

Sentinel



Chicago Police Lieutenants Association

President's Message

Dear Lieutenant,

ARBITRATOR'S DECISION

Words cannot express the disappointment and myriad of other feelings that we all felt with the arbitrator's decision in the Out of Grade grievance. Apparently, he didn't give any weight to the facts that supported our side of the issue, and focused on the city's case. The simple fact that the "Captains primary function [was] that of a Watch Commander," when we agreed to the language that we are owed Out of Grade while performing the duties of a Captain was deemed "Irrelevant" by the arbitrator. After discussing the decision with our attorney, we are left with having to accept this ruling and move on. There are specific criteria for setting aside an arbitrator's award: 1) He exceeded his jurisdiction 2) His award is not based on the contractual language or evidence in the record, or 3) Serious irregularities, such as fraud. None of which apply to this decision. The arbitrator's function is to interpret the language in the agreement and issue at hand. A bad interpretation is not

grounds for appeal. Damage done.

Going forward, it is not necessary to complete the OOG forms, checklists, or any other documentation that you are performing the historical job of a Watch Commander. Just make sure that the A&A's reflect that you were DSS. The arbitrator has already agreed that we are doing Watch Commanders work. If the Captains win their lawsuit or grievance, a different ruling would have to be rendered in ours, so the A&A



documentation will suffice.

CONTRACT

Our focus now is on the pending contract negotiation, which should be a real treat for Dean Stone, Bob Stasch and I. There was a smaller issue recently, with the Department attempting to "work it out" with us. We found that work it out means - You can do it our way this way, or do it our way that way. If this is a harbinger of negotiations to come, then the "good faith" concept of contract negotiation will not be a part of the employers approach. We had hoped that honorable behavior on the employer's behalf would be the rule and not an afterthought if it happened to work out that way. The CPLA will negotiate in good faith and attempt to make some progress in areas that will improve our working environment. The employer is invited to do the same.

CONGRATULATIONS RETIREES

We have lost, or are losing several Lieutenants to retirement this year. I wish them all the best in their retirement, and hope they will stay in

President's Message cont.

touch by dropping in at one of our General Membership meetings from time to time. Speaking of which, our next General Membership meeting is 11 December at 6:00 pm at Home Run Inn at 4254 West 31st Street Chicago, IL. Hope to see you there.

Make sure we take care of our people; they're the ones doing the work.

Happy Holidays to everyone and their families!

Mike Ryan
President



Grievance Committee Chairman by Dean Stone

So far this year we had 32 grievances filed. Some were negotiated or resolved, others are going to arbitration, and of course we lost the big one, the out of grade grievance. This grievance we thought was an easy decision for the arbitrator (a finding for the Association) based upon the testimony of all parties involved, but nothing is ever what it seems to be, but we move forward. The grievances for NATO are proceeding towards arbitration. Additionally, I am requesting a meeting with MLAS to try and resolve some of the backlog of grievances from previous years. Is it important that when you file a grievance it is necessary that you send me a copy of the grievance after you receive the grievance number either by sending a copy in the mail or scanning it and sending through email. The reason for this is that I need to keep track of all grievance numbers obtained and there are time restraints on grievances in the contract.

CONVENTION 2013

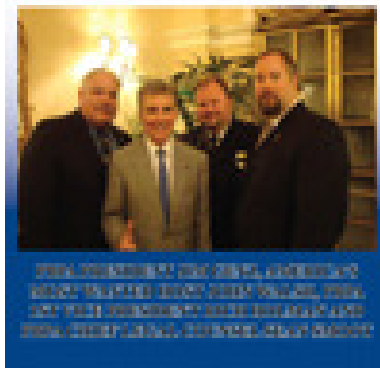
The three units of the Police Benevolent and Protection Association have formed a coalition to host the 2013 PB&PA convention. This yearly convention will be held in Chicago at the Renaissance Hotel in October, 2013. We are seeking volunteers to help prepare and assist with this convention. Additionally, we are seeking members who can obtain dona-

tions of prizes or refreshments. If you are interested or want more information, please contact me on my cell at 1.773.315.1861 or by e-mail at ChicagoPBPAConvention2013@gmail.com.

As you are aware the association sends flowers to wakes for the loss of active and retired members and the immediate families of active members. Sometimes we miss the wake because of a short notice then we will send the flowers to the home of the member, but we would prefer to send them to the wake. Therefore, if a member in your unit suffers a loss or you are aware of a death of a retired member, **please** send me an e-mail or give me a call.

Fraternally,

Dean Stone
Vice President



Now Available Online



Tactical Response Report: Watch Commander Comments by Kenneth Stoppa

As lieutenants, we are often times tasked with completing the Watch Commander Review section of the Tactical Response Report ("TRR"). This is a two part process that involves both interviewing and documenting the arrestee/subject's statement, and explaining our rationale for either justifying or further investigating the officer's actions. When completing this portion of the TRR, it is important to remember and follow the KISS principle: keep it simple, stupid!

Completing the interview portion of the TRR should be a straightforward and easy process. However, some lieutenants like to march to the beat of a different drummer and make it anything but simple. If possible, you are required to interview the arrestee/subject and document their response in box #75 of the TRR. This is all you are required to do. Just ask what happened and record their response. If you can obtain a statement that helps to substantiate the officer's version of events, that is icing on the cake. There is nothing that requires you to take a handwritten statement of any kind from the arrestee, and there is most certainly no reason for you to ever issue *Miranda* warnings prior to your interview.

Miranda warnings are required during a custodial interview only if one wishes to preserve the admissibility of the arrestee's statement against them in criminal proceedings. Being that the TRR is administrative in nature and not intended to be used as evidence against the arrestee, there is absolutely no reason to do so. That being said, and depending on the magnitude of the case at hand, it is advisable to wait until the criminal phase of the investigation is complete before conducting your interview. If the length of the investigation prohibits this, simply check the "unable to interview" box and explain accordingly. The reason being that should you obtain any incriminating statement during the interview, it will likely preclude any other post-Miranda statements acquired during a subsequent interrogation from being admissible in the criminal case. Moreover, should the arrestee affirmatively invoke his or her right to remain silent, follow-up investigators are bound to "scrupulously honor" this request. Needless to say, if this were to occur it could be catastrophic to the criminal investigation. Thus, as a general rule, the needs of the criminal investigation should always be paramount to those of the administrative one.

Much like the interview section of the TRR, completing the Watch Commander Rationale portion of the TRR is a simple process that is far too often complicated by those who feel the need to regurgitate unnecessary facts of the incident into box #76 of the TRR. An example of which may read something like this:

"The officers were investigating a disturbance with a mental when the subject suddenly struck Officer Smith in the face with his fist. The officer then utilized emergency takedown handcuffing to gain control of the subject, who was in obvious need of mental treatment. He was then transported to Swedish Covenant Hospital, where he was subsequently admitted into the psychiatric ward for evaluation. The officer's actions were consistent with the Use of Force Model, and all Department directives were followed."

At first glance, this narrative sounds good and seems reasonable. However, it does nothing but restate unnecessary information already contained within both the TRR and case report, and fails to explain the Watch

James L. O'Neill & Timothy Nolan
2012
Scholarship Drawing

PURPOSE

To recognize the tremendous efforts made by Lt.s O'Neill & Nolan that led us from a fraternal organization to a Labor Union. The benefits derived from this have greatly improved the lives of all our members and will continue to benefit all future Lieutenants.

RULES

Only Active, full dues paying members are eligible

Children must be in grades 1-16

The Association Secretary must receive letter of Verification of Enrollment from the winner's school before checks will be issued.

Only one (1) entry per member.

Applications are to be forwarded to Lt Eve Gushes, Unit 007 to arrive **No Later Than 10 Dec 12**. Drawing will be held at the December General Membership meeting 11 December 2012.

JAMES L. O'NEILL and TIMOTHY NOLAN 2012 SCHOLARSHIP DRAWING

NAME _____ **STAR#** _____ **UNIT** _____

CHILDS NAME _____ **GRADE** _____

SCHOOL ATTENDING _____

SIGNATURE _____

4 WINNERS, \$500 each

Applications must be sent to
Lt. Eve Gushes, Unit 007
Or can be brought to the
December Membership Meeting

KEN SULLIVAN AWARD Nominees

The Board of Directors created an award for Lieutenants who have performed above and beyond their duty for our Union and our fellow lieutenants. Someone who, like Ken Sullivan did, spent hours of their own time for the betterment of our rank; someone who knows what must get done and doesn't wait for someone else to do it. This award is named after past President Ken Sullivan.

Last year the award went to outgoing president, Lt. Robert Weisskopf.

The CPLA is seeking nominations for this years award. Please forward names of all worthy lieutenants to Lt. Eve Gushes, 007th District or e-mail her at secretary@cpdlts.org.

We all know a fellow lieutenant who takes the time and makes the extra effort; and if we don't then we should become that lieutenant.

KEN SULLIVAN AWARD NOMINEE: _____

BASIS FOR NOMINATION: _____

TRR Watch Commander Comments—continued

Continued from page 3:

Commander's rationale for the finding in box #77. All that is being asked here is for you to explain why you believe the officer's actions were or were not in compliance with Department procedures and directives. A good example for the above mentioned scenario might read as follows:

"In R/Lt's opinion, the officer's actions were both reasonable and necessary to overcome the arrestee's unprovoked physical attack and place him into custody."

Try not to get overly wordy in explaining your rationale. Just explain why you came to the conclusion that you did and leave it at that. Remember, less is often times more, and as Leonardo da Vinci once said: "Simplicity is the ultimate form of sophistication."

Kenneth Stoppa
At Large Representative

I DID MY TIME by Bob Stasch

Captain Herbie Johnson of the Chicago Fire Department was killed in the line of duty on 4 Nov 2012 fighting a house fire. When he responded to the call that day I'm sure he never imagined that after 30 some years with CFD he would never get to enjoy his pension. For all that time Capt. Johnson was dedicated to his men, his department and to the City of Chicago. Each pay period he made his contribution toward the pension fund. All he wanted was to complete his career and collect on that pension so that he could enjoy his time with his family and friends. As of 4 Nov, that will never happen.

What about own CPD members – Lewis, Flisk, Blake, Bailey, Soderburgh, Wortham – and all the others? Do you think they ever thought their families would be getting a death benefit pension instead of a full duty pension?

Now, what about the politicians, the connected and the clouted? Because of who they are and who they know their public pensions far exceed what a fire fighter or police officer receives. And I cannot remember, in my 31 years, when a politician ever gave his life in the line of duty.

Yet each and every time pension reform rears its ugly head it is the police officers, fire fighters and teachers who are vilified. I hope you see the same problem that I do.

There should be, and needs to be pension reform. So how about we start with this? No public employee can ever receive a pension that exceeds his/her regular pay. No one can receive more than one public pension. And there can never be a compounding of benefit pay to increase a pension prior to a person retiring.

How about if CPD exempt staff receives a pension based on what they would get in a civil service pen-

sion – Sergeant, Lieutenant or Captain – and not a "Gold Braid Bill".

The extra pay that an exempt receives can be invested in deferred comp, but not become part of their pension.

So many receive more than they should and it may very well be that these benefits have been responsible for the burden placed on the pension systems. Fair is fair. There is no way that any worker should ever fear that someday the pension promised to them will never come.

CA49 was recently defeated. Just barely. It is inevitable that a new law will soon be proposed and we can all expect to see some type of pension reform that will hit us directly in the pocketbook. It may be increased contributions on our part, diminished returns when retired or like is already happening to new recruits, a two tier system.

That shouldn't happen. Public servants should get a public pension. They have paid for those pensions with their blood, their broken bones, and their heart ailments and as mentioned above, in a lot of cases, with their lives. For those fortunate enough to complete their careers, a decent pension is warranted.

To work more towards that end, it is incumbent upon each of us to get involved. Get noisy. Start writing emails and letters. Make phone calls. Fight for what you deserve. Your very life depends upon it.



Robert H. Stasch
Treasurer

Wellness Program by Bob Lajewski

In regards to the Wellness Program, the city has extended the deadline for everyone to complete step 3 "The Well Being Assessment." The new date to complete this step is 30NOV12 at chicagoliveshealthy.com. Once you complete the well being assessment you must participate in step 4 which is a Health Check-In Call by **16 JANUARY 2013**.

The Wellness Program also requires ongoing participation from us. We are required to do either one of the two steps listed below after we complete the Well-Being Assessment:

COMPLETE ANY ONE PER MONTH: ON-SITE OR TELEPHONICALLY

- Complete an on-site challenge
- Complete a health check in call
- Complete a health coaching call
- Complete an on-site educational seminar
- Attend a group exercise class
- Attend a health education presentation

OR

COMPLETE FOUR PER MONTH: ONLINE (REPEATS ALLOWED)

- Create a well-being plan
- Complete an action item
- Track your body weight
- Track your food servings
- Track your exercise activities
- View/Listen/Read/Rate resource material
- Complete a journal entry
- Other online engagements on the chicagoliveshealthy.com website

Be Careful,

Bob Lajewski
Sgt-at-Arms

HAVE AN IDEA FOR THE SENTINEL?

Due to escalating printing and postage costs we have decided to cease printing and mailing the Sentinel Newsletter. Instead we will be only offering it online on our website www.cpdlt.com.

Not only will this be a substantial cost savings to the CPLA but will allow us to include benefits that we could never in the print media. Obviously you have noticed the use of color through out this edition. Color printing costs have always been far to high for us to even consider in the past. Additionally you will notice in the articles words that are different in color and underlined. These are links that will take you to more information. Each Board Member's name is underlined and clicking on the name will take you to your email program and allow you to email the Board Member.

Because of the versatility of the electronic media we can offer many new features in the Sentinel. If there is something you would like to see in the Sentinel please drop us a line at sentinal@cpdlts.com. We are always looking for a good idea, or at least a new idea to keep things fresh.



SENTINEL



Standing Watch for Chicago Police Lieutenants

Chicago Police
Lieutenants Association
1616 W. Pershing Rd.
Chicago, IL 60609



CPD Mail

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Retiree's Representative

Contact the Sentinel Newsletter via e-mail
at Sentinal@cpdlts.com
Visit the Chicago Police
Lieutenants web site at

Join us at the next General Membership Meeting For Our Christmas Celebration

Dinner will be served
11 December 2012
6:00 PM

Home Run Inn
4254 W. 31st Street
Chicago, Il.

