

BALTIMORE COUNTY
FRATERNAL ORDER OF POLICE

FURWORD

OCTOBER, 2023 | VOLUME 51, ISSUE 10

PRESIDENT'S MESSAGE

Senate Bill 290 / House Bill 857

On October 1, 2023, this legislation becomes law. It was submitted by Senate Judiciary Chairman Will Smith (MoCo) on the Senate side and House Judiciary Chairman Luke Clippinger (City), Delegate Vanessa Atterbeary (HoCo) and Delegate David Moon (MoCo) on the House side.

It gives the Attorney General the sole authority to prosecute cops in use of force-related issues, including violations uncovered during the course of the investigation:

A(1) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, IF THE ATTORNEY GENERAL DETERMINES THAT AN INVESTIGATION CONDUCTED UNDER § 6-602 OF THIS SUBTITLE PROVIDES SUFFICIENT GROUNDS FOR THE PROSECUTION OF A CRIMINAL OFFENSE DISCOVERED IN THE COURSE OF THE INVESTIGATION, THE ATTORNEY GENERAL SHALL HAVE EXCLUSIVE AUTHORITY TO PROSECUTE THE OFFENSE. (2) THE ATTORNEY GENERAL, IN THE ATTORNEY GENERAL'S DISCRETION, MAY PROSECUTE A POLICE-INVOLVED INCIDENT NOT OTHERWISE WITHIN THE INVESTIGATIVE JURISDICTION OF THE DIVISION UNDER § 6-602(C) OF THIS SUBTITLE IF THE INCIDENT IS REFERRED BY A STATE'S ATTORNEY TO THE ATTORNEY GENERAL FOR PROSECUTION. (B) A STATE'S ATTORNEY MAY PROSECUTE A CRIMINAL OFFENSE DESCRIBED IN SUBSECTION (A) (1) OF THIS SECTION ONLY IF THE ATTORNEY GENERAL REQUESTS THAT THE STATE'S ATTORNEY PROSECUTE THE OFFENSE.

This law was not created because of a problem. This law was created because of special interest groups. Our greatest fear is that this law will be abused by the very people entrusted with it. There are no checks or balances. There is no panel or independent review prior to prosecution. Furthermore, the people that are doing the investigation are also prosecuting. In what world does this make sense? Cops don't prosecute their own arrests.

This law will create an officer-safety issue. If our cops hesitate, they will get hurt. This law will cause them to hesitate. I encourage each of our members to do what they were trained to do. Make good, solid decisions. Do not hesitate! If the Attorney General tries to make an example of one of our members, the FOP will be there. Stay safe!

SEPTEMBER 2023

GENERAL BUSINESS MEETING

The regular monthly meeting of the Baltimore County Fraternal Order of Police was held on Monday, September 25th, 4:00 PM, at our Lodge. President Folderauer was present, and called the meeting to order. Secretary Patterson was also in attendance. A motion was made by Brother Rommel to accept the Minutes from our August 2023 meeting. This was seconded by Brother Jess and approved. These minutes have been posted to the Lodge #4 App.

REPORTS OF OFFICERS

President – Dave Folderauer:

- There are items to report on but before any reports, Brother Ken Brown, who recently fell ill, but is now recovering, was introduced.
 - Brother Brown spoke briefly and thanked all for their support, including the FOP, who provided a flight for his son, from Orlando, to be by his side while he was ill. He also thanked the FOP for finding care and housing for his/his son's dog, in Florida.
- Second Vice President Dicara and I have been involved in several meetings with the Department over changes to the Promotional processes, to include:
 - Interviews will be conducted in front of a three-person panel.
 - Subject matter experts are representatives from the Department.
 - County Human Resources has been approachable and amenable to suggestions.
 - There was a brief discussion over the use of recordings by the new vendor.
 - There was a second discussion about the assignment of numbers, for identification purposes, to candidates in the promotional processes.
- I attended a meeting at the Governor's office, along with other leadership from FOP Lodges across the State. One of the topics discussed was the current state of Juvenile Justice Reform and its effect on our members.
 - Sinclair Broadcasting will be featuring Lodge representatives, and others, in an effort to highlight issues with Juvenile Justice Reform.
- We have met with multiple members of the County Council and attended a recent event for County Executive Johnny Olszewski, to continue our dialogue with all.
- We are continuing conversations with the Department and the County with regards to the re-implemented 251 Days rule for our Modified Duty Personnel.
 - As part of this, we have begun meeting with the individual members who are or may be affected by this practice.
 - We see no reason why personnel cannot be "grandfathered" in and protected.
- We have met with a representative from MWE Partnership, the County's Healthcare Savings Account vendor. They are now offering a life insurance product.



REPORTS OF OFFICERS...

Second Vice President – Mike DiCaro:

- I have accepted an exempt position at the Lodge and am looking forward to working full-time for the membership.

Treasurer – Bob Caskey:

- Reported on the Lodge Finances.

Sergeant-at-Arms – Chris Hodnicki:

- There is a new forum that has been opened on the APP, to gather ideas for negotiations from the membership.
- Two new Grievances (Individual) were filed today, for matters that we have been unable to get resolved by Police Human Resources. We may have another on the horizon, due to Leave not appropriately being deducted/reimbursed following FMLA time.

Executive Board Chairman – Steve Comegna:

We held two Board meetings this month, one on September 11th and one this afternoon (9/25), to hear a total of six motions.

- The first four came from Donation Review, for:
 - The Believe in Tomorrow Foundation; where Brother Zimmerman stayed while his son was being treated at Johns Hopkins Children's Center for 28 days.
 - The Blue Guardians; to help off-set the cost of travel for three members to the National FOP Diversity Conference in North Carolina.
 - The Police Emerald Society; for up to ten tickets to their 27th Annual Bull Roast.
 - The purchase of pizzas for the upcoming CIT Training to be attended by our members.
- The following were the remaining motions heard between the two Board meetings:
 - To purchase a sponsorship for an event for State Delegate Carl Jackson.
 - To take up to the maximum number of Delegates to the 2024 State FOP Conference.

*This concluded the Reports of Officers. A motion was made to approve those reports by Sister Knox and seconded by Sister Greenbeck. The Reports of Officers were approved.



NFOP App



@BaltimoreCountyFOP



www.foplodge4.org



BaltCoFOP4



@BaltoCoFOP4



REPORTS OF COMMITTEES

Bylaws: Doug Jess – A submitted/proposed Bylaw, to restrict the holding of elected FOP Offices (Board Positions and Line Officers), was read into the record. A copy of the proposed Bylaw is included on page #7.

Critical Incidents: President Dave Folderauer – As of October 1st, the Attorney General's Office will have the authority to prosecute the incidents that they have investigated. Reminder: We have multiple people assigned to this committee in the event anyone needs us during these times.

- Chaz Ball commented: We (SBWD Law) are here for you. Make contact with us and/or the FOP following any such event and avoid personal discussions about these matters. Do not discuss these matters without the presence of counsel, outside of the immediately relevant Public Safety Questions.
 - Members not involved in these incidents, but present, need to be mindful of questions that they ask of, or conversations they have with, involved members after these incidents.

Events Committee: State Trustee Don Patterson – The Golf Tournament is over! The 2024 Bull Roast is scheduled for Saturday, April 20, 2024.

Expenditure Review: Doug Jess – All available expenses have been reviewed and found to be appropriately work related.

Grievance / Legal Advisory: First Vice President Dave Sweren – Legal Counsel, Kieran Dowdy, has been involved in recent conversations with County representatives in efforts to settle the COVID Grievance.

Healthcare: Second Vice President Mike DiCara – The committee members met on September 11th. Our advisor, Randy Hart, is advising our members to take a serious look at the High Deductible Plan. He finds it very beneficial. Please call me for additional information and explanations regarding this and the Healthcare Savings Account. Additionally, the County is still on track to merge the Pre and Post 2007 structures. For Retirees, Labor First has changed their name to Retiree First to assist in guiding members into Medicare supplemental plans.

Legislative: President Dave Folderauer – Senate Bill 1 is still a hot topic. Judge George Russell III has not issued any orders regarding the Injunctions and no hearings have been scheduled yet. Active members, keep in mind that as of October 1st, you are covered on-duty and off duty. Retirees, you are still covered in a public setting, but if you enter a building without express permission, you may be committing a misdemeanor. We have had some promises from legislators regarding repealing this, but nothing has occurred yet.

Military Affairs: Mahindra Saywack – We are still negotiating with the County, in an effort to settle the Class Grievance. The Individual (Lieutenant Hamby) Grievance is set to be heard on October 31st .

Negotiations: President Dave Folderauer – We sent a letter to the County, indicating our intent to open the MOU for bargaining.

REPORTS OF COMMITTEES...

Policy Review: Second Vice President Mike DiCara – We had one policy submitted for review last week but it contained no bargaining issues.

Political Action: Second Vice President Mike DiCara – As Chairman of the Board Steve Comegna reported, we have one motion to be voted on, from the Committee, for an event held by Delegate Carl Jackson.

- In discussion Mike DiCara relayed that his (Delegate Jackson's) thoughts are very similar to ours with regards to SB 1 and aspects of Juvenile Justice Reform.
 - The motion to purchase the sponsorship passed unanimously.

Pension: State Trustee Don Patterson – At the September 12th Pension Board of Trustees meeting, we approved seventeen total retirements, with one from the Police Department.

Scholarships: Brother Tim Caslin – On October 1st our application process will open. The deadline to apply will be March 1st, 2024.

Uniforms and Equipment: Chris Hodnicki – A committee had been formed to evaluate potential new ballistic panel carriers. They have made a recommendation, and we hope to see a new and appropriate carrier out soon. On the vehicle side of things, there are still shortages and inventory/vendor issues.

*This concluded the Reports of Committees. A motion was made by Sister Peach to accept the Reports of Committees, which was seconded by Brother Franks and approved.

Report of the Legal Advisor: Chaz Ball – We have a few Trial Boards set to be heard at the end of October and early November. None are termination cases. Cases after July 1st of this year will be going through the Maryland Police Accountability Act (MPAA), which involves the Police Accountability Board and Administrative Charging Committee. The State Committee has been better than expected, but we have not had any go through this process yet.

Old or Unfinished Business: NONE

New Business: On October 12th, there will be a retirement and investment presentation held at the Lodge, by retired Councilman Tom Quirk.



**NOMINATIONS FOR ELECTED OFFICES** (** INDICATES INCUMBENT)**President:**

Dave Rose (PC-01) and Dave Folderauer** (Lodge 4)

Second Vice President:

Ryan Massey (Homicide) and Chris Hodnicki (Lodge 4)

Sergeant-at-Arms:

Matt Gonzalez (Training) and Sean Brennan (Precinct 6)

Chaplain:

Kathy Kraemer (Retired) and Tony DiCara** (Precinct 12)

Board of Directors:

Matt Krauch** (Precinct 6), Rob Graff (Precinct 6), Doug Jess** (Precinct 3), Kevin Jobe (Precinct 12), Greg Huber (Precinct 11), Tom Scally** (Retired), Sydney Shapiro (Precinct 2), Tim Stadler (Robbery), Shelley Knox (JOINS), Dave Sweren (Tactical), Joe Barresi (CACU), Eric Stefanski (Precinct 12), Joe Peach** (Precinct 11), Josh List (Precinct 8), Joe Brzozowski (Tactical).

- Our Elections Committee will consist of: Second Vice President Mike DiCara (Chairman), along with Secretary Donna Patterson and Brother Ryan Franks.

Good of the Order: NONE

Members Sick or In Distress: NONE

Closing Prayer: Chaplain Tony DiCara

Adjournment: A motion was made to conclude our September General Business Meeting by Treasurer Bob Caskey and seconded by Sister Vaughn. The meeting was adjourned, at 5:05 PM.

ACKNOWLEDGEMENTS

Congratulations to Brother, BRIAN WEBB #4102.
We wish you all the best in your retirement!



BEREAVEMENTS

Your Fraternal Order of Police sadly advises of the following loss of members, family or friends:

LISA MARIE PARR

Daughter of Brother Nick Palmere

NEIL A. HOUCK

Husband of Sister Robin Teal

BROTHER MARK E. VAHLKAMP

BROTHER JAMES RICHARD SIMMS

BROTHER DAVID LEE DODSON

Amendment to the Constitution of FOP Lodge 4

WHEREAS: There is no current provision precluding any member holding the rank of Captain or above being elected, appointed or otherwise becoming a Line Officer or a member of the Executive Board of Directors, and

WHEREAS: A member holding the rank of Captain or above has effectively chosen to become "management" in the agency, and

THEREFORE: Having a provision to state that there is a prohibition of any said person from obtaining these positions will prevent this natural conflict of interest.

NOW THEREFORE IT BE RESOLVED: Article V of the Bylaws concerning Line Officers shall now read

Section 8:

MEMBERS INELIGIBLE TO HOLD OFFICE

To maintain the best interest of the Lodge, general membership and to preclude any member of this Lodge from having any conflicts of interest between the Lodge and the Agency:

- A. Members of this Lodge may not serve on the Executive Board of Directors or as a Line Officer if they hold the rank of Captain or above.
- B. Any member of the Agency that holds the rank of Captain or above is prohibited from becoming a candidate for any position within the Lodge.
- C. Any member of this Lodge who currently holds any position on the Executive Board of Directors or as a Line Officer within this Lodge and attains the rank of Captain or above shall immediately resign from their position in the Lodge effective 60 days after their promotion.



Fraternal Order of Police

Baltimore County Lodge #4
9304 Harford Road
Baltimore, Maryland 21234



RETURN SERVICE REQUESTED

Change of Address Form

Name: _____
Address: _____
City: _____ State: _____
Assignment: _____ Zip Code: _____
Home Phone: (____) _____

The November

FOP Lodge 4 General Business Meeting

will be held at **4:00 PM** on
Monday, November 27, 2023
at:

Lodge #4
9304 Harford Rd

The December

FOP Lodge 4 General Business Meeting

will be held at **4:00 PM** on
Monday, December 18, 2023
at:

Lodge #4
9304 Harford Rd