



# Roll Call

Bi-Monthly Newsletter of the Police Officers' Federation of Minneapolis  
Volume VII \* Issue III \* June 2007

## Mission Statement

*To promote the positive role of the police profession.  
To protect and secure members' rights and benefits through effective representation and professional relationships with the community and local, state and national governments.*

## Inside This Issue:

*Message from the "Prez" .....2*  
*Golf Tournament ....3*  
*Holm Benefit .....4*  
*Garrity Update.....5*  
*Charity Pistol .....5*

## Blessed Are The Peacemakers

Every year 140 to 160 law enforcement officers die in the line of duty in this country. On average, that's one police officer killed somewhere in America every 57 hours.

A plaque on the wall of Room 130 of Minneapolis City Hall bears the names of Minneapolis Police Department members who have died in the line of duty since 1884. That plaque was dedicated by the Police Officers Federation of Minneapolis in 1938.

Since the first member of the Minneapolis Police Department was killed in the line of duty, 43 other men and one woman have had their names included on that plaque.

The officers listed on the memorial plaque put on their uniforms, strapped on handguns, and went out on the streets of Minneapolis to protect and serve its citizens. The tragic events of the day meant they would never come home. We should never forget their sacrifices. If any lessons can be learned from their deaths that could help another officer come home safely after a shift, then those losses will never be in vain.

*(Excerpted from Killed in the Line of Duty, written by retired Sgt. Tony Mirand and, former board member, Police Officers Federation).*

## Minneapolis Officers Killed in the Line of Duty

### APPOINTED

### DIED

May 5, 1884	<a href="#"><u>Robert Laughlin</u></a>	July 28, 1884
Jan 7, 1901	<a href="#"><u>Joseph Olinger</u></a>	July 11, 1911
Jan 7, 1901	<a href="#"><u>George B. Anderson</u></a>	Nov 28, 1913
Jan 3, 1910	<a href="#"><u>Otto G. Ostby</u></a>	May 19, 1915
Apr 4, 1904	<a href="#"><u>Nels C. Anderson</u></a>	May 31, 1916
Oct 1, 1909	<a href="#"><u>George Connery</u></a>	Aug 24, 1917
July 1, 1910	<a href="#"><u>James Weare</u></a>	Feb 7, 1919
Aug 29, 1912	<a href="#"><u>George A. Woessner</u></a>	June 24, 1919
May 5, 1893	<a href="#"><u>John Young</u></a>	July 13, 1919
Sept 1, 1909	<a href="#"><u>Frank Hallett</u></a>	Aug 25, 1920
Jan 1, 1923	<a href="#"><u>Emil Engstrom</u></a>	Aug 14, 1923
July 10, 1899	<a href="#"><u>Michael Lawrence</u></a>	Dec. 30, 1925
Jan 1, 1904	<a href="#"><u>Albert Anderson</u></a>	Feb 2, 1928
Oct 1, 1923	<a href="#"><u>Clayton J. Seawell</u></a>	May 4, 1929
Dec 28, 1920	<a href="#"><u>Harry E. Parker</u></a>	Dec 24, 1930
May 1, 1905	<a href="#"><u>Harry McGraw</u></a>	Feb 1, 1931
Dec 4, 1925	<a href="#"><u>Clayton Olson</u></a>	Aug 9, 1931
Dec 1, 1929	<a href="#"><u>Harold Hagen</u></a>	Aug 3, 1932
Jan 1, 1924	<a href="#"><u>Ira L. Evans</u></a>	Dec 16, 1932
Jan 24, 1921	<a href="#"><u>Leo R. Gorski</u></a>	Dec 18, 1932
May 10, 1926	<a href="#"><u>John W. Thomas</u></a>	Aug 5, 1933
-----	<a href="#"><u>Peter Erath</u></a>	May 26, 1934
Jan 15, 1909	<a href="#"><u>Benjamin J. Lehmann</u></a>	May 3, 1936
June 16, 1914	<a href="#"><u>Georgiana L. Sharrot</u></a>	June 14, 1937
Feb 15, 1923	<a href="#"><u>James H. Trepanier</u></a>	Sept 20, 1938
July 5, 1927	<a href="#"><u>John B. Gearty</u></a>	July 10, 1939
Dec 1, 1929	<a href="#"><u>Adolph G. Karpinski</u></a>	May 21, 1941
Oct 1, 1940	<a href="#"><u>Harold O. Olson</u></a>	Aug 9, 1941
Feb 15, 1923	<a href="#"><u>John W. O'Neil</u></a>	June 7, 1944
Feb 18, 1943	<a href="#"><u>Marvin A. Wicklund</u></a>	June 6, 1945
Feb 1, 1948	<a href="#"><u>Donald T. McHale</u></a>	Mar 25, 1951
Oct 14, 1942	<a href="#"><u>Donald L. Risberg</u></a>	Nov 28, 1956
May 16, 1951	<a href="#"><u>Robert H. Fossum</u></a>	Aug 17, 1957
May 8, 1940	<a href="#"><u>Leo M. Bessner</u></a>	Aug 17, 1957
Jan 1, 1948	<a href="#"><u>William F. Herkal</u></a>	May 11, 1959
Jan 8, 1960	<a href="#"><u>James E. Hendricks</u></a>	Dec. 15, 1963
Apr 23, 1962	<a href="#"><u>Richard L. Bergquist</u></a>	Apr 7, 1969
June 8, 1943	<a href="#"><u>Joseph Pudlick</u></a>	Feb 4, 1972
June 14, 1956	<a href="#"><u>Inno H. Suck</u></a>	Sept 30, 1972
Dec 28, 1973	<a href="#"><u>George A. Partridge, Jr.</u></a>	May 26, 1976
Apr 1, 1963	<a href="#"><u>Richard P. Miller</u></a>	Aug 25, 1981
Jan 8, 1968	<a href="#"><u>David W. Mack</u></a>	Nov 2, 1986
Apr 23, 1962	<a href="#"><u>Jerome (Jerry) Haaf</u></a>	Sept 25, 1992
Mar 25, 1996	<a href="#"><u>Melissa J. Schmidt</u></a>	Aug 1, 2002



## MESSAGE FROM THE “PREZ”

### *The Difference Between a Leader & a Cheerleader*

Looking back over the saga of the Twins’ new stadium and the events of the past few years, I’m reminded of two quotes on what makes a leader. T. Boone Pickens, a Texas buccaneer capitalist, said a leader must “**be willing to make decisions...Don’t fall victim to what I call the ‘ready–aim–aim–aim syndrome.’**”

And quarterback Joe Namath, who certainly knows something about leading, said, “**To be a leader, you have to make people want to follow you, and nobody wants to follow someone who doesn’t know where he is going.**”

Based on Namath and Picken’s criteria, you would have to say that, regardless of whether or not you agree the new stadium is a good idea, **Hennepin County Commissioner Mike Opat** proved himself a genuine leader.

Just look at the obstacles that stood in the way of building the stadium. You have to find a way to finance it; you have to get a majority of the commissioners to vote for it; you have to persuade the Minnesota House, Senate and Governor Pawlenty to approve it; and you have to get the landowners to sell the property to build it.

Failure to complete any one of those factors was enough to torpedo the project.

Yet Opat managed to do it all, in spite of a variety of unexpected roadblocks that threatened to derail the stadium.

In the face of threats from political opponents to turn him and his supporters out of office, Opat worked to devise a sales tax increase to pay for the county’s portion of the building cost and spearheaded the 4 to 3 vote that approved the increase only days before his own primary election.

After winning the vote and subsequent election Opat moved to the next roadblock. Step two: convince the state to pass enabling legislation. While Minneapolis ‘leaders’ were unable to convince their own legislative delegation to support the bill, Opat engineered a coalition that pushed the bill through and had the governor sign it at a Twins’ game.

But instead of being able to celebrate a well-earned victory, Opat and his team were blindsided by property owners who suddenly changed their mind about selling the land for the stadium.

Facing a potential delay of years while the dispute working its way through the courts, once again, Opat stepped into the breach and worked out a legal settlement to the change of heart on the part of the landowners that allowed work to proceed.

At any point in the process Opat could have thrown up his hands and quit or — as is more common in Minneapolis city politics — tried to blame someone else. Instead he continued to work toward his goal and in the end was successful.

**What a concept!** Identify your priority and work toward achieving that goal in a determined and forceful manner. I wonder what would happen if city leadership adopted that model and demonstrated real leadership on public safety?

## Holm Family Benefit Raffle

### FIRST PRIZE

**2007 Polaris 450 ATV**  
*from Lacanne’s Marine*

### SECOND PRIZE

**\$1500 Travel Voucher**  
*from Kaju Travel*

### THIRD PRIZE

**\$500 Gift Certificate**  
*from Best Buy*

**Tickets \$10.00 a piece with only 4000 tickets being sold.**

**Drawing June 25<sup>th</sup>, 2007 at the 1029 Bar**

## What is a Critical Incident?

Recent officer involved shootings have lead to officers asking why it is considered a critical incident if the suspect is not shot. The POFM contract Sec. (16.6) defines a critical incident as: ***An incident involving any of the following situations occurring in the line of duty:(a)the use of Deadly Force, as defined by Minn. Stat. §609.066, by or against a Minneapolis Police Officer; or (b)a situation in which a person who is in the custody or control of an officer dies or sustains substantial bodily harm.***

***Minn. Stat. §609.066 defines deadly force as: force which the actor uses with the purpose of causing, or which the actor should reasonably know creates a substantial risk of causing, death or great bodily harm.***

**If you are involved in a critical incident, contact a federation representative immediately.**

# Police Officers Federation of Minneapolis Annual Golf Tournament

Friday, June 29, 2007

*Columbia Golf Course, 3000 Central Ave NE, Minneapolis, MN*

## COST:

**\$95.00 per person**  
(\$380.00/Foursome) includes:

- Lunch
- Range balls
- Golfing,
- Golf cart
- Beverages on course
- Dinner after golf
- Gift for each golfer, and
- Door prizes!



## FORMAT:

Four person scramble, two carts per foursome. prizes awarded for first and second place on the course.

**Prizes** awarded for the *Men's and Women's Long Drive, Closest to the Pin, and Longest Putts.*

***Lunch and Registration***  
***11:30 a.m. to 1:00 p.m.***

***Shot-Gun Start at 1:00 p.m.***

**Registration forms** are available at the  
Federation Office  
1811 University Ave. NE.  
Minneapolis, MN 55418

There are a limited number of spots and registration will be on a first come, first serve basis. Full payment must accompany registration.

**Registration forms must be turned in by  
Thursday, June 21, 2007.**

***Please note the course change***

If you have any questions please contact the Federation office at (612)788-8444 or email me at [director3@mpdfederation.com](mailto:director3@mpdfederation.com) .

**Sherral Miller-Schmidt**  
*Tournament Chair*

Name	Address or Work	Phone/Pager	E-Mail
1.			
2.			
3.			
4.			



# BENEFIT



On 12-31-06, Minneapolis Police Officer David Holm and his wife Melinda were involved in a very tragic traffic accident. Melinda was killed in the accident and Officer Holm was severely burned while trying to save her.

David is in the Hennepin County Burn Unit and is looking at years of rehabilitation. David's mother and father are currently caring for Mel and Dave's two children, Lindee (8), and Dusty (10). Mel's other son, Taylor (16) is living with his father.



Friends and family are holding this event to raise money to help David during his recovery. It is uncertain at this time if he will be able to return to police work.

*We need your help!*

- Please attend the benefit, it will be a great time.
- If you would like to make a cash donation, please visit [www.daveholmfamily.com](http://www.daveholmfamily.com).
- If you or your business would like to donate items for the silent auction, please visit the website.

*See you at the Dome on June 5th.*

## TUESDAY JUNE 5, 2007 5:00-10:00 PM AT THE METRODOME

Special Guest Emcee  
Tom Barnard of KQRS radio

KQ Morning Crew

Music by GB Leighton

*Run the bases  
with police*

*Kids' Play Area -  
hosted by Action Inflatables*

*Food and Beverages*

*Silent Auction*

*Raffle - visit  
website for  
raffle details*

\$10<sup>00</sup> Tickets  
may be purchased  
at the Police Federation  
180 University Avenue,  
NE Minneapolis  
during business hours,  
and at the door

- MPD K9
- MPD Horse Patrol
- MPD SWAT
- MPD Crime Lab
- MPD Traffic and Motor Unit
- Minneapolis Park Police Motors
- MPD Honor Guard
- MPD Bomb Squad
- PAL (Police Activity League)
- Minnesota Police Pipe Band

**SPONSORED BY**



[www.daveholmfamily.com](http://www.daveholmfamily.com)

# GARRITY UPDATE

By Chris Wachtler

Officers are familiar with the 1967 case *Garrity v. New Jersey* that gave us the *Garrity* warning, which an agency must give an officer being investigated for misconduct, before taking his statement.

A California court recently decided what some believe is the most important *Garrity* case in 40 years. If other states follow the decision, the way disciplinary investigations of police officers are conducted will undergo fundamental change.

A *Garrity* warning advises an officer that: 1) If she refuses to answer questions, or gives false or intentionally incomplete answers, she will be subject to disciplinary action up to and including dismissal for insubordination; but that 2) Neither her statement nor any information or evidence gained from it may be used against her in a criminal proceeding.

The bedrock principal underlying the *Garrity* decision is that an officer cannot be forced to choose between losing her job and incriminating herself. A *Garrity* statement

is inadmissible, and any witness who has been exposed to it is “tainted” and disqualified from testifying. A prosecutor who has been exposed to such a statement or material may be removed from the case. Charges may be dismissed.

Courts have required the government to prove, sometimes at a hearing, that evidence is derived from a legitimate source wholly independent from the compelled statement, and that witnesses and prosecutors are free from the taint of *Garrity* material.

California has now gone a step further. In *Spielbauer v. County of Santa Clara*, the County investigated a public defender for allegedly lying to a judge. Spielbauer refused to answer questions. The investigator read him a *Garrity* warning. Spielbauer requested a formal grant of immunity from the court before he would give a statement. The County fired him for insubordination.

Spielbauer fought his termination. The Court rejected the County’s argument that *Garrity* immunity was “automatic” the moment the County compelled him to answer questions, and required

the employer to obtain Spielbauer’s requested formal grant of immunity (which could only be granted by a prosecutor in a “judicially supervised process” such as an application for a protective order) before forcing an employee to participate in a disciplinary interview.

This case sets no precedent in Minnesota, but may be persuasive the next time a member is put in this position, should a union choose to force the issue. If a Minnesota court were to adopt the reasoning in *Spielbauer*, it would provide members with even more protection from *Garrity* statements later “leaking” into criminal cases, as they certainly have been known to do.



*We want to hear from you!*

*Please email*

*rollcall@mpdfederation.com*

*or contact us if there are*

*any articles that you would like*

*to submit or if you have any comments or*

*ideas for the Roll Call*

*@ 612-788-8444.*

## COMMEMORATIVE PISTOL

The Minneapolis Police Federation Charities, Inc. has authorized a commemorative pistol as a fundraiser. The commemorative pistol is a Beretta Model 92F and there will be a limited edition of 50 made. The proof is available for viewing upon request. Contact Lyall Delaney at the Federation with questions or for ordering (612) 788-8444. More pictures at [www.mpdfederation.com](http://www.mpdfederation.com).



Police Officers Federation  
of Minneapolis  
1811 University Ave NE  
Minneapolis MN 55418



## FEATURED ITEMS

Minneapolis Police  
Baseball Cap \$14.00



Minneapolis Police  
Tactical Bag \$40.00



Don't have time to stop by the office to purchase items visit our website at [www.mpdfederation.com](http://www.mpdfederation.com) to purchase merchandise and we will ship it to you.

Don't forget Father's Day is June 17th!

### Police Federation Directory

- John Delmonico, President** .....(612) 788-0646  
president@mpdfederation.com
- Bob Kroll, Vice Pres.**.....(763) 231-5187  
bkroll@mpdfederation.com
- Bruce Jensen, Secretary**.....(763) 231-1760  
secretary@mpdfederation.com
- Lyall Delaney, Treasurer** .....(612) 788-0668  
treasurer@mpdfederation.com
- Ron Stenerson, Director**.....(763) 231-2047  
director1@mpdfederation.com
- Jeff Jindra, Director**.....(763)231-2200  
director2@mpdfederation.com
- Sherral Schmidt, Director**.....(612) 788-0696  
director3@mpdfederation.com
- Wally Krueger, Director**.....(763) 231-1403  
vp@mpdfederation.com
- Dan Ungurian, Director**.....(763) 231-5188  
director5@mpdfederation.com
- Joe McGinness, Director**.....(763) 231-5189  
parkrep@mpdfederation.com
- Emily Ewald, Exec. Asst.** .....(612) 788-8444  
ewald@mpdfederation.com