



The Fourword

Volume 45 Number 9

September 2017

Baltimore County Jury Rules Not Guilty

After a two and half day jury trial held in the Baltimore County Circuit Court on September 12-14 2017, Police Officer First Class Spivey was found not guilty. He was charged with four counts of assault, at the insistence of the Baltimore County States Attorney Scott Shellenberger. The Deputy State's Attorney Robin Coffin litigated the case in front of a jury consisting of twelve Baltimore County citizens and two alternates. At the conclusion of the case it took the jury approximately 30 minutes to return a verdict of "not guilty" on all four counts. Jurors were quoted as stating "It was hands down he was innocent, and I am very proud of this officer. He did what he was trained to do."

Scott Shellenberger stated "We felt like we had sufficient evidence based on the video alone," when he defended his decision in prosecuting the case.

The FOP has continuously stated that we understand the review of an officer's use of force. In fact, all uses of force by officers should be reviewed to ensure the public trust, policy compliance and to identify proper training issues.

The incident in question was the officer's arrest of a fleeing felon that resulted in a use of force. These types of incidents can be, at times, uncomfortable to watch. But the agency has gone to great lengths to educate members of the public of the limitations of video evidence. They caution against jumping to conclusions or making immediate opinions based only on the recordings. Unfortunately, it appears that the States Attorney did just that in this case. He made conclusions and assumptions based on the contents of the video and not the important facts that a thorough investigation would have revealed. A video alone can never replace a thorough investigation. A recording should be weighed and tested against witness testimony, forensics, the involved officer's statement, and other elements in a fair, thorough and impartial investigation that takes human factors into consideration. The recordings have great value, but should not be given undue, if not exclusive, weight in the judgment of an officer's actions. In this case the decision to prosecute was made without interviewing a single witness or officer at the scene. No officer was asked to provide a statement and there was no attempt to interview the arresting officer. In fact, the officer's attorney informed Deputy State's Attorney Coffin they would be willing to come to her office and answer any questions she or any expert she chooses may have of him. She declined that offer to interview him.

This is totally unacceptable. An officer could not, and should not, get the State's Attorney's office to prosecute a citizen without conducting a thorough and complete investigation. That same process should be afforded to every police officer as well.

Police Officer First Class Spivey was reinstated to full duty on September 15, 2017.



Representing the Professional Police Officers of Baltimore County





**MEETING MINUTES
August 2017**

- The August General Business meeting was held on August 21, 2017 at FOP Lodge 4. President Weston called the meeting to order at 7:30 p.m. Chaplain DiCara gave the invocation. President Weston led the Pledge of Allegiance.

ROLL CALL OF OFFICERS

- Brother Massey and Brother Franks were excused. All other officers were in attendance as well as Legal Advisor Mike Davey.

**APPROVAL OF THE MINUTES
OF THE PREVIOUS MEETING**

- A motion was made by Sister Kraemer to accept the minutes of the July General Membership Meeting. A second was made by Brother Grumbach. There was no discussion. The motion passed.

REPORTS OF OFFICERS

~ PRESIDENT WESTON ~

- August 4– Met with the FOP Lodge #4 accountant to review files and information.
- August 7-11– Vacation.
- August 15– Met with First District County Councilman Tom Quirk.
- August 18– Participated in the FOP Lodge #4 Golf Tournament.

- August 21– Attended a meeting of the Political Action Committee, the Executive Board of Directors meeting and Chaired the General Membership meeting.

~ 1st V. P. COMEGNA ~

- July 25– Attended an event for Baltimore County Councilman Todd Crandell (District #7).
- July 27– Visited Precinct #6, Towson.
- August 11– Met with one of the Police Departments Liaisons to the Police Assistance and Relief Fund.
- August 16– Attended a meeting of the Legal Advisory Committee and met with a member and a representative from Payroll about a pay issue.
- August 18– Participated in the FOP Lodge #4 Golf Tournament.
- August 21– Attended a meeting of the Political Action Committee, the Executive Board of Directors meeting and the General Membership meeting.

~2nd V. P. ROSE~

- July 26– Discussed the Flanary case with Kathleen Cahill.
- July 27– Met with Gerald Brooks and Kevin Davis to discuss the CIB list.
- August 1– Responded to an officer involved shooting in Precinct #1.
- August 2– Attended the Promotion Ceremony.
- August 8 – Attended the Pension Board of Trustees meeting.
- August 11 – Met with a member at his command to resolve a discipline issue.

LODGE 4 OFFICE

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ELECTED OFFICERS

Cole B. Weston
President
(443) 956-2679

Steven G. Comegna
1st Vice President
F.O.P. Lodge 4
(410) 409-0293

David M. Rose
2nd Vice President
F.O.P. Lodge 4
(443) 956-2643

Donna M. Patterson
Lodge Secretary
PC-12
(410) 365-8481

Robert W. Caskey
Treasurer
CIB-Robbery
(443) 956-2615

W. Don Patterson
State Trustee
Retired

Ryan Massey
Sergeant at Arms
CIB - Homicide

Anthony DiCara
Chaplain
PC-8

L. Timothy Caslin
Past President
Retired

EXECUTIVE BOARD of DIRECTORS

Kenneth F. Schubert
Chairman
Retired
(410) 404-2788

Mike DiCara
Vice Chairman
PC-4

Thomas G. Scally
Retired

Kathy Kraemer
PC-6

David Sweren
PC-6

Chris Hodnicki
CIB-GET

James P. Rommel, Jr.
PC-3

Ryan Franks
CIB-Property

Robert Graff
PC-6

Patrick Zito
Retired

LODGE STAFF

Nancy Skinner—Administrative Assistant

LEGAL ADVISORS

Schlachman, Belsky & Weiner, P.A.
Phone (410) 685-2022
IAS Cases Michael Davey

The Fourword is the official monthly publication of Baltimore County Fraternal Order of Police Lodge 4.

Fourword Editors

Donna Patterson
Don Patterson

The Fourword

- August 15 – Attended a meeting with the commander of Precinct #2 and met with Councilman Quirk to discuss pending legislation.
- August 16 – Chaired a Legal Advisory Committee meeting.
- August 18– Participated in the FOP Lodge #4 Golf Tournament.
- August 21– Attended the Lodge #4 Executive Board of Directors and General membership meetings.

~SECRETARY PATTERSON~

- July 25– Attended an event for Baltimore County Councilman Todd Crandell (District #7).
- August 16– Attended a meeting of the Legal Advisory Committee.
- August 18– Attended the FOP Lodge #4 Golf Tournament.
- August 21– Attended the Lodge #4 Executive Board of Directors and General Membership meetings.

~TRUSTEE PATTERSON~

- July 25– Attended an event for Baltimore County Councilman Todd Crandell (District #7).
- August 18– Participated in the FOP Lodge #4 Golf Tournament.
- August 21– Attended the Lodge #4 Executive Board of Directors and General Membership meetings.

~TREASURER CASKEY~

- August 21– Gave the Lodge #4 Financial Report.

EXECUTIVE BOARD OF DIRECTORS REPORT ~ Ken Schubert~

- An Executive Board of Directors meeting was held on August 21, 2017. The meeting was called to order at 5:00 pm. Brother Massey was excused, all other board members were in attendance. Legal Advisor Chaz Ball was also in attendance.
- Motions that were made, after receiving a proper second, were discussed, voted upon, and appear in this issue under the appropriate committee reports.

REPORTS OF COMMITTEES

ATHLETIC COMMITTEE ~Don Patterson~

- The Lodge #4 Annual Golf Tournament was held on Friday, August 18, 2017. There were 121 golfers and 14 hole sponsors. Mission BBQ did another outstanding job with the food. Brother Mike DiCara and Secretary Donna Patterson made sure hotdogs were available at the turn. Brother Rob Graff assisted with setup and anything else that needed to be done. Sister Marianne Snyder, Sister Lindsey Adair, Brother Ryan Franks and Sister Morrow Lane made sure none of the golfers got thirsty. A special thanks to Gretchen Meyer, Maria Franks and Karen Lockery Ruszkiewicz.
- After all bills were paid a small profit was made.

DONATION REVIEW COMMITTEE ~Mike DiCara~

- The Donation Review Committee met and discussed the following motions:
- To make a \$350.00 donation to pay the entry fee for a Lodge #4 softball team for the FOP Lodge #70 Softball Tournament.
- To purchase 8 tickets to the FOP Lodge #34 Bull Roast for an expenditure of \$280.00.

GRIEVANCE COMMITTEE ~Dave Rose~

- The hearing for the Section 6.1 C grievance was held on July 11, 2017. The County Administration communicated to the FOP that they would not be participating in the arbitration hearing and they did not appear. Our case was presented over the course of several hours. We expect a decision from the arbitrator sometime late August or early September.
- On March 9, 2016, we filed a notice of intent to arbitrate as per Article 8, Section 8.3, Step #4 paragraph (b) of the MOU in our healthcare subsidy grievance. On June 15, 2016, we met with our labor attorney and healthcare consultant to discuss and prepare for the grievance as we move forward into arbitration. We have tried to arrange a meeting with the County Administration to try and resolve the issue outside of arbitration but the County has not expressed a desire to do so. We selected an arbitrator from the AAA. We have not selected a hearing date. The County has

communicated to the FOP that they have declined to participate in the arbitration of this grievance.

LEGAL ADVISORY COMMITTEE

~Dave Rose~

- The Legal Advisory Committee met to discuss the Erica Schneider-Barnes appeal of her discontinued spousal death benefit. The case was originally scheduled for August 17, 2017, but during case preparation a conflict was discovered causing counsel to have to step away from the case.
- The Legal Advisory Committee met on August 16, 2017 to discuss whether or not to continue funding the case as well as other options. After reviewing the documents, a motion was made by Brother Rommel and a proper second was made by Treasurer Caskey to continue to fund the case with a different attorney.
- We currently have two (2) hearing boards pending. Nothing is scheduled at the moment. We have submitted our motions to dismiss/motion for summary judgement in the Edwards case. No court date has been scheduled.
- We were able to resolve two (2) IAS cases. One officer chose resignation and the other officer accepted a discipline recommendation.
- Pfc. Spivey's case was transferred to the Circuit Court by Assistant State's Attorney Coffin. It was scheduled for September 12, 2017.
- Mike Marshall and his staff are working on the Marvin Haw pension appeal to the Office of Administrative Hearings. At this time no date has been set.

PENSION COMMITTEE

~Dave Rose~

- At the August 8, 2017 Pension Board of Trustees meeting, the Trustees approved forty-three (43) retirements, thirteen (13) from the police department.

POLICY REVIEW COMMITTEE

~Dave Rose~

- The committee members reviewed one (1) new/revised policy this month.
- There were no bargaining issues at this time. There was a BWC meeting scheduled for August 31, 2017 to discuss possible adjustments to the policy. The FOP will be represented at that meeting.

POLITICAL ACTION COMMITTEE

~Steve Comegna~

- The Political Action Committee met on Monday, August 21, 2017. The committee brought forth two (2) recommendations for expenditure. Those motions are as follows:
 - To endorse State Senator Bobby Zirkin (District #11) in his 2018 re-election bid.
 - To endorse the Sitting Circuit Court Judges for Baltimore County (Finifter, Jakubowski, Deeley and Robinson) in their 2018 re-election bid.
- There were three requests for expenditures that the committee did not take any action on.
- The Executive Board of Directors approved this expenditure on Monday, August 21, 2017. The expenditure was approved by the membership on Monday, August 21, 2017.

GOOD OF THE ORDER

- During the month of August, FOP Lodge #4 sent four (4) cards and flower arrangements to bereaving members. One (1) fruit basket was sent to a member recovering from illness or surgery. Six (6) thank you cards were received. Six (6) donations were made in lieu of flowers.

RETIREMENTS

**Brian Wilder
Joseph Burris**

Bereavements

**Joan Hennigan Wilhelm,
Mother of Brother Patrick
Wilhelm**

**Ralph L. Henry, Father of
Retired Brother Ben Henry**

**Margaret McCarty, Grand-
mother of Sister Monetta
Carter**

**Kathy Norris, Wife of Retired
Brother Charlie Norris,
Mother of Brother Michael
Norris, Sister of Retired
Brother Terry Conway**

**Donald Childs, Grandfather
of Brother Dan Childs, Uncle
of Brother Gary Childs**

**Richard A. Trivett, Father of
Brother David Trivett**

**Geraldine Brocato, Mother of
Brother Curt Brocato,
Grandmother of Brothers
Chris and Zachary Brocato**

**James Paul Krawczyk, Fa-
ther of Retired Brother Paul
Krawczyk**

**Robert Claggett, Father of
Brother Jason Claggett**

**Brigette Felts, Mother in law
of Sister Joan Wheeler-Felts**

Membership Passes to the National Aquarium

The Executive Board of Directors of Baltimore County Fraternal Order of Police, Lodge #4 has entered into a one year business partnership under the Corporate Membership program with the National Aquarium. This means we have four transferable passes for use by our members. If you are interested in using the passes: You can call or email the Office at (410) 668-0004, or office@foplodge4.org.

If they are available on the date you have requested they will be reserved for you.

It will be your responsibility to pick up and return the passes.

On the occasions when different members have passes reserved on adjacent dates we ask the parties to communicate and agree upon a drop-off/pickup location for transferring the passes.

Should the passes become lost or stolen while they are in the member's possession we will require the member to pay for the replacement cost.

These passes grant access to the aquarium through the corporate membership entrance which should reduce if not eliminate any waiting in line. We are pleased to be able to offer this as an additional benefit to the members of FOP Lodge #4.

LODGE #4 "FALLEN HEROES" MEMORIAL SCHOLARSHIP AWARDS

Applications for the Fall, 2018/Spring, 2019 scholarships are available now by contacting Lodge #4. Nine (9) \$3,000.00 awards are made each year.

Applications for these awards are open to the sons, daughters, adopted children, step-children or legally court-appointed wards, who are citizens of the United States. The applicant's parent or guardian shall have been an Active or Retired member in good standing of Baltimore County Lodge #4 for at least one (1) full year prior to the date of application for the current year scholarship awards. The applicant must be or will be a full-time student at a recognized college or university.

The deadline to return the completed application with required attachments is February 1, 2018.

The October

**FOP Lodge 4
GENERAL
BUSINESS
MEETING**

will be held on

**Monday,
October 23, 2017
7:30 p.m.**

at
FOP Lodge 4
9304 Harford Road

The November

**FOP Lodge 4
GENERAL
BUSINESS
MEETING**

will be held on

**Monday,
November 27, 2017
7:30 p.m.**

at
FOP Lodge 4
9304 Harford Road