

GREENSBORO POLICE OFFICERS ASSOCIATION



MEMBERSHIP HANDBOOK Revised 2020

Welcome to the Greensboro Police Officers Association. Please take a few moments to look through your membership handbook and familiarize yourself with the enclosed information. This handbook contains important information concerning the benefits and services provided by the Greensboro Police Officers Association.

Should you have any questions regarding the information in this handbook, please contact us as soon as possible. Please contact us should your address, phone number or email address change. If you have any questions concerning your membership or any benefits/ services provided, please contact us as well. We can be reached at (336) 274-9595 or email any member of the Executive Board directly or at greensboropoa@gmail.com.

The GPOA holds its membership meetings on the first Thursday of every month at 1730 hrs. All members and prospective members are invited to attend. The monthly meeting is held at the GPOA office:

524 Air Harbor Dr
Greensboro, NC 27455

Our office is located in the Greensboro Police Club located on Air Harbor Rd.

Please make note of our current Executive Officers/ Board of Directors. They are available for advice and counseling on any matter.

Executive Officers

Cody St. Pierre - President
Nick Walton - Vice President/ Legislative Director
Lindsay Albert- Secretary/ Treasurer
Chris Schultheis - Information Director

Board of Directors

Dan Hayden
Dave Gregory
Eddy Summers

Why the GPOA?

Many times I hear, "I'm a member of this police organization or that police organization. Why should I join the GPOA?"

Here's why!

In 1987, a group of officers believed street officers were not getting a fair shake from the Department's Administration and City officials and felt they would do better if they banded together, forming the Greensboro Police Officers Association. They examined all of the police organizations to determine what organization could offer the greatest help to them. They looked at the Police Benevolent Association, the Fraternal Order of Police, the International Brotherhood of Police Officers, and lastly the International Union of Police Associations.

After much thought and debate, it was determined that by joining the International Union of Police Associations and utilizing the AFL-CIO's strength in numbers, the group could be the most effective. So, IUPA it was. This affiliation helped us build the foundation of our organization and guided us through the early years.

Since our beginning, we have grown to over 600 active members, all Greensboro Police Officers or non-sworn employees. As our organization has grown, we have been able to become self-sufficient. In an effort to keep our monthly membership dues low, and provide benefits to specific to our officers, we are no longer associated with a national affiliate. Our members support their organization and in return, their organization supports them.

The GPOA has, and always will, support and represent the working men and women in Greensboro. Our time and resources are spent directly to support the betterment of OUR officers. The GPOA pushes for better pay, better benefits, better working conditions and fair treatment for

all of our members, while providing 24 hour legal assistance in the event any of our members is involved in a critical incident.

The GPOA has represented more individual employees before the Chief of Police and City Administration than any other police organization in North Carolina. The times that we have been unable to reach a satisfactory agreement with the City, the GPOA has filed lawsuits on behalf of our membership to address issues of pay, discrimination, equitable treatment, etc.

We are the largest police union in North Carolina, and we continue to grow. There is strength in numbers. By joining the Greensboro Police Officers Association you are helping us while we are helping you. You know the GPOA leaders personally and can call on them at any time. It's not that way with other organizations.

Whatever organization you choose to join, choose one that will be there when you need them. One, that offers legal assistance when you need it. One, that looks out for you as an individual and meets your needs the most. That's why back in 1987, Greensboro Police Officers decided to form an organization for Greensboro Police Officers.

GPOA Member Benefits

New Members

As a new member, you will receive a packet containing information on new benefits for GPOA members, a membership card with important contact information, a Greensboro Police Officers Association T-shirt and a tactical knife. In the event that you do not receive your membership packet, please contact the Information Director.

Social Events

Each year, the Greensboro Police Officers Association hosts several social events. These events are free for members and a guest and consist of food, drink, and festivities. Examples of our typical events are the annual St. Patrick's Day Party, Food Truck Event, and Oktoberfest.

Member Retirement Gift

The Greensboro Police Officers Association established the Member Retirement Gift fund in December 1997. The fund was established to provide members with a one-time monetary gift payable upon retirement from the Greensboro Police Department.

All members collecting the gift must be a member in good standing at the time of retirement. You must be a member of the GPOA for at least 10 years prior to retirement to be eligible for the Member Retirement Gift. Any break in membership status during the ten years prior to retirement will result in you becoming ineligible for the gift. The monetary gift is calculated based on the length of your membership, at a rate of \$3 per month of membership. The maximum gift amount is one thousand eighty dollars (\$1080). This amount is equal to \$3 per month for 30 years of membership ($\$3 \times 12\text{mos} \times 30\text{yrs}$). Current members, who joined GPOA prior to November 1997 and remain a member in good standing until their retirement, are grandfathered in and will be considered to have completed 30 years of membership. You must notify the GPOA Secretary/ Treasurer of your impending retirement, at least three months prior to your retirement date, to receive this benefit.

If your break in membership was due to promotion to the rank of captain, you would still be eligible for the retirement gift, provided that you were a member in good standing for the 10 years prior. The gift would be calculated based on your actual months of membership.

Retirement Planning

If you are planning to retire and have been a member in good standing for at least the 10 years immediately preceding your retirement date, the GPOA will pay up to \$300.00 for retirement preparation with MHA. Any fees in addition to the covered \$300.00 will be the responsibility of the member. You must inform MHA of your GPOA membership at the time you schedule your appointment. MHA will verify your eligibility for billing purposes.

(MHA) can assist you with all of the following:

Retirement Eligibility/ Estimate, Calculating Terminal Payouts, Calculating Rollover of Terminal Pay to 401/403/457 Accounts, Explanation of Estimated Date of Retirement and Monthly Pay, Explanation of Benefits, and Completion of Final Paperwork.

Michele Hebbard & Associates, Inc.
1205 W. Bessemer Ave., Suite 110
(336) 663-7120

Gun Range Benefit

As a member, the GPOA will provide you with a free box of ammunition at the Department's Open Range date(s) to be used while at the range. See the GPOA representative that will be present at the Open Range session to claim your box of ammunition.

Confidential Professional Counseling

In an effort to provide increased benefits, professional counseling is now available to all GPOA members and their families. This service is provided by Triad Counseling and Clinical Services, LLC. Triad Counseling and Clinical Services, LLC employs therapists who have varied areas of expertise and are available to GPOA members as the need arises. The GPOA will cover a maximum of five (5) counseling sessions.

For more information about these counseling services, you may contact any GPOA Executive Officer. These services are **confidential** and billing is handled through a prearranged system, which will be explained to you on request. Please contact an Executive Officer to activate this benefit.

Triad Counseling and Clinical Services, LLC
5603-B New Garden Village Dr
Greensboro, NC 27410
(336) 272-8090

Tax Preparation and Consulting

Members of the GPOA can utilize the discounted services of tax preparation through Decimals Tax and Accounting. By using this service, members will also receive counseling concerning allowable tax deductions for work-related expenses, some, you may have not considered before. When scheduling an appointment, identify yourself as a GPOA member to receive a 10% discount on your tax preparation services.

Decimals Tax and Accounting
355 S. Swing Rd
Greensboro, NC 27409
(336) 285-7820

Investment and Retirement Planning

Members can obtain FREE financial investment and retirement planning through Scott and Stringfellow, Inc. You are never charged for a plan and you can have your plan updated as often as you wish. Please contact:

BB&T Scott & Stringfellow Inc.
3318 W. Friendly Ave, Suite 330
Greensboro, NC 27410
(336) 378-1824

Liberty Mutual Group Savings Plus

Members can get discounted insurance coverage through Liberty Mutual Group Savings Plus program. Group Savings Plus provides you with comprehensive coverage on auto, home and other personal insurance policies. In addition, the program offers:

- Convenient payment through checking account deductions or direct home billing
- No finance charges or service fees
- No down payments or account deductions
- Low rates
- 24-hour emergency roadside assistance for policyholders
- 24-hour claims services
- Personalized Service and professional counseling

If you would like to enroll in Liberty Mutual Group Savings Plus, please contact

Stuart L. Johnson
Liberty Mutual Insurance
101 Centreport Dr, Suite 100
Greensboro, NC 27409
(336) 668-2389

Mortgage, Refinance and Realtor Benefits

Chris Young, a Certified Mortgage Planner, with Benchmark Mortgage offers assistance and advice with purchasing or refinancing a home. Benchmark Mortgage is a referral-only based company that helps clients make informed choices with their mortgage planning options, debt strategy and overall financial planning based on individual needs. They are a lending specialist with the Homes for Heroes program, which helps public servants and military save money when buying, selling or refinancing a home. Contact Chris Young and let him know that you are a GPOA member.

Chris Young
(336) 282-4996
341 S. Swing Rd, Greensboro, NC 27409
cyoung@benchmark.us

For your realtor needs contact April McCollum, who works with Benchmark Mortgage and also provides additional money saving discounts and benefits for members

April McCollum
(336) 214-4372
multipletimeframetrader@gmail.com

Legal Benefits

Policy Governing Representation of Members

The Greensboro Police Officers Association (GPOA), in order to effectively and consistently represent its members in job-related disputes involving the City of Greensboro, adopts the following policy for the provision of legal and representational services.

1. Objectives of Policy

1.1 The objectives of the GPOA's *Policy Governing Representation of Members* include the following:

- a. To provide fair representation for all members in any grievance procedures available under the rules and regulations governing the Greensboro Police Department and/or the City of Greensboro;
- b. To ensure that legal counsel is available on a 24-hour basis to consult with and advise members of the GPOA who have been involved in an officer-involved use of deadly force or situation of grave importance;
- c. To assist members involved in disputes which directly involve their official position, compensation or benefits, terms and conditions of employment, or the performance of official duties for the City of Greensboro.

1.2 This policy is solely to provide guidance to the GPOA's Board of Directors. Any decision regarding legal services and representation ultimately is within the discretion of the Board of Directors. This policy does not create a contract or a property right benefiting an individual.

2.0 Grievance Representation

2.1 The GPOA will represent its members in grievances and other proceedings available under the rules and regulations of the Greensboro Police Department and the City of Greensboro, unless it appears as a result of the GPOA's review, that the grievance is not meritorious or that it is inconsistent with the representation of the GPOA's membership.

2.2 The GPOA will provide representation in such proceedings to any member provided that:

- a. The grievant has a high probability of prevailing; or
- b. The matter is objectively of great importance to the grievant with a reasonable chance of prevailing; or
- c. The matter is of great concern to a significant number of GPOA members.

2.3 GPOA Executive Officers, Members of the Board of Directors, legal counsel or other representative employed by the GPOA, will provide representation. The choice to use a representative, legal counsel, Executive Officer or Member of the Board of Directors of the GPOA is solely within the discretion of the Board of Directors for the GPOA. A

dollar amount cap has been established for cases in District Court, as well as cases bound over to Superior Court.

2.4 The GPOA will not provide and pay for an attorney to aid any member Greensboro Police Department and City of Greensboro internal grievance appeals below the level of review by the Chief of Police and the review by the City Manager.

3.0 Other Civil and Criminal Actions

3.1 Generally, the Board of Directors for the GPOA will not authorize any assistance for the filing or prosecution of civil actions by a member due to the cost of such litigation. However, the GPOA's Board of Directors may authorize assistance to members filing and prosecuting civil actions in disputes, which directly involve their official positions, compensation or benefits, terms and conditions of employment, or the performance of official duties for the City of Greensboro.

3.2 In determining whether to assist a member pursuant to this paragraph, and the extent to which such member should be assisted, the Board of Directors of the GPOA may consider all relevant factors, including the following:

- a. The nature of the act which led to the need of legal services;
- b. The probability that the member will prevail;
- c. The interest of the membership with respect to the matter being litigated;
- d. The potential cost of the legal services;
- e. The alternative sources of legal services available to the members;
- f. The fairness, under the circumstances of the case, of the member having to bear all or part of the cost of legal services; and
- g. The impact of the decision on the interest of the membership.

3.3 The GPOA will employ legal counsel to be available for telephone consultations 24 hours per day with any member of the GPOA who has been involved in an officer-involved use of deadly force or situation of grave importance. The GPOA will provide the name or names and telephone numbers of the legal counsel who can be contacted by members in such situations.

Emergency Attorney Contact Procedures

Please use the following procedures to contact an attorney regarding an officer-involved use of deadly force, a situation of grave importance or other serious job- related incident.

Important Phone Numbers

**Cody St. Pierre – President
336-899-9638**

**Nick Walton – Vice President
336-267-8166**

**Lindsay Albert – Secretary/Treasurer
336-420-1068**

**Chris Schultheis – Information Director
336-337-9568**

The GPOA has entered into an agreement with Rossabi Law Partners to provide advice and consultation with GPOA members who have been **involved in an officer-involved use of deadly force, a situation of grave importance or other serious job- related incident.**

Amiel J. Rossabi
Rossabi Law Partners
706 Green Valley Rd
Suite 410
Greensboro, NC 27408
Direct dial: (336) 895-4350

If the need arises to contact the attorney, you MUST contact a member of the Executive Board to advise them of the situation. The Executive Board will make the appropriate contact with the attorney office.

If you wish to speak with the attorney regarding **any other** non-emergent situation, you **MUST** first contact a member of the Executive Board to obtain permission to consult with the attorney. Failing to follow this procedure will result in you being billed for the attorney consultation.

Implementing Garrity:

The Need for a New Insistence on the Rights of Cops Accused of Wrongdoing

By Michael T. Leibig, IUPA General Counsel

One of the most frustrating problems facing organizations and individuals in the defense of law enforcement officers against charges of wrongdoing is the fact that basic rights once established are rarely adhered to by police management. Custom and practice, combined with what is nearly a presumption of guilt within many police departments that “where there is smoke there is fire,” make many in law enforcement accept the idea that most cops charged with misconduct are likely guilty of something. All of the most basic protections of due process involved in protecting citizens accused of misconduct from overreaching government imposed punishment are regularly violated by police departments charging, investigating and punishing. The IUPA recognizes the importance of police organizations and those charged with defending accused law enforcement, acting to make the basic principles set forth in *Cleveland Board of Ed. v. Loudermill*, a reality. *Loudermill* requires that prior to the imposition of any discipline which could reduce a non-probationary law enforcement officer’s pay or benefits or due injury to any law enforcement officers reputation or future employability, the officer must be informed of the charges against him; be given access to the evidence supporting the charges; have a right to defend himself; and have a right to a full post- discipline process hearing. These rights are often ignored, but must be more rigorously enforced.

Like the situation with regard to full due process protection of officers charged with misconduct, the Supreme Court’s constitutional rules applicable to the investigation and interrogation of officers charged with misconduct have been more often breached than followed. *Garrity v. New Jersey*, 385 U.S. 493 (1967) and *Gardner v. Brodick* 392 U.S. 273 (1968) established four principles:

- 1) If a law enforcement officer is not provided with immunity, any statement given under the threat of adverse personnel action is unconstitutionally coerced (*Garrity* holding);
- 2) If a law enforcement officer is not provided with immunity, the taking or threatening to take any adverse personnel action in response to the assertion of the privilege against self incrimination has an unconstitutional chilling effect upon the privilege (*Gardner* holding);
- 3) If a law enforcement officer is granted immunity, but nonetheless refused to answer questions specifically, directly and narrowly related to official duties, the officer may be dismissed (*Gardner dicta*); and
- 4) If a law enforcement officer is granted immunity and answers questions specifically, directly and narrowly related to official duties the officer may be dismissed if the answers provide cause for dismissal (implicit in *Garrity*).

The promises of Garrity and Gardner were never fully realized for law enforcement officers. Although the blatant contravention of Garrity and Gardner was remedied, subtle violations were not. In situations in which courts were confronted with constitutional, statutory, or regulatory provisions similar to those in Gardner or Garrity, the provisions were struck down quickly. However, once across-the-board violations were remedied, unconstitutional actions continued that were more difficult to detect and prove. System-wide, explicit schemes sanctioning punitive personnel action for the assertion of the privilege against compelled self-incrimination were replaced by incident-by-incident threats, either expressed or implied, and grants of immunity were rare. Law enforcement officers still face the constitutionally impermissible dilemma of attempting to preserve a career by relinquishing the privilege, as in Garrity, or preserving it at the cost of a career, as in Gardner. Courts confronted with these situations frequently reflected the layman's attitude toward those who "hide behind" the Fifth Amendment. Some courts have ruled against law enforcement officers without invoking or misapplying Garrity and Gardner, resting on grounds such as inapplicability of the Fifth Amendment because the officer did not fear a criminal prosecution, because the officer failed to assert the Fifth Amendment privilege, or a Gardner chill. Many more courts either misunderstand or perhaps even evade, the immunity requirement, or both.

Routine internal affairs procedures which involve the use of a simple form "waiving" all constitutional rights through a commitment not to prosecute; the use of mandatory polygraphs followed by discipline based on truthfulness or non-cooperation completely disconnected from the originally charged misconduct; discharges and major suspensions based on nothing more than statements given by officers under threat of termination; no corroboration, no additional or independent evidence; and refusal of requests for counsel or non-attorney representation, the presence of a witness during interrogation, extended interrogation... all of these are common.

A tactic must be followed if the principles of Garrity and Gardner are to become reality. Organizations and individuals who represent officers charged with misconduct must press aggressively for full implementation of all of the Garrity and Gardner rules as well as, a full implementation of all of the due process implications of Loudermill.

Interviews arising out of Officer- involved shootings, in-custody deaths and vehicle pursuits ending in serious injury or death

By Eddy Summers, Greensboro Police Officers Association

Following a serious incident, either an Officer- involved shooting, in-custody death or vehicle pursuit ending in serious injury or death, there will be two types of investigations and interviews. The first type will be a criminal investigation and the second type will be an internal investigation.

Officers being interviewed during the course of a criminal investigation may choose to and refuse to make a statement invoking your rights afforded under the Fifth and Fourteenth Amendments of the U.S. Constitution.

I cannot stress it enough. In criminal investigations, you have the right to remain silent and not answer questions, either as a witness or suspect. The GPOA Legal Counsel recommends you not make a statement, either as a witness or suspect, until after you talk with counsel. Not that there have been problems. It's just a matter of self-protection and establishing your Constitutional Rights.

In crime scene investigations you are told to secure a larger area than needed. It is easier to give up areas not needed, than to have to later expand your crime scene. Same for making a statement.

You can always make a statement at a later, more comfortable time when you have had time to reflect on the incident. It's easier than having to explain a statement you made while filled with the many emotions that occur following such incidents.

The recommendation is to keep your mouth shut to all questions, until after you have talked to legal counsel. No exceptions. Tell the criminal investigator "I wish to talk to my attorney before making a statement." It's that simple. No more questions. The investigator will understand.

In a recent officer-involved shooting, 8 of the 9 response team/ cover team members told criminal investigators on the night of the incident, "I want to make a statement at a later time, after I talk to my attorney." No hard feelings, just doing business. Within a week, all of those officers had made a statement to the investigator.

They weren't ducking an interview. They were simply giving a statement when they were more comfortable and have had time to reflect on the events that have occurred.

Witness officers, as well as suspect officers have a right to refuse to make a statement during a criminal investigation. If a brother or sister officer is in this type of incident, get on the phone with GPOA Legal Counsel or a member of the Executive Board for them as quickly as possible. They would for you.

For administrative/ internal investigations, if you know you are going to be interviewed ahead of time, call GPOA's Executive Board and get approval to speak with legal counsel. If not, always be cooperative and truthful. Then call the GPOA Executive Board when the interview is complete.

To determine which type of interview it is, simply ask the person interviewing you which type of investigation they are conducting.

Mr. Michael Leibig recommends that should an officer be required to give a statement during an internal/administrative investigation, she or he should always;

- 1) Ask the interviewer what kind of investigation is being conducted. If criminal, invoke your right to counsel. Decline to give a statement. Do not succumb to pressure to give a statement even if the Chief of Police or other Command Staff request you to do so. If it is an internal interview, then
- 2) Ask the interviewer if they are ordering the officer to make a statement and what are the consequences should they refuse to make the statement.
- 3) Request the identity of the complainant. Request to see all documents relative to the charges. Read these documents for content regarding facts, truthfulness and accuracy. Take notes to address any discrepancies noted.
- 4) Ask whether you are the subject of the investigation or a witness and inquire as to the specific nature of the charges.
- 5) Answer all questions honestly. Be brief in your answers. Do not guess, if unsure of an answer, you may state, "I may need to check my records." "I am not sure." "I do not recall." Always be honest in your response, but do not volunteer information. In internal or administrative interviews and criminal matters, you should refuse to submit to a polygraph without consulting with your attorney.
- 6) If ordered to give a statement without your counsel present, state or write this at the beginning of your statement.

Garrity Constitutional Protection Statement

On (date & time) at (place) I was ordered to submit this statement by (name & rank). I give this statement at his/ her order as a condition of employment. I have no alternative but to abide by this order or face job forfeiture or discipline

It is my belief and understanding that the department requires this statement solely and exclusively for internal purposes and will not release it to any other agency. It is my further belief that this statement will not and cannot be used against me in any subsequent proceedings. I authorize the release of this report to my attorney or designated union representative.

I retain the right to amend or change this statement upon reflection to correct any unintended mistake without subjecting myself to a charge of untruthfulness.

For any and all other purposes, I hereby reserve my Constitutional right to remain silent under the Fifth and Fourteenth Amendment to the United States Constitution and any other rights prescribed by law. I rely specifically upon the protection afforded me under the doctrines set forth in Garrity and Spevack should this statement be used for any other purpose of whatsoever kind or description.

* Some excerpts of this article were taken from previous articles by Mr. Michael Leibig, General Counsel for IUPA