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The  
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# Succor

**PLEASE POST ON BULLETIN OR IN BRIEFING**

Succor: To provide or give assistance in time of hardship or distress.

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## When bad things happen to good cops!

In the Spring 2005 Succor newsletter an Article titled "On duty or Off Duty Oath of Office" appeared *documenting a landmark case* that the Thin Blue Line of Michigan was preparing along with legal counsel seeking a favorable resolution to the case of Hamtramck Police Officer Christopher Garon vs. the City of Hamtramck Police Department.

To encapsulate this case and to refresh memories, the facts surrounding the case will be provided. Police Officer Christopher Garon was off duty ice fishing outside of his jurisdiction, when after several hours of fishing Officer Garon heard frantic activity and screaming outside of his ice shanty. Officer Garon exited his shanty to discover that a man riding his snowmobile had broken through the ice and that another well-intentioned rescuer had also fallen into the freezing water during the rescue attempt. Both men were struggling to survive in the frigid waters with their heavy clothing.

Tragedy for these two men was averted as a result of Officer Garon's heroic actions. However, tragedy struck Officer Garon immediately during the rescue when he experienced excruciating pain race down his back. The pain that Officer Garon experienced during this heroic rescue resulted in endless rehabilitation and four surgeries over the next two years. During these years of debilitating pain and endless surgeries Officer Garon was denied Workers Compensation by the City of Hamtramck which resulted in Officer Garon experiencing personal financial ruin and eventually his career as a law enforcement officer due to

permanent and total disability arising out of this act of heroism.

The crux of this case defended by the Thin Blue Line of Michigan's legal counsel was that Officer Garon was performing a rescue as he was trained to do and was adhering to the Oath of Office which he swore to uphold while performing this heroic act of saving these two men, albeit that Officer Garon was off duty and outside of his cities jurisdiction. The ethical and moral characters of the witnesses provided to testify by the City of Hamtramck were unbelievable and unconscionable.

Magistrate Andrew G. Sloss of the Workers Compensation Hearing Division concluded and found as fact that Officer Garon did sustain a work related personal injury in the course and scope of his employment for the City of Hamtramck while rescuing the two men who had fallen through the ice on Lake St. Clair. Magistrate Sloss further stated, "as a general rule, we expect our police Officers to instinctively run in the direction of situations that the rest of us in the general public instinctively run away from." It is the common law of this State that they are considered to be in the course and scope of their role as a police officer when they do so.

Magistrate Sloss ordered the City of Hamtramck to pay lost wages with interest to Officer Garon and further ordered the City to be responsible for reasonable and necessary medical expenses related to the injuries.

The Workers Compensation Appellate Commission made up of Chairperson Martha M. Glaser, Commissioner Rodger G.

Will and Commissioner Granner S. Ries reversed the decision of Magistrate Sloss.

*The Michigan Court of Appeals chose to dodge the bullet in this case so legal counsel for the Thin Blue Line of Michigan has filed an application for Leave to Appeal to the Michigan Supreme Court.*

The Michigan Supreme Court can decide to hear this case or not. Should they not champion the cause for Michigan's law enforcement officers and their families by hearing this case then the message is clear. The Supreme Courts hearing and decision on this vital case will provide the needed direction to the law enforcement community. The homeland security is in the hands of the highest court of the State of Michigan and the decision by off duty law enforcement officers to act or to not act will hinge on this case.

**The Thin Blue Line of Michigan needs your assistance to ensure that this case gets its day in front of the Michigan Supreme Court. With your assistance and that of everyone that you know, write the Clerk of the Supreme Court requesting that the Supreme Court accept the appeal of Police Officer Christopher Garon vs. City of Hamtramck Police Department either by email to the below,**

**MSC\_Clerk@courts.mi.gov**  
or in writing to the below mailing address.

**Mailing Address:**

Clerk of the Court  
Michigan Supreme Court  
Michigan Hall of Justice  
P.O. Box 30052  
Lansing, MI 48909

Please submit responses to the TBL