



# IOWA



## LAW ENFORCEMENT

The Official Member Publication of the Iowa Peace Officers Association (IPOA)



## Award-Winning K-9 Rony Retires from West Des Moines Police Dept.

**Also in this issue of *Iowa Law Enforcement*:**

- 10 State Troopers Killed on Duty Honored with Bridge Dedications
- Getting to Know Your Local Legislators is Easier Than you Think
- Olmstead Act, Affordable Care Act (ACA): What they may mean for law enforcement
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## **What's Inside:**

President's Message: One Board seat is open; Success of Association ..... 6  
10 State Troopers killed on duty honored with bridge dedications ..... 7  
News of the Des Moines Police Officers Burial Association..Laddie Jobe 7  
Getting to know your local legislators: It's easier than you think ..... 8  
Olmstead Act/ Affordable Care Act: What they mean for law enforcement't 11  
Award-winning K-9 Rony Retires from West Des Moines Police Dept. ...12  
Training Matters: If you are ever attacked ..... Officers Erie & Gergen13  
Iowa Law Enforcement Academy 243rd Basic Level I Training School ...14

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P.O. Box 100, Denver IA 50622

Purchase additional copies of *Iowa Law Enforcement* for \$5 each

Iowa Law Enforcement: (ISSN# 0886-8336), published quarterly, is the official member publication of the Iowa Peace Officers Association. Secretary/ Treasurer's Office: P.O. Box 100, Denver, Iowa 50622. Editorial Office: 34334 White Oak Lane, Cumming, Iowa 50061. Office of Publication: 525 N. Front Street, Montezuma, Iowa. Periodicals postage paid in Denver, Iowa, and additional mailing offices. POSTMASTER: Please send address changes to Iowa Law Enforcement, PO Box 100, Denver Iowa 50622.

# One IPOA Board seat is open; Our success depends upon you

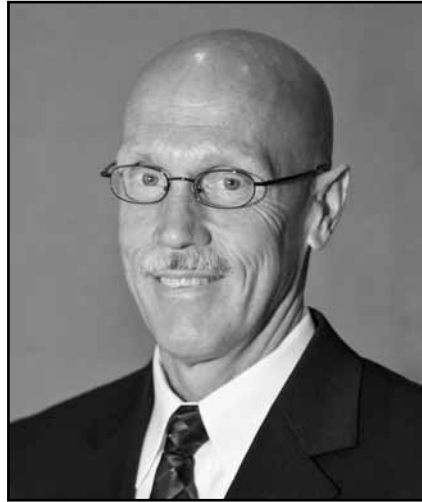
I hope everyone had a safe and enjoyable summer. The State was spared from most weather disasters, outside of some flooding. It's good to catch a slow weather year. Major events can really tax the resources of agencies and put a strain on the budgets.

It won't be long before the Iowa Peace Officers Association Board begins preparing for next year's activities. The Board is putting the plans together for the annual 2014 Spring Training Conference. The location has been set in Des Moines. However, details are being finalized for the facilities and trainers.

When everything is solid we will get the word out. As always, our goal is to provide our members and prospective members with a quality product at an affordable price. I encourage each of you to support the Association and make it a priority to get out and attend the conference.

The Association continues to remain fiscally sound. That's fairly remarkable due to the fact that we have not seen any major increases in donations. Your IPOA board is committed to being fiscally responsible and hold expenses to a minimum without compromising the Association's footprint.

We do have one vacant board seat open, for any member who may be interested in serving. The bylaws that are posted on the IPOA web site spell out the requirements



**Chief David Lorenzen**  
IPOA President

Iowa DOT - Motor Vehicle Enforcement

and expectations of board members. We realize everyone's plates are full, but I encourage you to get involved. The success of the Association is based largely on the committed efforts of the membership.

I leave you with a poem I came across recently from a book I read. Its titled, *The Guy In The Glass*, by Dale Winbrow © 1934. The poem puts life in perspective, which we all need to be reminded of from time to time:

*When you get what you would want in  
your struggle for self,*

*And the world makes you king for a day,  
Then go to the mirror and look at your-  
self,  
And see what that guy has to say.*

*For it isn't your father, or mother, or  
wife,  
Whose judgment upon you must pass.  
The fellow whose verdict counts most in  
your life,  
Is the guy staring back from the glass.*

*He's the fellow to please, never mind  
the rest,  
For he's with you clear up to the end,  
And you've passed your most danger-  
ous, difficult test,  
If the guy in the glass is your friend.*

*You may be like Jack Horner and "chis-  
el" a plum,  
And think you're a wonderful guy,  
But the man in the glass says you're  
only a bum,  
If you can't look him straight in the eye.*

*You can fool the whole world down the  
pathway of years,  
And get pats on the back as you pass,  
But your final reward will be heart-  
aches and tears,  
If you've cheated the guy in the glass.*

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# 10 State Troopers Killed on Duty Honored with Bridge Dedications

The loss of Iowa State Trooper Mark Toney in September 2011 was a reminder of the daily dangers that law enforcement officers face, and the importance of recognizing the sacrifices made by those killed in the line of duty.

In light of these tragic events, current and past members of the Iowa State Patrol began working through lobbyist and former State Trooper John Flannery to reach out to the Iowa Legislature and the Department of Transportation and gain approval to designate a memorial bridge near the site where each Trooper had fallen.

With the support of State Legislators, DOT, and County Board of Supervisors the plan was approved and ten bridges were selected to be named in honor of the Troopers.

This summer and fall, 10 bridges across Iowa will be dedicated in memory of the ten Iowa State Troopers who have died in the line of duty throughout the State Patrol's 75 year history.

The costs of the signs were covered by the Iowa State Troopers Association, Supervisor's Association and the Retirees Association.

Members of the media and public are invited to attend these bridge dedications, starting with the Oran Pape Memorial Bridge on August 9, 2012.

The following are the dates and locations of bridge dedications:

August 9: dedication at the DOT Shop, I-80 Exit 267, Tipton, Iowa. Bridge is located at I-80 traversing the Cedar River at Mile Marker 265, and honors Oran Pape.

August 22: dedication at 10 a.m., at Foster Road and Flint Drive in Corallville, Iowa. The bridge is located at I-80 West Bound traversing the Iowa River and I-380 in the Northbound Lane. Honors Allen Nieland & Harold DeGear.

September 22: dedication at 2 p.m., at the Indianola Fire Station. The bridge is located on Highway 65/69 on the South River Bridge south of Indianola and honors

Trooper Mark Toney.

September 26: dedication at 10:30 a.m. at the ISP District 9 office in Cedar Rapids. The bridge is the Cedar River Bridge on I-380 and Highway 20, and honors Trooper Charles Whitney.

September 27: dedication at 9:15 a.m. at the ISP District 1 Office in Des Moines. The bridge is on I-80 over the Des Moines River in honor of Trooper Marvin Vanderlinden.

October 18: 10 a.m. dedication at the Iowa State Radio. The bridge is the Indian Creek Bridge on Highway 6 west of Lewis.

October 20: 10 a.m. dedication at the DOT in Red Oak. The bridge is on Highway 34 west of Red Oak near the Nishnabotna River, and honors Trooper Harold Klinkefus.

October 23: 1 p.m. dedication at the ISP District 4 Office in Dennison. The bridge is on Highway 30 at the 30 Mile Marker near the Boyer River, and honors Trooper Ralph Garthwaite.

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October Retired Review

## News of the Des Moines Police Officers Burial Association

I want to cover this right off the bat since it is very important. The annual retirement dinner is Tuesday October 15th. Cocktail hour starts at 5:30pm and dinner will be served at 6:30pm. There will be twenty people inducted in to our ranks at this event. It is very important that you get your reservations made by October 9th so the right amount of meat can be ordered. To make your reservations call the chief's office at 283-4800 and let them know your preference as to steak or chicken.

We had seventeen people at our October lunch meeting. We just made it in between the rain showers we were having that day.

Retired SPO B.J. Jennisch joined us for the first time since he left the department. We hope that he becomes a regular member of our group.

A celebration of life was held on September 28th at the PARC for retired Ser-

geant Robert Rote who passed away in Florida earlier in September. It was good to see several members of our group attend this function and pay respects to his family.

We lost retired SPO Dennis Baker on the 12th of September due to a heart attack. As most of you know he was the son of retired Lieutenant Ralph Baker and the father of SPO Scott Baker who is currently on the department. Our sympathy is extended to Denny's family.

We also lost another member of our extended family during the past month. Mary Jo Leseney, who for many years was the secretary to the assistant chief in the detective bureau. She passed away on September 20th. By those who knew her she is remembered as a dedicated and valuable member of staff of this department.

The retiree's Christmas party is scheduled for December 6th. Do not confuse

this with the retirement dinner mentioned above. At our November lunch meeting we will decide what we would like to have for dinner and get an approximate head count as to how many people we will have there. This year this gathering will be for retirees, their spouses and or significant others. The cost for this party will be the same as the retirement dinner which is \$5.00. We will enjoy dinner and drinks and hopefully a few laughs. We will put out more in the November news letter.

Our next luncheon will be Thursday, November 7, at 11 a.m. at Montana Mike's Steak House located on NE 14th St., Des Moines, just north of I-80. We hope to see you there.

You may also join the group every Wednesday morning at 8:00 a.m. for breakfast at The Corner Café located at 2731 100th St., Urbandale.

# Getting to Know Your Local Legislators: It's Easier Than you Think

By Kellie Paschke  
IPOA Lobbyist

Meeting and developing relationships with your local senators and representatives is one of the best ways to ensure your law enforcement voice is heard. It provides you with an opportunity to educate legislators on the issues important to your profession, as well as the Association membership. It also gives elected officials a reliable contact "back home" when they are making decisions in Des Moines and need more information.

Making contact with your legislators is easier than you think! Year round, senators and representatives attend local forums, round tables and other events for the very purpose of meeting you and obtain-

ing feedback. Additionally, lawmakers are accessible by phone and email, and often provide their personal cell phone numbers to constituents. Most legislators also have a website, regular newsletters, and other communication tools so that you can learn about their positions on various issues. Remember, Iowa has a citizen legislature - meaning these are not professional politicians. They are everyday Iowans who are trying to make a difference, just like you and your family, friends and neighbors.

The Iowa Peace Officers Association will be hosting a series of legislative forums throughout Iowa to discuss issues specific to law enforcement. This is a great opportunity to educate legislators on specific issues in your profession, and offer solutions where problems exist. Last year,

dozens of legislators attended our events in Des Moines, Mason City, and Waterloo. As a result, we garnered their support to eliminate Iowa's sales tax on law enforcement services, increase penalties for officer injuries, and expand DNA testing.

Unlike the rhetoric you hear in the media, Iowa legislators do care about their constituents and the issues that matter to them. But you have to care too! Be proactive in getting to know your elected officials. Discuss your concerns! After all, who knows your job better than you? Don't wait for lawmakers at the Iowa Statehouse to create solutions for you.

You can locate your legislator by accessing the Iowa legislative website at <https://www.legis.iowa.gov/Legislators/find.aspx>.

## Legislator Profiles



Iowa State Sen. Rob Hogg (D) is serving his second term representing Iowa Senate District 33, and previously served two terms in the House. Sen. Hogg is the Chairman of the Senate Judiciary Committee, and therefore leads the committee in determining which bills will be considered. He received his B.A. from the University of Iowa, and his M.A. and JD from the University of Minnesota. Sen. Hogg is employed as an attorney in Cedar Rapids. To contact Sen. Hogg: [rob.hogg@legis.iowa.gov](mailto:rob.hogg@legis.iowa.gov)



Iowa Representative Tom Shaw (R) is in his second term representing Iowa House District 10. A former peace officer, Rep. Shaw serves as the Vice Chairman of the House Public Safety Committee. He received his criminal justice degree from Metropolitan Community College in Omaha. A native of Spencer, Iowa, he currently resides in Laurens. Rep. Shaw and his wife, Diane, are the proud parents of three children and grandfather of two. To contact Rep. Shaw: [tom.shaw@legis.iowa.gov](mailto:tom.shaw@legis.iowa.gov)



Iowa Rep. Bob Kressig (D) has been a member of the House Public Safety Committee for many years, and currently serves as the Ranking Member for House Democrats. Born in Dubuque, he currently resides in Cedar Falls and represents Iowa House District 59. This is Rep. Kressig's fifth term in the House. In addition to the Public Safety committee, he also serves on the Criminal Justice Information System Advisory Committee, Pseudoephedrine Advisory Council, and the Statewide Interoperable Communications System Board. Contact: Rep. Kressig: [bob.kressig@legis.iowa.gov](mailto:bob.kressig@legis.iowa.gov)



Iowa State Senator Jack Whitver (R) serves on the Senate Judiciary Committee, which considers public safety and law enforcement initiatives. Born and raised in Knoxville, Sen. Whitver currently lives in Ankeny and represents Senate District 19. He received his B.S. and MBA from Iowa State University, and his JD from Drake University. Sen. Whitver serves as a Senate appointee to the Iowa Law Enforcement Academy Board, as well as the Iowa Department of Human Services Board and the Healthy and Well Kids of Iowa Board. To contact Sen. Whitver: [jack.whitver@legis.iowa.gov](mailto:jack.whitver@legis.iowa.gov)



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# Olmstead Act, Affordable Care Act (ACA): What they may mean for law enforcement

**By Capt. Mike McKelvey**  
Mason City Police Department

From the U.S. Department of Justice Americans with Disabilities Act (ADA) home page: "In 2009, the Civil Rights Division launched an aggressive effort to enforce the Supreme Court's decision in *Olmstead v. L.C.*, a ruling that requires states to eliminate unnecessary segregation of persons with disabilities and to ensure that persons with disabilities receive services in the most integrated setting appropriate to their needs. President Obama issued a proclamation launching the 'Year of Community Living,' and has directed the Administration to redouble enforcement efforts. The Division has responded by working with state and local government officials, disability rights groups and attorneys around the country, and with representatives of the Department of Health and Human Services, to fashion an effective, nationwide program to enforce the integration mandate of the Department's regulation implementing title II of the ADA"

There may be some challenges ahead for law enforcement as we begin to experience the outcome of increased Olmstead Act compliance in combination with Iowa's version of the Affordable Care Act (ACA). The Olmstead Act is a U.S. Supreme Court case that was rendered in 1999. Recent lawsuits by the DOJ and various plaintiffs under the Olmstead Act have created a sense of urgency by most states and service providers to ensure they are compliant. Several larger sized residential facilities (for people with various disabilities) are relocating their clients to various much-smaller residences throughout their respective communities.

The ACA goes into effect Jan 1, 2014. The ACA, also referred to as "Obamacare," is a federal health insurance plan aimed to assist those without health insurance and establishes rules for private insurance companies. All states were mandated to either partake in the ACA or come up with their own version, subject to federal approval. Iowa and some other states elected to come up with their own plans due to various concerns about the federal plan. Iowa residents currently on Medicaid are expected to enroll beginning Oct 1, 2013. Once the ACA goes into effect Jan 1, there may be ramifications for those formerly on Medicaid who do not properly enroll or enroll at all into Iowa's version of the ACA, sometimes referred to as "Terrycare." The worst possible consequence from failure to enroll is complete denial of payment from the state for medical services rendered.

There are a few questions that we will have to wait until after Jan 1 to see how things play out. Will the push to send more people with disabilities out into the community from residential facilities minimize available structured living space for those that need or request it? Is this just cost-shifting? Will there be appropriate funding and staff resources in the next 3-months to contact and assist current Medicaid clients to properly enroll in the new Iowa system? Will case workers effectively visit clients spread out in the community or will clients be expected to make appointments at a centralized meeting location to monitor their progress? What happens if someone fails to make their appointment? Will they fall through the cracks or will law enforcement be tasked with welfare checks, etc? With Olmstead Act compliance, will there be less available structured facilities to

shelter subjects who were once deemed fit to live in the community, moved out, but are now struggling on their own? If reimbursement to healthcare providers is denied because the client has failed to or incorrectly enrolled for ACA coverage, are counties expected to pay the shortfall via property taxes? With any new system, there will be bugs to work out. Out of fairness again, we are still 3 months away from implementation and everything could go well. Iowa's ACA is based on at least one other state's plan, so it is not complete trial and error.

Iowa's mental health provider system redesign has combined multiple counties to cover their respective regions over the last couple years. The media has recently reported about some Iowa counties that have no money left to pay for mental health services for those that cannot afford medical care. These counties are presumably offering free services now or may possibly have to make difficult business decisions in the days ahead. Once the state's version of the ACA goes into effect Jan 1, we will see if things get better for counties currently without adequate funding for mental health services.

As law enforcement, we are committed to protect and serve. No one is saying that people with disabilities are not capable of living on their own in the community or that Olmstead Act or the ACA is bad. A lot of unanswered questions remain with just 3 months left to go before the ACA begins. Even though law enforcement may not feel this legislation directly affects them, I encourage everyone to stay informed on how the ACA implementation and current efforts under the Olmstead Act play out in the months to come. Talk to your area's local mental health and disability service providers to see what

# Award-Winning K9 Rony Retires from West Des Moines P.D.

After nine years of dedicated service to the W.D.M.P.D. and citizens of West Des Moines, the Department's K-9, Rony, retired Monday, March 4. A brief ceremony was held at the start of the West Des Moines City Council Meeting recognizing Rony and his partner, K9 Handler, Officer Brent Kock.

Rony is a 10-year-old German Shepherd who has been with the West Des Moines Police Department since February of 2004.

K-9 Rony and Officer Kock were certified by and members of the United States Police Canine Association (USPCA). During his career, Rony has been deployed 577 times for narcotic detection, locating more than 6,000 grams of marijuana, 2,300 grams of



methamphetamine, 460 grams of cocaine, 2 grams of crack cocaine, LSD and more than \$175,000.00 of US currency. Rony's in 2009.

achievements include;

- 2005 USPCA Region 21 Patrol Dog Case of the Year;
- 2007 USPCA Region 21 Narcotic Case (January-June);
- 2008 USPCA Region 21 Narcotic Case of the Year;

Later this spring, K-9 Rony will be inducted into the Iowa Veterinary Hall of Fame.

After Rony's retirement today, he will live with Officer Kock and his family.

Rony is the department's second K-9; Hoek was the first K-9, and along with his handler, Sgt. Steve Areges, served from 2000 to 2003. Hoek lived with Steve and his family until he passed away

## Olmstead Act, continued

their concerns are. Some of their concerns may affect everyone. If we can address these concerns now, we will be better prepared in the days to come to minimize any pending gaps in treatment services.



# If you are ever attacked

Body language can tell you a lot about someone you are dealing with. Clenched fists, pacing nervously, target glancing or looking around nervously are some cues that should be throwing up red flags to you.

The FBI puts out publications based on data collected nationwide through Uniform Crime Reporting (UCR). “Violent Encounters,” “In The Line of Fire,” and “Killed in The Line of Duty” are great resources for law enforcement officers. Trainers should take particular note when reading these.

To touch the tip of the iceberg in regards to these publications, we would like to talk about sudden, violent attacks. It’s been said a million times before but we’re going to say it again: expect the unexpected. An alarming percentage of officers interviewed in these publications reported they did not foresee the attack coming. The offenders also noted this, saying that victim officers were often “unprepared” or “surprised” by the attack.

We constantly teach our officers the importance of maintaining an interview stance and a “reactionary gap,” or proper distance, while talking or interacting with people – no matter where they are or what type of call they are on. We encourage at least an arms length of distance, if possible. Better yet: staying out of kicking distance. The greater the gap, the more time you will have to react. We realize this isn’t always possible, and when it’s not, you should try to make it possible. Move to a different location, put something between you and them, do something to improve your tactical advantage over them.

Be aware of your immediate surroundings, mainly the terrain you are on. If you do have to move quickly, is there anything that may trip you? Are there any items that could be used against you, or used to your advantage? If we sound paranoid, it’s because we are paranoid. The old saying, “Be polite and professional, but have a plan to kill everyone you meet because they might want to kill you,” should be engraved on the dashboard of every squad car in use today.

Remember: you do not need to be attacked first before using force. If you can

articulate why you used force, and that force isn’t excessive and unreasonable, why should you wait? Your reports must reflect, in detail, what you observed, what was said, why you were there, what took place leading up the use of force, training you have received, etc. Simply stating you had a gut feeling the suspect was going to fight is not enough when a use of force complaint is filed against your department, and mainly you.

Keep in mind: the type of offender who blatantly attacks a uniformed police officer is not normal or reasonable. What reasonable person would attack a uniformed police officer? There are people out there who are no different from predators in the wild. They look at you, they size you up and look for weaknesses. They will set you up for an attack, and they have the advantage the whole time because they are the ones initiating it. If you carry yourself in a manner that indicates you are not easy prey, these people tend to rethink attacking you. They don’t want a hard fight; they want an easy one, and a fight they think they can win.

Finally, we would like to say survival is about performance. How you perform during control tactics training, firearms training, or whatever it is, will reflect when you need it the most. Train the way you play, and you will play the way you’ve trained. Experience is gained right after you need it. Train hard and often so this isn’t the case when dealing with predators.

Until next time, stay safe and ready.



**Officer Greg Erie**

Greg Erie has been with the Waterloo Police Department since 1995. A former Marine, Officer Erie is currently assigned to the training unit, is a member of the tactical unit, and a TASER and defensive tactics instructor. He is a member of the International Law Enforcement Educators and Trainers Association (ILEETA) and can be reached at [erieg@waterloopolice.com](mailto:erieg@waterloopolice.com)



**Officer Chris Gergen**

Chris Gergen has been with the Waterloo Police Department since 1997. Officer Gergen is State and Federally certified as a Control Tactics Instructor. He is also certified as a TASER, Duty Knife and Crowd Control instructor and teaches building searches at the Iowa Law Enforcement Academy. Officer Gergen has been on the TAC team for 10 years. He is married with three kids and practices aikido. He can be reached at [gergenc@waterloopolice.com](mailto:gergenc@waterloopolice.com).



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**First Row (left to right):** Alisha Wirth, Clinton County Sheriff's Office; Brandon Richmond, Johnson County Sheriff's Office; Nathan Craun, Sumner Police Department; Joel Smith, Fairfield Police Department; Mike Weis, Harrison County Conservation Board; Lisa Gillespie, Dubuque County Sheriff's Office.

**Second Row:** Brandon Bell, Lamoni Police Department; Travis Scott, Decatur County Conservation Board; Kevin Hoffman, Dubuque County Sheriff's Office; Aaron McConnell, Albia Police Department; Brandon Marquardt, Henry County Sheriff's Office; Spencer Taylor, Clay County Sheriff's Office; Ethan Bailey, Boone Police Department.

**Third Row:** Troy Bouma, Marion County Sheriff's Office; Brett Douglas, Lamoni Police Department; Jacob Molitor, Marshalltown Police Department; Jonathan Gerzema, Cedar Falls Police Department; Jonathon Printy, Appanoose County Sheriff's Office; Kyle Graber, Logan Police Department; Jacob Smith, Marion County Sheriff's Office.

**Fourth Row:** Michael R. Jurgensen, Harlan Police Department; Scott McGlaughlin, Tipton Police Department; Nathan Erickson, Polk County Sheriff's Office; Andrew Pahl, Iowa County Sheriff's Office; Paul Hogan, Osceola Police Department; Jordan Kerr, Hartley Police Department; Chad Holterud, Albia Police Department.