

# FOP



## JOURNAL

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MARCH 2020

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## SPEAKING WITH ONE VOICE

FOP MAKES AN IMPACT  
AT THE HIGHEST LEVELS

### ALSO INSIDE

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# FOP JOURNAL

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## Grand Lodge Fraternal Order of Police

National Headquarters 701 Marriott Drive, Nashville, TN 37214  
1-800-451-2711 | Phone (615) 399-0900 | Fax (615) 399-0400  
Email: [glfop@fop.net](mailto:glfop@fop.net) | [www.fop.net](http://www.fop.net)

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## Speaking With One Voice



// **WRITE TO US!** If you have further questions, contact Patrick Yoe at (504) 234-4300, or [pyoe@fop.net](mailto:pyoe@fop.net).

Our world is changing, and your FOP is actively engaged in improving public perception of the law enforcement profession. From our voice in the halls of power in Washington, D.C., to fact-based dialogue with businesses like the NFL and Starbucks, we speak with **one voice**, building partnerships by issuing challenges to end the rhetoric. We are engaged in constructive discussions and taking on hard issues while building unlikely allies toward common goals. Here are three initiatives among many that illustrate our influence when we speak with **one voice**.

### Activist District Attorneys and Judges

Glance at the cover of this issue of the *Journal* to see the influence of your FOP. In December, 20 FOP leaders from across the country traveled to Washington, D.C., to meet with President Donald Trump. Speaking with **one voice**, they drew attention to activist district attorneys and judges who are not enforcing the law and are cutting sweetheart deals for violent, repeat offenders — an issue that is



their heinous actions, they will continue to reoffend, placing our members and the communities they serve in more danger. One after another, each FOP leader passionately laid out the problems in their cities to the president. While violent crime is trending downward nationwide, it is escalating in our urban areas, and statistics show these failed policies are to blame due to the weak posture on violent crime.

True to his support for law enforcement, President Trump agreed to lend his far-reaching voice to our issue to assist in raising awareness of this growing problem. But the president didn't stop there. He agreed to lend further assistance and resources, to encourage local U.S. attorneys to take on more cases that local district attorneys are either unwilling or incapable of pursuing.

This meeting put on full display the kind of access the FOP has to the most influential people in our country. In

addition, it is a great example of how that access can be utilized to assist our members in bringing problems to the national stage. Speaking with **one voice**, we help solve issues that impact everyday working conditions. The meeting with President Trump was a huge step in the right direction, just another indication of what the FOP does for all of its members.

### Fact-Based Dialogue Toward a Greater Good

We all are disgusted by disrespect aimed

toward law enforcement. Case in point: the "Inspire" commercial that aired during the final NFL games this past season, which highlighted one tragedy that cast a negative image on all law enforcement. While issuing a challenge to NFL leadership, I reminded them that just as one play does not define the entire NFL, one incident certainly does not define the 800,000 brave men and women who put on a uniform, badge, vest and gun and protect communities all across America every day. The commercial, although it dealt with a tragic incident, attempted to tarnish the entire law enforcement profession and harm the community relationships we strive to achieve. Same for Starbucks — unwanted attention caused by occasional derogatory comments from its employees made toward police officers should not define its brand.

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## We Need to Be Our Brother's and Sister's Keeper



// **WRITE TO US!** If you have further questions, contact Joe Gamaldi at [jgamaldi@fopu.org](mailto:jgamaldi@fopu.org).

It's no secret to anyone who has been paying attention that suicide is the silent, number one killer of law enforcement in this country. According to Blue Help (a wonderful organization that does a great job tracking and raising awareness of law enforcement suicide), in 2016 there were 143 law enforcement suicides nationwide. By 2019, that number exploded to 228. That is a more than 59% increase in just three years. It is incumbent upon every single one of us to be our brother's and sister's keeper. But how can we do that, as individuals and as the FOP as a whole?

The first step is raising awareness, and I believe the FOP is at the forefront. Between President Yoe testifying in Congress and the barrage of social media we do on the topic, the public and our own members know there is a problem. The next step is offering resources. The FOP has stepped up to the plate and hired an exceptional full-time wellness director, Sherri Martin. Under her direction, we held our first Officer Wellness Summit to educate our members on a number of issues, including suicide, PTSD, increasing resiliency and how to build a successful peer support program. The truth is, folks, we cannot rely on agencies to take the lead on mental health issues, so we need to step up and fill the void.

One of the ways you can do that is developing your own standalone peer support specifically for your officers. I did the same for our local lodge here in Houston, developing a nonprofit (HOPA) that offers peer support for our members. We trained retired officers on how to provide peer support, and we now have a 24/7 hotline that now serves the entire Houston region for any officer who needs help or is going through a crisis. I realize that not every lodge may have the resources to set something like this up, so instead, research options that are nationwide and can work for your group. One such example is Copline, an international peer assistance hotline for police

officers. You can distribute their number to all of your members: (800) COP-LINE.

Although the resources above are paramount to the success of reducing suicides within our profession, none is more powerful than all of us looking out for one another. We are truly on the front lines. We all know the guy or gal at our station who is going through a rough time. It could be financial, marital, family, PTSD, medical — it doesn't matter. Talk to them. Ask them if they need help. Let them know about the resources available to them. Let them know it's OK to not be OK. When you see someone hanging their head or looking upset, do not miss the opportunity to ask if they are OK. It can be difficult, because

we don't want to pry into our brothers' and sisters' lives; however, the alternative of not asking could be much worse.

Finally, if you are going through a crisis, depressed or feeling suicidal, please **reach out**. I promise you, there are 350,000 family members who will rally around you in an instant and assist with whatever help you need. Please do not look for a permanent solution to what is a temporary problem. It's OK to not be OK, and the FOP is here to help.

Be safe out there, and if you need anything, I am only a phone call, text, email, Facebook message or Twitter DM (@JoeGamaldi) away. **FOE**

## NEED SOMEONE TO TALK TO?



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**COPLINE is strictly confidential.**

If you or someone you know is struggling, please have them reach out to COPLINE and/or seek professional help.

**CALL: (800) COP-LINE (267-5463)**

### ATTENTION RETIRED OFFICERS

COPLINE is always in need of retired officers to volunteer to answer the "Call." The training is free. The application and other info can be found at <http://www.copline.org/volunteer>.

For information on volunteering for COPLINE, please feel free to contact Stephanie Samuels at [Director@copline.org](mailto:Director@copline.org) or (732) 577-8300 x8

**THIS MEETING PUT ON FULL DISPLAY THE KIND OF ACCESS THE FOP HAS TO THE MOST INFLUENTIAL PEOPLE IN OUR COUNTRY AND HOW THAT ACCESS CAN ASSIST OUR MEMBERS.**

endangering the lives of our members and doing untold harm to our communities.

We are doing our jobs by removing violent offenders from the streets, only for them to be released with a slap on the wrist. When there are no consequences for



## For the Good of the Order

// **WRITE TO US!** If you have further questions, contact Jimmy Holderfield at (904) 813-0067, or [jholderfield@fop.net](mailto:jholderfield@fop.net).

Brothers and Sisters, I hope this *Journal* finds you and your family well. Your Grand Lodge office has been busier than ever the past six months, but especially since January. We just finished up our first Wellness Summit, four 20/20 Vision Symposia, the best-attended Leadership Matters training ever, the largest processing of per capita and membership cards to date, and preparations for the spring Board of Trustees meeting. There is no expectation that things are going to slow down anytime soon. Wow, what great programs to be a part of!

A shout-out goes to Dr. Linda Ford (Bellevue, Nebraska), Nebraska National Trustee John Francavilla, Nebraska State President Jim Maguire, and Nebraska Lodge #28 members Nick Jeanette and John Danderand. Dr. Ford donated your National secretary's desk for the National office. It is a beautiful oak executive desk valued at over \$8,500. The brothers from Nebraska loaded up the desk from the doctor's basement and secured it in a trailer for transport to Nashville. Your National secretary, with the help of his wife, Pam, transported the desk from Omaha to Nashville. Another special shout-out goes to (Nashville) Andrew Jackson Lodge #5 members Mark Garofola, Johnny Wheeler and Larry Hanson for unloading the desk and setting it up at the secretary's office. Additionally, a big thanks goes to Brother

David Willis, director of labor services of the Michigan State Lodge, who put his other talents to work by helping paint the secretary's office. The office has a professional look and is worthy of hosting fellow members and visitors doing business with the Grand Lodge.

I point all of this out for several reasons. First, it is an example of the bond that we share with each other in working for a common cause — members from the West, North and East helping a brother from the South to accomplish the goal of maintaining the professional presence of the National secretary's office. Secondly, we saved thousands of dollars doing the work ourselves.

On an educational note, one of the most routine questions my office receives is, "Why can't I log in to the membership database (VUE)?" There are several reasons why this can occur, and most think that it is because the system is having trouble. Currently, our IT section is working on upgrades to VUE in conjunction with our vendor, Velarum. It is possible for the system to be down for short periods of time for this maintenance, but it is very rare. Before contacting my office, do a very simple self-check and in most cases, you will see what the issue is, which can be corrected very quickly. The most common error you may encounter is a message stating, "Your term has expired." All lodges are required to

update their local/state officer information when changes or elections occur. Even if the entire board is re-elected, an updated officer roster must be submitted to my office. Of great importance are the "term begin date" and "term expire date." If the "term expire date" is left blank, my staff assumes that the terms expire at the end of the present calendar year, December 31. If a new officer roster is not submitted after your elections, your access to VUE will end on the last "term expire date" that we have on file. This procedure is in place for security reasons and to protect our membership database from anyone not authorized to use it. The simple correction to get you back in the system if you are locked out is for your local or state secretary to send in a current officer roster to our membership department (you can email it). You will be back taking care of business in no time. If you have confirmed that we have your correct term dates in our database and are still having problems logging in, please send a screenshot along with a description of the problem to me, my membership staff or our IT section. We will immediately get on it and give you a fix.

Brothers and Sisters, it's a high honor and privilege to serve you as National secretary and we work continuously to improve our service to you. My number one priority is to make your job easier. Thank you and be safe. **FOP**



## Keeping Your Tax Status and Incorporation Up to Date

// **WRITE TO US!** If you have further questions, contact Tom Pernoza at [tompernoza@fop.net](mailto:tompernoza@fop.net).

At the annual Leadership Matters training in Nashville this year, I learned from the brothers and sisters who attended that we must continue to educate our members in the basics of operating their lodges as a nonprofit business. In 2008, we started to educate our lodges about the new law that required all lodges to file a 990 tax return. Several years later, we learned from the IRS that approximately 600 lodges had lost their tax-exempt status. We got that number down to about 200 lodges, but now it is back up to

the lodge is using the wrong federal EIN or is not on our IRS list as a lodge under the Grand Lodge group exemption as a 501(c)(8) corporation.

If your tax-exempt status is revoked, your lodge will be subject to the payment of income tax. In order to regain tax-exempt status, a full-blown application with the IRS may be required. We have found that some lodges have applied for a new EIN and then filed a 990-N under that new EIN. An EIN is like your Social Security number; you cannot just get a new one. You must refile under the original number. Once the IRS discovers you are using a new EIN, it will likely take it away and your lodge will be

liable for taxes as a for-profit corporation during the years you used that EIN.

When talking with lodge officers about their tax status, we have learned that some lodges are not incorporated or have not kept their incorporation up to date. Being incorporated is important, and lodges need to keep their incorporation up to date. The corporate form protects lodge members from most kinds of liabilities arising from the lodge's activities. If a local lodge were to breach a contract, cause injury or have an injury occur on its property, it would be responsible for the resulting damage. If the

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**WHEN TALKING WITH  
LODGE OFFICERS ABOUT  
THEIR TAX STATUS, WE HAVE  
LEARNED THAT SOME LODGES  
ARE NOT INCORPORATED  
OR HAVE NOT KEPT THEIR  
INCORPORATION UP TO DATE.**

between 325 and 400 lodges. Another issue we have found when assisting these lodges is that many are not incorporated. I would like to briefly address these issues in this article.

Since 2007, lodges have been required to file an annual electronic notice, Form 990-N, *Electronic Notice (e-Postcard) for Tax-Exempt Organizations not required To File Form 990 or 990-EZ*. This filing requirement applies to tax periods beginning after December 31, 2006. Organizations that do not file the notice will lose their tax-exempt status. If your lodge takes in \$50,000 or less during your fiscal year, you can file a 990-N. Please make sure all of your lodges are in compliance and file a 990 with the IRS. The two biggest problems we have seen when a lodge cannot successfully complete the 990-N are that

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The Disaster Relief Fund is part of the National FOP Foundation, a 501(c)(3), not for profit corporation.



## Administrative Investigations and Cellphone Usage



// **WRITE TO US!** If you have further questions, contact Les Nei at [lnnei@gafop.com](mailto:lnnei@gafop.com).

In today's world of social media and electronic communications, it is not uncommon for agencies to discipline police officers for the content of their electronic communications. From emails to Facebook to texting to voicemail to Twitter, every communication by an officer can have unintended — and sometimes dire — consequences for the officer's employment. And the law is very unsettled in this area. There is a conflict between the officer's right to privacy and the agency's power to compel officers to provide information upon demand.

This issue usually comes up when an officer is asked to provide information during an internal investigation concerning their conduct or that of a fellow officer. Let's address the easy issue first. It is fairly clear that electronic work-related communications maintained on the employer's devices are fair game for disclosure to the employer.

On the other end of the spectrum are communications that are non-work-related and made on the private devices of the officer. These will usually not have to be disclosed. Any demand for disclosure should be opposed as an unlawful invasion of the officer's privacy and one that

arguably would subject the employer to a civil rights suit.

In between these two are the work-related communications made on private devices and non-work-related communications made on employer-owned devices. More than likely, both

**FROM EMAILS TO FACEBOOK TO TEXTING TO VOICEMAIL TO TWITTER, EVERY COMMUNICATION BY AN OFFICER CAN HAVE UNINTENDED — AND SOMETIMES DIRE — CONSEQUENCES FOR THE OFFICER'S EMPLOYMENT.**

types of communications are going to have to be disclosed. The former is subject to disclosure because of the obvious relationship to work and the latter because the communications were made on employer-owned devices. In either case, the expectation of privacy is nominal, although greater for private

communications made on employer devices. And this is especially true if the employer has promulgated an electronic communication policy that addresses the issue.

The problem is how to disclose work-related communications on private devices without revealing private non-work-related information. Best practice would be for the officer to make exactly that type of offer of disclosure — offer to turn over any work-related communications, but not the private devices. Similarly, it will be problematic to argue successfully that an employer cannot compel disclosure of private communications made on the employer's device, absent some existing rule or regulation. The obvious conclusion is for officers to communicate privately on their own devices and not use private devices for work-related communications.

In all cases, before flat-out refusing to comply with a demand for disclosure by an employer, every officer should consult with their labor representative and counsel on the issue. The law can vary from state to state and from agency to agency depending on collective bargaining agreements, internal policies and state law. **FOP**

### TREASURER'S MESSAGE

Continued from page 9

local lodge is an unincorporated association, it has no separate legal existence and, if sued, the individual members of the lodge could be held personally liable for debts of or damages caused by the lodge or its agents.

The biggest advantage of the nonprofit corporation form is the limited liability it affords. Members of nonprofit corporations are rarely liable for the debts or acts of their corporation or its agents. In addition, insurance is available to cover potential

liability of trustees and officers. This insurance covers liability of directors and/or trustees for errors and omissions. Also, the federal income tax laws impose personal liability on the "responsible persons" of any organization for the amount of employee payroll taxes and Social Security taxes withheld from an employee's pay but not paid over to the IRS. Accordingly, it is extremely important that lodge officials accurately determine whether the persons who work for the lodge are "employees" or independent contractors.

If you need help to determine the tax status or incorporation status of your lodge, you should check with the IRS about your tax status and start checking on your incorporation status with your secretary of state's office. If you need to incorporate your lodge, it can usually be easily performed online via your secretary of state's website. If you have trouble finding your status or you need help getting either back, you can contact me at [tomfop@aol.com](mailto:tomfop@aol.com) or our in-house accountant, Bob Krone, at [Bkrone@fop.net](mailto:Bkrone@fop.net). **FOP**

## Job One: Be Vigilant



// **WRITE TO US!** If you have further questions, contact Keith Turney at [ktturney@fop.org](mailto:ktturney@fop.org).

Often in my travels I meet brothers and sisters who hold the same position as me on a state or local level. Some are very seasoned and totally understand their responsibilities as a sergeant at arms, while others are new to their position and often ask for insight into how they should be conducting themselves during meetings of their lodges. Not to go into a long dissertation on the history of the position, but I can make some recommendations based on what I have learned from doing the job and from observing the work of some very seasoned sergeants at arms across the country.

Job one is to ensure that only members are present during lodge deliberations. Some lodges require that you display your member ID while in the meeting. Some

**SERGEANTS AT ARMS MUST ENSURE THAT ONLY MEMBERS ARE PRESENT DURING LODGE DELIBERATIONS.**

sergeants distribute and collect lanyards to do so, providing a one-on-one contact with each member entering the meeting. Some

maintain a sign-up sheet. In smaller lodges, it's an easy job, as everyone knows everyone else. However, never take for granted a person sitting in your meeting belongs there. Often, and after the fact, we hear an exchange between members about a stranger: "I thought you brought him." "No, I thought you brought him." "Well, who the heck was that?" Never let that be the case. It is most appropriate for the sergeant at arms to approach an unfamiliar face and respectfully inquire as to their business at the meeting.

In following articles, I'll try to have other helpful hints for our newer sergeants at arms. Until then, stay safe and God bless the FOP. **FOP**

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## Exciting Health-Care News

Greetings, Brothers and Sisters! I want to share the important details of an amazing project we are working on and encourage you to contact me with any questions.

As some of you already know, we have partnered with Aetna to provide a Medicare Advantage plan exclusive to FOP members. Many of our members have already realized a cost savings, expanded benefits or both by switching to our plan.

But this is only the beginning! Once we reach a minimum number of members enrolled in the current Medicare Advantage plan, Aetna has agreed to provide the FOP with an additional pre-65, affordable health-

care plan for all members, their spouses and dependents! This means the large number of members who are not provided with retiree health care by their employers will have an option offered by the FOP. This also means the FOP can form a health-care trust that can compete with current employers for health-care management.

But wait, there's more! As part of the agreement, the FOP will receive a portion of a monthly administrative fee paid by each enrollee. With 360,000 members and growing, this has the potential of fully funding all of the amazing efforts of our foundation, reducing the costs of our plan and much more.

We need your help to get there! Please

visit [www.fop.aetnamedicare.com](http://www.fop.aetnamedicare.com) for more information, and pass on this information to any members who are Medicare-eligible. I am confident that many, if not all of them, will find our plan more inclusive and will realize a cost savings. The sooner we can reach the minimum number of Medicare-eligible members enrolled, the sooner we can roll out a pre-65 plan to help all of our members with the ever-rising costs of health care.

Our goal is to be able to offer a pre-65 plan to all members in January 2021. And with your help, we will get there! Yet another reason why we will continue to be the best organization in the world to represent law enforcement professionals! **FOP strong! FOP**



|| WRITE TO US! If you have further questions, contact Rob Pride at [lodge52pride@gmail.com](mailto:lodge52pride@gmail.com).

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## PRESIDENT'S MESSAGE

Continued from page 6

Your FOP is actively working with both brands through face-to-face meetings and developing partnerships for training and community programs that promote mutual respect. **One voice** working constructively.

### President's Commission on Law Enforcement

No one knows policing better than those who work the streets of America every day. As such, any effort to improve our profession that excludes rank-and-file officers is flawed. When we speak with **one voice**, we not only have the ability to influence the advancement of our noble profession, but we also add credibility to these very initiatives.

In January, Attorney General William Barr swore in the first Commission on Law Enforcement in 50 years. The commission was created by a presidential executive order signed at the IACP Conference in Chicago, in which President Trump identified the FOP and thanked us for our collaborative effort with IACP in defining the scope of work this commission will tackle. Attorney General Barr also praised the FOP by name in the opening of the inauguration ceremonies speech.

Three FOP members have been appointed to this commission: Frederick Frazier (vice president, Dallas Lodge) James Smallwood (president, Nashville Lodge) and John Samaniego (past president, Alabama State Lodge). Each offer the rank-and-file perspective on the 14 initiatives the commission will address over the next 10 months. To assist in this work, the commission created working groups for each of the initiatives, for which dozens of FOP members were recommended and appointed. From respect of law enforcement to officer wellness, from activist DAs to recruiting, training and retention and everything in between, the FOP will influence the direction of our profession for years to come.

In closing, I challenge each of you to use our influence, both within the FOP and in our communities, to be a driving force for solutions. **One voice** working toward solutions to complex issues that can only be solved by working together. These are challenging times for our noble profession for sure, but as leaders, you have never had a better opportunity to make a meaningful difference in the lives of our members and the communities we serve. **FOP**

## A Call to Action: Forcing Discussion and Action for Social Security WEP/GPO

/PATRICK YORK

As I travel around our country meeting and speaking with our members, there is one common refrain: When will the FOP succeed in repealing the Windfall Elimination (WEP) and the Government Pension Offset (GPO)? Brothers and Sisters, we have heard you and we have potentially good news!

The repeal of WEP and GPO has been a top legislative priority since 1997. We've had years in which we've had good support and the potential for committee action, and years when we did not. I am happy to report to you that we have a **historic** high in terms of support for the House bill, H.R. 141. At this writing — which is before the conclusion of the Day on the Hill — we have 238 co-sponsors, more than a House majority and just a little short of the 290 co-sponsors that, under House rules, would force the bill to a floor vote.

Since last spring, the FOP has been waging a very targeted lobbying campaign by going after members of the House one at a time, building support, educating staff and ultimately getting us to this point. In October, I worked with the bill's sponsor, Representative Rodney L. Davis (R-IL), and my representative, Garret N. Graves (R-La.), to launch the Public Safety Working Group on Social Security Fairness. Uniting with other public safety groups, we have been closely coordinating a vigorous lobbying effort — combining the efforts of our Washington, D.C., staff with our grassroots activists and, with the help of Davis and Graves, member-to-member contact.

During our Day on the Hill, we held another meeting for our expanded working group. Congressional staff, with input from the FOP, developed a new list of members of Congress to target based on past support, previous pledges of support and the impact that the WEP/GPO has in their states and districts. This approach is being fully coordinated by the FOP and the staff in the offices of Davis and Graves, and our goal is to get to 290 co-sponsors and force a floor vote.

Currently, we are focused on the largest states where local and state employees are affected: California, Colorado, Illinois, Louisiana, Ohio and Texas. While I hope to be able to report that many of these members signed on as a result of our work from Day on the Hill, these are the 36 members (10 Democrats and 26 Republicans) that our

working group will be focusing on in the coming weeks:

### Illinois

- Democrat: Danny Davis
- Republican: Darin LaHood

### Colorado

- Democrat: Dianne DeGette
- Republicans: Ken Buck, Doug Lamborn

### California

- Democrats: Nancy Pelosi, Katie Porter
- Republicans: Kevin McCarthy, Tom McClintock, Doug Lamalfa, Devin Nunes

### Ohio

- Republicans: Steve Chabot, Brad Wenstrup, Jim Jordan, Bill Johnson, Warren Davidson, Anthony Gonzalez

### Texas

- Democrats: Lloyd Doggett, Sylvia Garcia, Eddie Bernice Johnson, Al Green, Sheila Jackson Lee, Liz Fletcher
- Republicans: Dan Crenshaw, John Ratcliffe, Kevin Brady, Mike McCaul, Mike Conaway, Kay Granger, Mack Thornberry, Randy Weber, Chip Roy, Kenny Marchant, Bill Flores, Jody Arrington, Brian Babin

If your representative is listed here, get in touch with their offices — both the one in your district and the Washington, D.C., office — and ask them to support H.R. 141.

Looking ahead to the Senate, we have 37 co-sponsors! Again, this is a historic high for support in the Senate. We need to increase this number to make sure the issue is familiar to the Senate, should the House bill pass. One of the ways to do this is to increase the number of co-sponsors. If your senator is not a co-sponsor, call, write and email their office and ask them to support public safety officers and Social Security fairness.

Another way to get attention on issues like this is to hold a hearing. During our Day on the Hill, I had the opportunity to meet with one of my senators, William M. Cassidy (R-La.), who serves on the subcommittee on Social Security, Pensions and Family Policy. We had an excellent conversation and he said he would be very willing to work with us to hold a hearing on this issue — the first one in the Senate since 2007. This is an encouraging development, and I am cautiously optimistic that we will see some real progress on this issue in this Congress. **FOP**



## MEMBER SPOTLIGHT

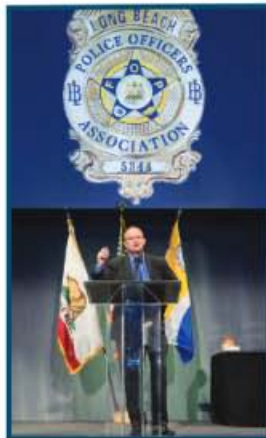
# Steve James

Steve James' advice for his fellow members is simple: "If we do life right, the places and the people we touch will be better when we leave than when we got here." That's certainly been true of his own service to the FOP, which has resulted in demonstrable progress for the organization and its members. As the National trustee for California since 2005, he's helped to grow the state's FOP membership from around 5,000 to more than 17,000. And as the chairman of the Board of Trustees for the Legal Defense Plan, he's seen an increase from approximately 30,000 participants to over 90,000.

With 25 years on the Long Beach Police Department before retiring in 2017, and 17 years as the full-time president of the Long Beach Police Officers Association, James has always been well-versed in local, regional and state issues affecting law enforcement. Earlier in his career, however, he admits he was "oblivious to what was happening on a national level." That all changed in 2002, when California State Lodge President Roger Mayberry introduced him to the FOP.

"While we were experiencing successes in combating legislation that was harmful to officers on the local and state level, I had no idea that in some of those instances there was national legislation that would have undone all the good work we were doing locally and in California," James explains. "Luckily for us, the National FOP was dealing with those issues in Washington, D.C. Once we realized all that was happening on the national stage that could impact us on a state or local basis, we knew we had to participate. It was clear then, as it remains today, that the FOP is the voice of law enforcement on a national level."

James attended his first National FOP Conference in Rhode Island the following year, and was so impressed with what he saw that he urged Mayberry to try bringing the Conference to Long Beach. That mission kickstarted James' involvement in leadership at both the state and the national level. "We went on



a two-year whirlwind all over the country, meeting with any FOP group that would meet with us, which ultimately had Long Beach winning the bid for the 2009 National Conference," he recalls.

While this effort was underway, James was elected as California's National trustee, allowing him to participate in the vision and direction of the State Lodge, where he kept a special focus on its expansion goals. "Working with our very committed executive board to grow the FOP in California is certainly one of the things I like the most about my position," he says. "We are very proud of the growth we have achieved, and the future looks great for the FOP in California. I love being able to introduce other groups to the FOP and what we have to offer to their members."

Chief among those offerings is national legal defense coverage. "As part of our efforts to grow our State FOP, we approached the Legal Defense Plan Board with ideas and suggestions on how we could enhance that plan to make it appealing to the police officers in California," James says. Not only were those changes eventually



made, but the experience — along with all the time James spent explaining the plan to police officers while working to grow the ranks of the California FOP — gave him a strong working knowledge that ultimately led to his appointment to the LDP Board. He and other board members travel around the country making presentations to lodges, assist with enrollment issues, make final determinations on coverage questions, create enhancements to the plan and monitor its roughly \$23 million in assets. "I am very proud of the growth and financial strength of the Legal Defense Plan," he says. "It is so rewarding to know that we have a small part to play in making sure that police officers in the field are protected with the best legal coverage money can buy. When I hear the stories of officers who have utilized the plan to ensure that the system, whether administrative or criminal, treated them fairly and made sure their rights were defended, I feel very proud. Our members go out and risk their lives every day to keep our communities safe, and it is our job to keep them safe when needed."

The growth and success of this invaluable benefit helps to attract, retain and protect members, contributing to the growth and success of the FOP as a whole. And James wants nothing more than to keep fueling that ambitious expansion. "I firmly believe that the California FOP can grow to over 50,000 members, the LDP can grow to over 150,000 members and the National FOP can grow to 500,000 members," he declares. "I hope to be a part of all three." **FOP**

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## COPS IN THE COMMUNITY

### Doing More With Georgia Lodge #64

**A**s strong pillars of the metro Atlanta area, each of the 545 active and retired members of local law enforcement agencies who make up Fulton County Lodge #64 in East Point, Georgia, are always striving to take their public service to the next level. Their motto, "Doing More With Lodge #64," perfectly demonstrates the importance the lodge places on actively trying to bridge the gap between law enforcement and the community they work so hard to protect.

The lodge, which operates on the principles of "Transparency, Integrity and Proficiency," strongly believes in being involved in charitable ventures and using the time members spend in the community to raise public safety awareness and educate the public on crime prevention.

One of the best times for members to impact the community comes every holiday season at the annual **Cops and Kids** service event. This FOP program, which is designed to build relationships between local lodges and their communities, gives underprivileged children the opportunity to choose Christmas gifts while having a chance to see law enforcement through a new lens. This past December, Lodge #64 made the holidays brighter for more than 100 children, who each received a Walmart gift card and were accompanied by lodge members during their shopping adventure. Members gave helpful suggestions along the way and ensured each child had an experience they'd never forget. The local agencies that took part in the event included the Fulton County Sheriff's Office, Fulton County Marshal's Department, East Point Police Department, East Point Lodge #12, East Point Fire Department, City of South Fulton Police Department and Federal Reserve Bank, Atlanta Division.

Another way the lodge gives back to youth is by making an impact in local schools. Lodge #64 members are very involved with the **Back to School Project**, which helps distribute



backpacks, paper, tablets, pens and pencils to elementary, middle and high school students throughout the area who otherwise might not be able to afford the necessary learning tools. The lodge is also a committed partner of Fulton Leadership Academy, Georgia's first all-male public charter school, with critical donations that help provide key resources such as uniforms and backpacks. Several members volunteer at school functions and work side by side with staff to assist when needed.

While helping children is certainly a huge part of its community efforts, kids aren't the only group that benefits from the generosity of Lodge #64. The lodge supports and provides assistance to the South Fulton Senior Citizen Group's **Meals on Wheels** program by sponsoring cooked meals that promote a healthy lifestyle. The home-cooked meals are then delivered to senior citizens' residences. Members also donate to and assist the HJC Bowden Senior Multipurpose Facility's **Grandparents Raising Grandchildren** program by providing much-needed school supplies and holiday baskets to elderly caregivers needing extra assistance. The

outreach comes at a crucial time, as roughly 2.7 million grandparents nationwide are currently caregivers to their grandchildren, with Georgia among the states with the highest percentage, according to the U.S. Census Bureau.

In addition, Lodge #64 offers support to the special-needs community, a group that's often overlooked and underserved. Members play an active role in the Union City Parks and Recreation Department's **Miracle League**, which gives children with special medical needs and physical handicaps a chance to play baseball with other kids like them. In a safe and secure area, such as a gymnasium, lodge members not only teach ballplayers how to hit and catch the ball but give positive encouragement every step of the way.

Lodge #64 members are also passionate about contributing to the **Easter Seals** of North Georgia, an organization that serves children up to age 5 who are disadvantaged or disabled. Members take part in fundraisers such as golf tournaments and 5K walk/runs to advocate for the need to develop treatment plans and diagnoses for children with special needs.

To support its members in their successful outreach efforts, Lodge #64 believes education is key. By providing monthly POST training classes, the lodge offers an ongoing process to develop officers' skills and knowledge to make them more effective in community policing.

"Some of my proudest moments have been seeing our members bridge the gap between children and law enforcement," President Charlene Heard says. "Officers had to learn how to utilize various communication skills to better understand their needs, while the kids learned to trust the officers. It is great to give back to the community when they least expect it. The best advice I can give to my brothers and sisters is to support your community activities, and they will support you." **FOP**



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# DEGREES OF DISTINCTION



As law enforcement duties evolve, higher education in criminal justice lays the groundwork for career advancement.

At the end of 2018, leaders from law enforcement agencies across the country gathered in Washington, D.C., to discuss the status of staffing. The consensus going in was that recruitment and retention of officers is more challenging than ever, for a variety of reasons. But the meeting's end purpose was to share ideas for practices that have proven successful in attracting and retaining staff.

"The Workforce Crisis and What Police Agencies Are Doing About It" report, released last September by the Police Executive Research Forum (PERF), represents the culmination of that meeting. Its extensive analysis identifies 12 key actions that departments can take to improve staffing, including emphasizing the need for law enforcement professionals to develop diverse skill sets. Attendees agreed that today's officers are expected to understand societal concerns, such as mental health and addiction, on top of maintaining peace and solving crimes. That complexity demands above-average oral and written communication abilities, problem-solving strategies and a sense of empathy.

Not coincidentally, these also are some of the key elements emphasized in today's criminal justice education programs. While universities continue to cover core subjects related to crime, courts and corrections, many have incorporated instruction on victimology, racial and cultural context, and terrorism to provide students with a well-rounded assessment of current trends and topics in policing. Here's a selection of degrees designed to meet the needs of the changing world of law enforcement.

**American Military University**  
[www.apus.edu](http://www.apus.edu)

**Degree:** Bachelor of Science, Criminal Justice

**Overview:** The criminal justice undergraduate program at American Military University examines the discipline from a scientific analysis approach. Classes apply a forensic philosophy, not just to evidence evaluation, but also to studying crime trends, investigation strategies and adjudication processes. In addition to the bachelor's degree, AMU offers multiple educational certification opportunities for concentrated subject studies.

**Course examples:** Research Design and Methods; Criminal Profiling; Ethics in Criminal Justice

**Faculty insight:** "This increased exposure can aid the learner in transfer and promotional opportunities as the knowledge gained can demonstrate the individual's understanding



of advanced aspects of the topics, above and beyond what those exposed to training have received." — Chuck Russo, Ph.D., professor and program director

**Arizona State University**  
[www.asu.edu](http://www.asu.edu)

**Degree:** Master of Arts, Criminal Justice

**Overview:** Arizona State University has assembled a faculty of nationally recognized subject-matter experts with extensive research experience, along with criminal justice professionals with years of field experience, to present an in-depth study of modern law enforcement. Enrollees delve into research methods as well as learning about administrative functions, including program planning and evaluation.

**Course examples:** Seminar in Criminology; Seminar in Courts and Sentencing; Seminar on Race/Ethnicity, Crime and Justice  
**Faculty insight:** "We attract the most promising students in the field and value having working professionals learn from each other. They impart

what they learn in class to their departments or agencies so the public can benefit, too." — Jesenia Pizarro-Terrill, associate professor and program director

**Maryville University**  
[www.maryville.edu](http://www.maryville.edu)

**Degree:** Bachelor, Criminal Justice

**Overview:** Maryville University has created an interdisciplinary structure for its bachelor's degree in criminal justice. Faculty challenge students to assess crime from multiple angles — law enforcement, social impact and even with empirical data — to gain an understanding of the imprint left on victims, families and communities. Applicants may gain credit for training from select police academies.

**Course examples:** Murder to Trial; Sexual Violence and Aggression; Cultural Relativism and Social Deviance

**Union Institute & University**  
[www.myunion.edu](http://www.myunion.edu)

**Degree:** Bachelor of Science, Criminal Justice Management

**Overview:** In addition to assessing current issues impacting law enforcement, students in the criminal justice management undergraduate program at Union Institute & University compare and contrast supervision techniques, leadership practices, and policy development and implementation. Students may earn credits for certified training evaluation. The degree program also offers certificates in homeland security and forensic science management.

**Course examples:** Critical Incident Management; Supervision in the Criminal

Justice Field; Criminal Justice Management Information Systems  
**Faculty insight:** "We're bringing ideas to students of first-line supervision, about middle management and upper management, so they get a better understanding of why their agencies make some decisions and what they do moving forward." — Paul Brugman, program chair

**Eastern Kentucky University**  
[www.eku.edu](http://www.eku.edu)

**Degree:** Bachelor of Science, Criminal Justice

**Overview:** With six start dates throughout the year, enrollees in Eastern Kentucky University's undergraduate criminal justice program have flexibility to fit school into their schedule for the most convenient timing. The university also accepts up to 90 transfer credits and awards graduates of the Kentucky Department of Criminal Justice Training program with nine credit hours. In terms of curriculum, there's a blend of traditional academic instruction with practical professional development tools through leadership skills and competency-based elements.

**Course examples:** Perspectives on Crime and Delinquency; Multi-Culturalism and Policing; Applied Criminal Justice Analysis

**Faculty insight:** "Each of our programs provides a solid set of core courses and at the same time builds in a considerable amount of elective credit that allows students to take courses that interest them or benefit them the most." — Scott A. Hunt, professor and chair, School of Justice Studies, College of Justice & Safety

## FOP MEMBER INSIGHT

**"I'm a strong believer in continuing your education, whether it's used for your career or just for something you're interested in. While doing my job, it makes it more interesting knowing some of the potential reasons (based on criminology) behind delinquency and criminal behavior."**

— Ramonella Police Officer James Myers, Minnie Lodge #15, Master of Arts in Criminal Justice student at Arizona State University

**Penn State World Campus**  
[www.worldcampus.psu.edu](http://www.worldcampus.psu.edu)

**Degree:** Bachelor of Science, Criminal Justice

**Overview:** Penn State has long been regarded as a prestigious traditional institution, and the Penn State World Campus's bachelor's program in criminal justice builds off that renowned history to offer a well-rounded experience in the online environment. All courses are taught by on-campus faculty who have received additional training on how to translate their instructional methods to the virtual classroom. Upper-level criminal justice subjects explore multiple aspects of law enforcement, including the humanistic element through

a study of sociology and psychology.  
**Course examples:** Courts and the Prosecution Process; Policing in America; Victimology

**College of St. Elizabeth**  
[www.cse.edu](http://www.cse.edu)

**Degree:** Combined Bachelor of Arts in Criminal Justice to Master of Arts in Justice Administration and Public Service

**Overview:** The combined undergraduate-to-graduate program at the College of St. Elizabeth empowers students to tackle two degrees in an expedited manner while preparing them to take on duties and challenges associated with management and executive positions. Undergraduate students may apply to the combined program after completing their junior year, and must achieve a 3.0 or higher grade point average to qualify. Plus, law enforcement officers receive substantial tuition discounts.

**Course examples:** Public Policy & Administration; Justice Administration; Legal and Critical Issues  
**Faculty insight:** "College of St. Elizabeth's tradition of small classes that encourage student interaction also has resulted in many students from the school's undergraduate criminal justice program moving into the graduate program." — James F. Ford Jr., Ph.D., professor, chair of the Criminal Justice Program and director of the Graduate Program in Justice Administration and Public Service **FOP**

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[fopconnect.com/education-connect](http://fopconnect.com/education-connect)

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## FOP Plays Prominent Role on New Commission; Cadillac Tax Repealed!

As of this writing, the Senate is conducting the trial of President Donald J. Trump, who was impeached by the U.S. House of Representatives in December. The House is set to return from its recess and begin the second session of the 116th Congress in earnest. The staff in the National Legislative Office is preparing for **Day on the Hill 2020**, and we are pleased to announce some end-of-year legislative victories.

### Cadillac Tax Repealed and LE Memorial Commemorative Coin Enacted

In December, Congress passed and the president signed H.R. 1158, the Consolidated Appropriations Act, which provided funding for certain executive departments, including Justice and Homeland Security. The FOP worked with our allies on Capitol Hill to ensure that the spending bill included a provision repealing a harmful provision in the Patient Protection and Affordable Care Act (ACA, or "Obamacare"), which inflicts a 40% tax on plans exceeding \$10,200 for individuals and \$27,500 for families that was to have gone into effect in 2022. This provision, known as the "Cadillac Tax," is aimed at "excessive" plans in order to offset the costs of the overall program. The FOP opposed the provision in 2010 and has been working for its repeal, because law enforcement officers are compelled to carry more comprehensive and expensive plans due to the dangerous nature of their work. Forcing these officers and their families to pay a penalty on their health-care plans is wrong, and we're proud to report to our members that this punitive tax has been repealed.

Congress also passed another appropriations bill, H.R. 1865, the Further Consolidated Appropriations Act. The bill, as originally introduced, was titled the National Law Enforcement Commemorative Coin Act before being amended to become

a vehicle for the spending measure. The legislation retains the original language, which directs the secretary of the Treasury to mint coins in three different denominations with a design "emblematic of the National Law Enforcement Museum and the service and sacrifice of law enforcement officers throughout the history of the United States." Some of the proceeds from the sale of the coins will go to the nonprofit National Law Enforcement Officers Memorial Fund (NLEOMF), which supports the National Museum's exhibits as well as its educational and outreach programs at no cost to the taxpayer. The FOP supported this legislation, which was signed into law by the president.

### FOP Well-Represented on National Law Enforcement Commission

National President Yoes was in Washington in January to attend the swearing-in ceremony and inaugural meeting of the Presidential Commission on Law Enforcement and Administration of Justice. President Trump established the commission in October by executive order. The FOP worked closely with the White House and the U.S. Department of Justice during the process of drafting the executive order, and we were part of the discussion as to its implementation.

The FOP is well-represented on the commission, with three active members serving as commissioners: Frederick Frazier, the vice president of the FOP's Dallas Lodge; John Samaniego, a past president of the Alabama State Lodge; and James Smallwood, president of the Andrew Jackson Lodge in Nashville.

Philip E. Keith, director of the Office of Community Oriented Policing Services (COPS) and a former president of the FOP lodge in Knoxville, Tennessee, will chair the panel, which will research "important current issues facing law enforcement and the criminal justice system" in an effort to improve policing and the administration of justice.

United States Attorney General William P. Barr swore in all the commissioners and delivered remarks at the ceremony, during which he publicly thanked National President Yoes and FOP Executive Director Jim Pasco for their help and the important role the FOP played in developing the commission. With many uniformed FOP members in the audience, Barr stated: "Together, we will examine, discuss and debate how justice is administered in the United States and uncover opportunities for progress, improvement and innovation."

The FOP has been calling for the establishment of such a commission for many years, and we are proud of the role we played. We are confident that the commission's work will benefit the profession of law enforcement and the American criminal justice system.

### FOP Leaders Meet at the White House to Discuss Problems With Prosecutors

President Trump hosted National President Yoes and 18 leaders from local lodges to discuss an emerging trend in the communities they protect — prosecutors and judges who fail to fully prosecute and appropriately sentence offenders. This puts officers and the public they protect in jeopardy and makes these communities less safe.

In addition to the president, the meeting was also attended by Chad Wolf, acting secretary of the U.S. Department of Homeland Security; Kellyanne Conway, counselor to the president; and Tim Shea, senior counsel to Attorney General Barr. The FOP will continue to work with this administration on this and other public safety initiatives, like Operation Relentless Pursuit, which is aimed at combating violent crime in seven of America's most violent cities through a surge in federal resources.

Continued on page 22 >

FOP JOURNAL // MARCH 2020

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## Legislative Updates

**H.R. 141/S. 521, the Social Security Fairness Act.** The FOP continues to wage an intense lobbying campaign to build support for this legislation by getting more members of the House to co-sponsor the bill. At this writing, the legislation has 235 co-sponsors, which is more than a House majority, but below the 290 threshold that would send the measure to the floor for action. We are engaging with members and staff on our own, as well as part of the Public Safety Working Group that the FOP assembled last autumn.

Members who will be in Washington for the Day on the Hill will be asking the lawmakers they meet with to back us on this critical piece of legislation.

**H.R. 1154/S. 1394, the Public Safety Employer-Employee Cooperation Act.** This is another top legislative priority on which we are pleased to report a surge in co-sponsorship and support. We now have 216 co-sponsors on H.R. 1154 in the House — just two shy of a House majority. As a result of our efforts, the House Committee on Education and Labor has told us it intends to hold a hearing and

## Top Priorities in Brief

**H.R. 141/S. 521, the Social Security Fairness Act**

**House:** 235 co-sponsors

**Senate:** 37 co-sponsors

**H.R. 1195/S. 473, the Law Enforcement Officers' Equity Act**

**House:** 52 co-sponsors

**Senate:** 6 co-sponsors

**H.R. 1154/S. 1394, the Public Safety Employer-Employee Cooperation Act**

**House:** 216 co-sponsors

**Senate:** 19 co-sponsors

markup of the legislation early this year. We expect our Day on the Hill participants will help us with our lobbying campaign and push the co-sponsorship of the bill over 218.

**H.R. 1325, the Protect and Serve Act.** The need for Congress to enact this legislation is clear — in 2019, 293 officers were shot in

the line of duty, 50 of whom were killed. The number of officers shot in ambush attacks increased to 30 this year and seven of those officers were killed. The number of officers shot in the line of duty went up 20% in 2019. Fourteen percent of the officers killed by gunfire in 2019 were killed in ambush attacks. The legislation would create a new federal offense for anyone who "knowingly assaults a law enforcement officer" and would sentence such an offender for a term of imprisonment for 10 years or life for murder or attempted murder. Staff in the National Legislative Office has been targeting members of the House and the Judiciary Committee in congressional districts in the six states that lost officers to ambushes: Alabama, Arkansas, California, Mississippi, Ohio and Texas. The legislation currently has 23 co-sponsors.

## Lawful Access to Digital Evidence

The FOP is working with our allies on Capitol Hill and in the Justice Department to draft legislation to address the obstacles faced by law enforcement in obtaining digitally stored and encrypted evidence. Many technology firms have or plan to implement

Continued on page 24 >

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#### WASHINGTON REPORT

Continued from page 22

user-controlled end-to-end encryptions that will render these firms and service providers unable to comply with court-ordered warrants seeking evidence of criminal activity. This will also end the ability of technology companies to monitor and then alert authorities to illegal, criminal and violent content.

In a recent example of this problem, President Trump and Attorney General Barr publicly called on Apple to assist them in retrieving digital evidence from locked electronic devices possessed by the Saudi Royal Air Force officer who murdered three U.S. Navy sailors in Pensacola, Florida, in a planned terrorist attack. Federal investigators sought access to the data on these devices to further investigate this terrorist act but could not obtain the company's full cooperation.

Encryption protects the privacy of our citizens; however, it cannot absolve the responsibilities of companies and service providers to comply with lawful court orders. We continue to work with our partners in law enforcement and the technology sector to find solutions that protect privacy as well as public safety.

#### Speak Up, Be Loud, Make Your Voice Heard!

Social media is a powerful tool that enables us to have direct, personal conversations with thousands, if not millions, of members and potential members, supporters and opponents — allowing us to take back our narrative. We are proud to report that we have increased our social media efforts on Facebook, Twitter and Instagram, which has resulted in FOP-published content being viewed by over 9.6 million people within the last several months.

**FOP Weekly Updates:** We have revamped the FOP's *Washington Watch: Legislative Update* to include a new look and expanded accessibility by posting the updates on our social media platforms every Friday, in addition to distributing them via email.

**Blessed Are the Peacemakers:** In case you missed it, the FOP launched the End of Watch campaign to honor our fallen brothers and sisters. Once we are alerted and confirm that one of our own has fallen in the line of duty, the FOP will post the name, rank, department, state and EOW. Also included is a picture of the fallen officer and the department's patch.

**FOP Strong:** It is important that we take an instrumental role in shaping the

narrative around the men and women who wear the badge. We are sharing numerous articles, stories and pictures on a daily basis to highlight the tremendous work of our members in their communities. When doing so, make sure to use the hashtag #FOPstrong.

**FOP on Facebook (@GLFOP):** Over the past few months, we have gained nearly 15,000 new followers (84,200 total followers), and our Facebook content has reached well over 6.1 million people.

**FOP on Twitter (@GLFOP):** Similarly, we have gained over 2,000 new followers (21,200 total followers) and have reached nearly 3.5 million people on Twitter.

**FOP on Instagram (@FOPnational):** The FOP hit the ground running when we launched our Instagram page back in mid-September. Since the last issue of the *Journal*, we have gained over 2,000 new followers (3,100+ followers) and have posted nearly 200 times. On a mission to take back the narrative, we are proud to report that within just a few months, we have engaged an audience of approximately 50,000 people, more than 33% of whom are millennials.

#### Support the PAC!

The National Fraternal Order of Police Political Action Committee (NFOP PAC) is an essential part of our National Legislative Program. The NFOP PAC is an effective way to represent our members on Capitol Hill by supporting candidates who support our members and our profession.

This is an election year, meaning we face the challenge of remaining competitive with other organizations and PACs that, like the FOP, will be supporting candidates who back their issues. It is up to us to support candidates who support police.

Our new monthly and one-time contributions have dwindled over the last six months, with the last surge being the National Biennial Conference. We must have year-round growth that adds to our PAC to make it effective.

To donate, please write a check to the National Fraternal Order of Police Political Action Committee and mail it to 328 Massachusetts Ave. NE, Washington, D.C., 20002. For inquiries about our effortless payroll deduction program, or to sign up for recurring monthly credit card donations, please contact Scott Marks at [scott.marks@fop.net](mailto:scott.marks@fop.net) or in the National Legislative Office at (202) 547-8189. We thank you for your support! **FOP**

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## LEOs and CBD: Proceed With Caution



It is no secret that two of the most prevalent physical issues relating to law enforcement are stress and sleep troubles. Even less of a secret is the vast number of pharmaceutical options on the market to treat those two issues; however, as more and more LEOs are seeking non-prescription alternatives in order to combat their stress and trouble sleeping, the preponderance of other problems is on the rise.

Over the past couple of years, the topic of cannabidiol (commonly referred to as CBD oil) has increased in relation to police officers — specifically, its effect on disciplinary procedures within the

### Just the Facts:

➤ Cannabidiol (CBD) is gaining popularity as an anti-anxiety aid, but research on the substance is still in its infancy and legality varies by state and THC level. To avoid disciplinary consequences, officers should be aware of their department's drug policies and stay on top of case law regarding CBD use in law enforcement.

police force. Known to bind to specialized receptors in the brain that then act to lower anxiety, CBD oil is becoming more and more popular in the law enforcement community. Though using CBD oil is federally illegal if the THC level is 0.3% or above, issues of local legality vary by

state and the disciplinary ramifications lie in whether or not there is a certain detectable percentage of THC within the CBD oil. Even though frequently marketed CBD oil is often found to

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## A Treasurer for 53 Years

It began in the summer of 1967 in the sleepy city of Hagerstown, in western Maryland. A group of professional law enforcement officers from several local jurisdictions, including the Baltimore City Police Department, met and chartered the Maryland State Lodge of the Fraternal Order of Police. A total of three police agencies were present, with 24 delegates in attendance. Make no mistake, this was a step into the unknown for Maryland cops: Maryland wasn't quite the labor-friendly state that it is now, and these intrepid few knew that they were taking chances with their livelihoods.

Among the founding fathers was a Baltimore City detective, Earl Kratsch. Originally from Eastern Pennsylvania, he had been a detective for several years (Earl would serve until 1998, a total of 40 years) and had seen all that one could imagine one would see working murders and drugs in a large metropolitan city. Understanding the weight of organizing and not ones to be dissuaded, Earl and others began the State Lodge with the idea of both creating a fraternal group of like-minded officers and putting forward a legislative agenda to improve the working conditions of Maryland law enforcement officers. (Of the original organizers, only Earl and Mr. Ralph Ryland are still alive.) "We started so that we could improve working conditions. I was also the first treasurer for Baltimore City Lodge #3. Collecting dues was tough," Earl chuckles. "We had to chase down members on payday; it took management several years to give us payroll deduction."

Earl was elected to the executive board of the Maryland State FOP as the



treasurer, and he still holds this position in 2020. That's correct — Earl has held the treasurer's position since the lodge's inception 53 years ago. During this time, Earl has seen it all, from handwritten ledgers and checks to electronic

### EARL HAS HELD THE TREASURER'S POSITION SINCE THE LODGE'S INCEPTION 53 YEARS AGO.

bookkeeping and automated banking, from having no money in the coffers to having millions of dollars for the benefit of Maryland FOP members. Earl has seen the State Lodge grow from a couple of dozen members to well over 21,000.

As it sometimes happens with large unions or businesses, the Maryland State Lodge was audited by the IRS. Searching

for improprieties, the IRS found none. It was so well organized and documented, the IRS bugged out, declaring, "This is the way records should be kept. We [IRS agents] wish all kept records this way." Earl again chuckles and states, "Our accountant told me, after the agents had left, that this was the first time in his career that a client didn't have to write a check to the government."

"Earl is a consummate professional," current Maryland State Lodge President Ismael "Vince" Canales said recently. Canales further stated, "Earl, in many respects, is the lifeblood of the

lodge. I and the board of directors never worry about the books and our budget. Earl's due diligence and transparency are a constant source of comfort. This allows us to accomplish the other goals of the lodge."

When asked to give a quote about Earl for this article, Maryland State Lodge Second Vice President Michael Young summarized by saying, "We really couldn't do what we do for our members without Earl. It is just that simple."

A special thank-you to Brother Mike Young for this article, and all his hard work making this well-deserved tribute to Earl Kratsch possible. What an unbelievable amount of Maryland FOP history in just one man. Keep up the good work, Earl — you are truly a treasure!

James Flores (New Mexico) is the chairman of the National FOP History Committee. The members of the committee are Dewey Stokes (Ohio), Adolph Smith (Alabama), Dave Stevens (Florida), Bruce Eavary (Maryland) and Ben Roberts (Texas). **FOP**



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## 2019 Amicus Activity

In 2019, the FOP filed amicus briefs in four separate cases, including three to the United States Supreme Court — its most active year serving as *amicus curiae* in the last 20 years. 2020 appears to be equally involved, as the FOP has requested to be heard in support of a petition to the U.S. Supreme Court in *Jones, et al. v. Lamkin, et al.*, Case No. 19-726.

*Amicus curiae*, or “friend of the court,” is a brief filed to bring to the attention of the court relevant information not already brought to its attention by the parties to the matter before it. The FOP offers its services as *amicus curiae* when important law enforcement rights are at stake, serving as the voice of law enforcement. During recent times, when police and public tensions are strained, the FOP’s perspective is critical in balancing both police and public safety interests.

The FOP served as *amicus curiae* in *Thomas C. Wehring v. N.C. Department of Public Safety* before the North Carolina Court of Appeals. The issue involved whether termination of a state trooper was justified for mistaking the location of his patrol hat. The officer was terminated for violation of the department’s truthfulness policy.

On behalf of the officer, the FOP argued that a department’s truthfulness policy must be objective to ensure that only willful untruthfulness by police officers about significant and material matters amount to a truthfulness violation sanctionable by termination. Otherwise, good police officers with years of experience and training will be removed for ministerial matters and communities will suffer. A degree of flexibility must exist for the spirit of any truthfulness policy to make sense.

In June 2019, the FOP filed its first of three amicus briefs to the U.S. Supreme Court in support of FOP Chicago Lodge #7’s petition in *FOP Chicago Lodge No. 7 v. State of Illinois*, Case No. 18-1395.

### Just the Facts:

▶ The FOP had a busy 2019, with four amicus briefs being filed, including three to the United States Supreme Court, a 20-year high. The FOP contributed law enforcement perspective to cases involving department truthfulness policies, union participation in implementing consent decrees, investigative traffic stops, and termination of officers for supporting the political opponent of the elected official heading the agency they serve.

The issue involved the local lodge’s participation (or lack thereof) in the City of Chicago’s implementation of a consent decree. The lower courts denied Lodge #7’s motion to intervene in the case.

On behalf of the local lodge, the FOP argued that better policing will be achieved through collaboration with law enforcement unions. If the true goal of a consent decree is to promote improved police training and tactics, then including the boots-on-the-ground officers charged with implementing those improvements in the initial bargaining discussion is critical to the success (or failure) of reform. In its brief, the FOP advocated for buy-in from police officers in order to implement the consent decree and achieve true systemic reform. The court ultimately declined to hear the case.

The U.S. Supreme Court heard oral argument in *Kansas v. Glover*, Case No. 18-556, on November 4, 2019. The FOP filed an amicus brief in support of the petitioner, the state of Kansas. The question before the court involved a traffic stop and whether, for purposes of an investigative stop under the Fourth Amendment, it is reasonable for an officer to suspect that the registered owner of a vehicle is the one driving the vehicle absent any other information. The Kansas Supreme Court reversed the Court of Appeals and held that the traffic stop violated the Fourth Amendment. A decision from the U.S. Supreme Court is forthcoming.

In its amicus brief, the FOP argued

that brief, investigative traffic stops protect the safety of the public by uncovering unlicensed and uninsured drivers and drivers with warrants. Furthermore, officer safety is promoted because requiring an officer to obtain additional evidence puts the officer at risk, especially if the individual is traveling in traffic, at night and/or on a highway at a high rate of speed. Any infringement on Fourth Amendment rights would be *de minimis*.

Finally, the FOP offered its service as *amicus curiae* in two related matters on petition to the U.S. Supreme Court. The issue involved removal of law enforcement officers for supporting the political opponent of the elected official of the office they serve, in violation of their First Amendment rights. First, in *McCaffrey v. Chapman*, Case No. 19-342, a rank-and-file deputy with excellent performance reviews and years of experience was terminated from Virginia’s largest sheriff’s office for supporting the sheriff’s opponent in an election. Next, in *Jones, et al. v. Lamkin, et al.*, Case No. 19-726, two deputy marshals from Georgia were terminated for supporting the marshal’s opponent. In its briefs to the U.S. Supreme Court, the FOP argued that the patronage dismissals of police officers politicizes all of law enforcement. The practical effect is the removal of competent and experienced officers from the communities they serve. The court declined to hear *McCaffrey*, while *Jones, et al.* remains pending for a decision on the writ of certiorari. **FOP**



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Legal defense coverage has become a necessity for law enforcement as the frequency and cost of allegations against peace officers continues to increase. During a time of intense public scrutiny of police officers, the FOP Legal Defense Plan remains financially and professionally strong while serving over 90,000 members — a true sign of the phenomenal benefit the FOP has to offer.

The FOP Legal Defense Plan is owned and operated by the FOP and designed to meet the exposures you face every day while working in this capacity. The FOP Legal Defense Plan provides defense coverage of law enforcement professionals for administrative, civil and criminal actions, proceedings and investigations. Let us help relieve the stress and financial burden and protect you during a critical time of need.

Before selecting a non-FOP-sponsored legal defense coverage, compare the benefits. The features of the FOP Legal Defense Plan include:

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For more information about the Plan, visit [www.foplegal.com](http://www.foplegal.com) or contact Hyland (enrollment administrator) at (800) 341-6038. **FOP**

## COMING SOON

### TO THE SUMMER ISSUE OF

# FOP JOURNAL

## Police Week

## Health & Wellness

## Flashlights

## Software



## Never Let Them Walk Alone

The National Peace Officers' Memorial Service, held each year on May 15 in Washington, D.C., provides a national stage to inform our country of the sacrifices made by brave law enforcement officers and their families. As family members, friends and co-workers gather to honor and remember their loved ones, Fraternal Order of Police members, Auxiliary members and law enforcement departments from the United States and many other countries join to pay tribute to our fallen heroes and their families.

As family members are escorted to the white chairs, a place of honor at our service, and the service begins, the reflection of our deepest respect for the officers and their families is understood. As media provides a window through which the country can view the performers and speakers who will each offer moving tributes, the families place a flower in the Memorial Wreath as their loved one's name is read. The final song is offered as you look upon the sea of blue ribbons being waved in honor and remembrance of our heroes, and the service concludes.

While the Memorial Service is an effort of love for the Auxiliary, it is only one of the many ways we demonstrate our support

for the many heroes of law enforcement.

The Fraternal Order of Police Auxiliary was formed for the purpose of promoting the welfare of law enforcement officers, our heroes, and their family members. Our members are entrusted with the task of making sure their heroes know of their support. Subordinate auxiliaries are finding new ways to

**OUR PANELS WILL INCLUDE PRACTITIONERS AT THE FOREFRONT OF THE VARYING LEGAL ISSUES FACING LAW ENFORCEMENT TODAY.**

support and promote law enforcement and their families. Our members are ever-vigilant in acknowledging the needs of not only families of law enforcement, but families in the community as well, and are eager and prepared to provide assistance. You can see auxiliary members working alongside officers and advocates to help when disasters strike a community. Auxiliary members coordinate events to

raise positive public awareness of law enforcement, and many of these projects are held with the assistance of businesses that support law enforcement.

Support for law enforcement need not happen only on a certain scheduled day. Support for law enforcement is a daily event, and it begins with you. It begins with a conscious effort to assure our law enforcement heroes that you stand behind them, every day of the year. Appreciation is shown through acts of thanks and gratitude. It could be spontaneous or a weekly or monthly event. Support for law enforcement can be by means of encouragement, assistance, defending or just being there.

As family members of law enforcement, we are sometimes the first to recognize an officer who is struggling with other issues and not necessarily willing to ask for help. As a result, the family member is in need of support and encouragement to cope with the issue. Take the lead and support our heroes and their families daily. Be there, be aware and be willing to Never Let Them Walk Alone. **FOP**

**// WRITE TO US!** Contact the National Auxiliary at [lhennie@fop.net](mailto:lhennie@fop.net) to learn more about opportunities to support law enforcement families.

We encourage the LEO community to be aware of their own departmental drug policies, as well as staying on top of new research and case law pertaining to CBD usage in law enforcement. As time presses forward, we in Labor Services aim to continue to provide you with helpful research and seminars on CBD and other relevant officer-wellness topics. **FOP**

**// WRITE TO US!** You can reach the Division of Labor Services at 701 Marriott Drive, Nashville, Tennessee 37214; (615) 451-3771; or [laber@fop.net](mailto:laber@fop.net).



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### LABOR NEWS

Continued from page 26

have less than 0.3% of THC, if a police department has a zero-tolerance policy for any amount of detectable THC found within an officer's system, then disciplinary consequences can occur.

Furthermore, many medical doctors are now advising their patients to try CBD oil as an alternative to anti-anxiety medications, like SSRIs such as Paxil and benzodiazepines like Xanax. The problem with this is that no matter how well-intentioned your doctor may be, they are often not privy to your

specific personnel and drug policies in your police department. Heeding this medical advice may seem inconsequential at first, but testing positive for THC while under a departmentally mandated drug test can be highly consequential. When faced with this issue, many officers feel blindsided because they were most likely just taking medical advice, but the truth is that CBD oil is still in its infancy in regard to research, and there has yet to be a scientific test that is able to distinguish between THC in the body as a result of marijuana usage and THC in the body as a result of CBD oil usage.





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