineligible for a raise for decades. Counsel for the City tried to dilute his testimony by arguing with him that he had the ability to work. Chris explained that because of the circumstances, his wife became the breadwinner. His obvious decency, and refusal to engage in a pity party, made his testimony all the stronger.

Chris attended the trial all day every day. Daryl Buhrman sat there, except when he was sick. Mike Mancuso attended

when he could. Erroll Etting took time from work to spend hours upon hours listening to the testimony. Bob Cherry juggled his schedule and responsibilities so he could be there beyond simply testifying. Detective Sgt. Bob Dohony attended a session, as did Retired Lieutenant Don Kent. Vic Gearhart and his wife, Mary Trainor, attended every day but the last. The firefighters also had a huge contingent supporting the F&P beneficiaries. For seven days of testimony, I had the distinct honor of sitting with, and working with, some of the best people with whom I have ever associated.

When the testimony finished, Mr. Monk commented that he had given the case his very best and that he would not have done anything differently. He clearly gave it — and us — all he had, as did the entire team of lawyers. They worked extremely hard, demonstrating a complete mastery of both the facts and the law.

They now must brief the case for Judge Rubin, who remained engaged and patient throughout. Then, on December 5, 2018, at 2:00 PM in Room 509 of the Courthouse East, she will hear closing arguments.

It is impossible, of course, to predict the outcome of any trial. Lawyers can but do their very best, as did our lawyers. Everyone can feel proud, without displaying any cockiness, of the quality of our presentation and the rightness of our cause.

Michael P. May

FYI— As of 1/1/19, due to the *Federal REAL ID Act*, you will be required to present the following documents in order to re-new your license.

1. One proof of identity, which means one original or certified copy of your U.S. Birth Certificate or a valid, unexpired U.S. Passport. (If the names are different, you need to bring a copy of a marriage license , divorce decree, or other court documents that explain name change.
2. One proof of Social Security, which means a Social Security card, or W2, or SSA Benefits Statement, SSA-1099 Form.
3. Two proofs of Residency, which means an insurance card, vehicle registration, bank statement, etc. displaying your entire current address and are from two different institutions.

If you do not have those documents, visit your local motor vehicle administration website for further information.

HELPING THE VETERAN - AND THE COMMUNITY

The invisible wounds he sustained in the war destroyed him. He could not sleep. He could not eat. He could not hold a job. He experienced flashbacks. Easily startled, the smallest provocation could set him off. He left the war, but it never left him. Sometimes, when people asked him when he had served in combat, he said, "Last night."

Eventually, dying inside and alienated from his family and friends, he sought respite from the unceasing and increasing pain. He turned to substances. At first, he got relief for a short time, enough to love the streets. They did not reciprocate. Eventually he went to a darker, more desperate place. He lost his home, his family, his sanity, his health and his self-respect, acquired when he first raised his right hand and swore to protect his country and its citizens, an oath he fulfilled at great cost. Then, when he turned to crime, he lost his freedom.

Three years ago, Judge Halee Weinstein, herself a veteran and an army brat, began a Veterans Service Court in the District Court for Baltimore City. It provided veterans with an extraordinary network of services designed to restore their honor and dignity, their ability to contribute to society, to escape a life of untreated mental illness, addiction, crime, homelessness and hopelessness. To do so, the Court partnered with myriad agencies: private, governmental and quasi-governmental. It succeeded, and so did the veterans. They still do.

"It takes the entire community to help the veteran to heal," says the motto of the Maryland Center for Veterans' Education and Training. In existence since 1993 and located at 301 North High St. within sight of the United States Post Office, the Center provides veterans who, despite their services and their sacrifices, would have been cast aside — forgotten, and left to die — with the opportunity to recapture their ideals, to rejoin society. It works.

MCVET provides veterans case managers, benefits counselors, intake and outreach specialists, housing, training in computer literacy and resume writing, job placement, medication and a recaptured sense of purpose and self-worth they had lost. The program, for both men and women, provides a military focus. For the first 30 days, residents accepted into it have no contact with the outside. They live in squad bays resembling World War II barracks. They all have jobs. The place, which takes up most of a square block, could successfully withstand an IG inspection — all

because the residents keep it that way.

The residents undergo random drug and alcohol screening. They attend their group therapy programs, including 12-step protocols. They progress from the initial squad bay residential level to individual housing when they are ready. They work, and they pay rent when they are in the upper residential level. They avoid the street hustle mentality and its pathway to disaster.

Naturally, some do not achieve immediate success. MCVET is not some sort of innercity Shangri-La. When people fail initially, the Center recognizes that, especially with alcohol and substance abuse, relapse is part of the disease. The Center also recognizes, however, that it is possible to harm someone, even to kill that person, with kindness. Thus, a person who fails needs to understand that the failure betrays not only the institution, but also him or her-self. The person may come back, but only after having been away for at least 45 days.

The veteran seeking admission to the program must present a DD 214, although the facility has computer access to verify the veteran's status in some instances. Veterans also need to bring clothing (if any), a 30-day supply of their medications and non-alcohol based personal hygiene items. In addition, the Center also partners with the VA, when it can, for detox. In fact, MCVET works with a number of other organizations, such as Project Place, a facility affording aid to the homeless as does another partner, Baltimore Station.

MCVET also provides Code Blue assistance in the event of horrible weather so that people do not freeze to death. Naturally, so long as there is room, no one gets turned away.

Our Secretary, Kathy Irwin Conrad, who works as a bailiff in the City Veterans' Court came up with the idea of assisting MCVET once she saw the extraordinary results of the program, to say nothing of the exceptional competence and compassion of its personnel. She therefore urged that the BRPBA make a contribution to the facility for its Thanksgiving dinner. On the Wednesday before the holiday, she, President Buhman, Don Kent and this writer went down to MCVET with several hundred dollars worth of desserts.


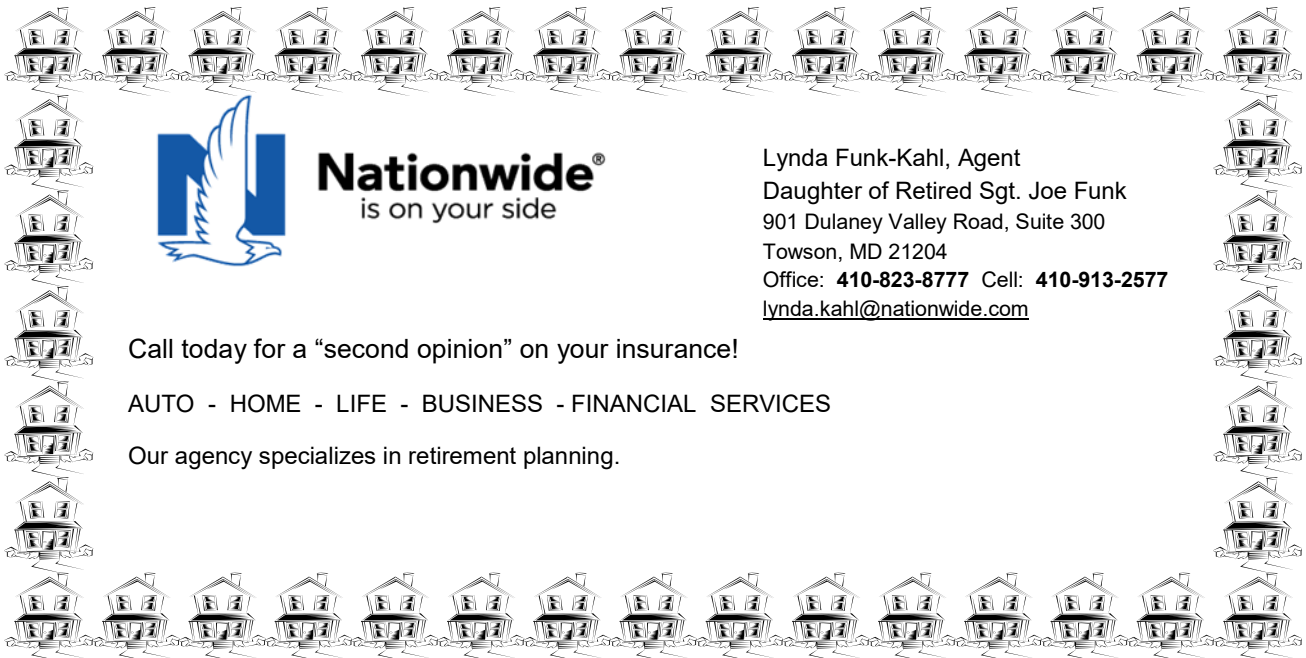
The Director of Operations, Laurie T. Fragier, took us on a

Continued Page 19

90-minute tour. We then met with the Executive Director, Jeffrey Kendrick who also gave generously of his time. On an afternoon before a big holiday, both gentlemen displayed unbridled enthusiasm in describing what they, and the organization they obviously love, do to help veterans. Most people giving a tour of the day before Thanksgiving would have been looking at the clock. In this case, the BRPBA members had to excuse themselves to get onto other business.

In 1970, a wise Baltimore Police Sergeant said, "The badge is no good without a heart underneath." The BRPBA demonstrated the truth of that adage on the day before Thanksgiving. We should be proud — and remain committed to continuing to help MCVET and our brother and sister veterans who have fallen upon hard times.

Michael P. May



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Edward Black, Jr.	Angelo La-Viola
Shirley Ann Disney	Charles LoRocco
William Eid	Steven McMahon
William Furlong	Dean Palmere
John Jendrek	Sheri Sturm
Donald Kincaid	Ronald Wilson, Jr.

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:

President: Daryl Buhrman 410-803-2293
1st VP: Richard Nevin 410-876-1027
Distress Fund 410-803-2293

Website www.brpbba.com

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to the flag and to the Republic
for which it stands,
one Nation under God,
indivisible, with liberty
and justice for all.

DISTRESS FUND NEWS

Another year is ending, another close to a chapter of our lives. The year was a busy one for our Distress Fund.

It is always an honor to do for others and we'd like you to know what your raffle money did this year:

- * Gift cards and birthday cards were sent to widows we have helped in the past. These widows live on the barest income and we feel it is important to let them know we will always be there for them.
- * We helped a widow who was having an issue with her rental company. We intervened financially to stop outlandish charges she was being burdened with.
- * Gift cards were sent to the widows we have helped in the past to help with their holiday celebrations. These widows are always appreciative of our small efforts to help them.
- * We helped a widow who was being harassed by a collection agency for a debt that was not her own.
- * We have several open cases that we are working on.

As far as this year's Raffle is concerned, it is, sadly, not doing as well as previous years, but we are still grateful for whatever we receive that helps us to help others. For this, we thank you. It means a lot that our members are so willing to contribute.

A police officer attempts to stop a car for speeding and the guy gradually increases his speed until he's topping 100 mph. He eventually realizes he can't escape and finally pulls over. The cop approaches the car and says, "It's been a long day and my tour is almost over, so if you can give me a good excuse for your behavior, I'll let you go." The guy thinks for a few seconds and then says, "My wife ran away with a cop about a week ago. I thought you might be that officer trying to give her back!"

BALTIMORE RETIRED POLICE BENEVOLENT ASSOCIATION TAG PROGRAM

As of August, 2018, we have 643 sets of very professional looking tags in Maryland. Many members thank us for providing our retirees with the ability to display their pride of being a police officer. Our tags are a one time fee of \$25.00 to the MVA and a small donation of \$20.00.

Contact Daryl Buhman 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 Buhman at 410-803-2293.

IN MEMORIAM

Patricia A. Barnold (11/02/18), wife of John C. Barnold, Jr.

Joan Bartels (11/23/18), wife of Wilbur Bartels

Patricia Ann Fuller (10/15/18), wife of John Fuller

Helen Rochford (09/19/18), wife of deceased member William Rochford

Kathleen Rubin (03/15/18), wife of Robert F. Rubin

Dawn Snyder (11/14/18), wife of Dale Snyder

Sherrie Stein (08/11/18), Sister to member Barbara Sloan

Genevieve Weisberg (11/02/18), wife of deceased member Maurice Weinberg

BRPBA FINAL ROLL CALL

Richard Bernhardt (02/25/18)

William Ernest (09/21/18)

Jesse Knight (10/10/18)

Earl Kurth, Sr. (11/19/18)

Joseph Lettau (09/23/17)

Edward Paugh (08/26/18)

John Pierce (10/17/18)

Robert C. Rubin (11/13/18)

Joseph Russell (11/26/18)

Kenneth Russell (10/27/18)

William Senseney (10/07/18)

Raymond J. Smith (09/18/18)

Leslie Stickles, Sr. (11/24/18)

Albert Stukis (10/22/18)

Michael Zotos (11/06/18)

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Memories...let
them fill your
mind, warm
your heart, and
lead you
through.



Gone is
the face
we loved
so dear.
Silent
the voice
we loved
to hear.
Too far away
for sight
or speech.
But not
to far
for thought
to reach.



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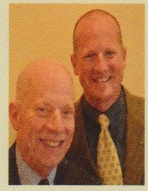
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