

# FOP

# JOURNAL



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JUNE 2016

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ALSO INSIDE

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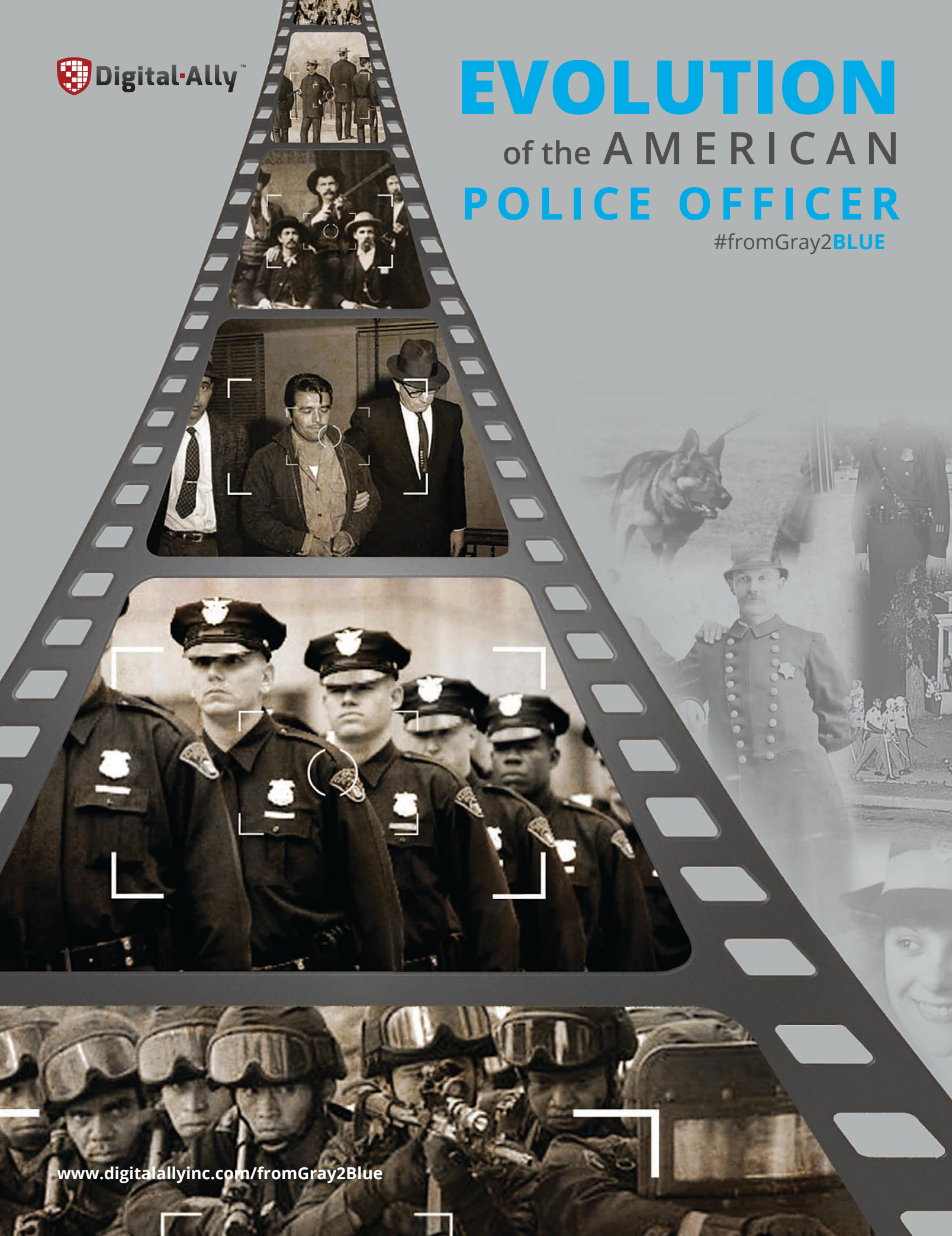
2016 POLICE WEEK

**TRIBUTE TO OUR  
FALLEN HEROES**

# EVOLUTION

of the AMERICAN  
POLICE OFFICER

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## FEATURES



12



14



20



22

### 12 // Saluting the Fallen

2016 Police Week

### 14 // Cops Creating Better Communities

Officers Show Another Side of the Badge Off Duty

### 20 // Lower Impact, Higher Tech

Maximize Your Less-Lethal Use-of-Force Options

### 22 // Stay Focused

Cutting-Edge Products Help You See Clearly

## DEPARTMENTS

### 6 // President's Message

Recognizing and Celebrating Our True Heroes

### 7 // Vice President's Message

Getting Involved Makes a Difference

### 8 // Secretary's Message

Every Life Is Worth Saving; We Possess the Power to Do So

### 9 // Treasurer's Message

Check Your Tax-Exempt Status

### 10 // Second Vice President's Message

FOP Strength Is Measured by How Much We Give

### 11 // Sergeant at Arms' Message

Remembering Our Fallen and Looking Ahead

### 24 // Washington Report

FOP-Backed Bills Clear House and Senate; Two Signed by President

### 30 // Labor News

The Duty of Fair Representation and Fair Share Fees

### 33 // Legal Counsel

Circuit Court Strikes Down Wisconsin's Right-to-Work Law

### 34 // FOP News

Youngstown Lodge #200 Comes Through in a Big Way

**On the cover:** Officers and attendees pay tribute to the fallen at the 2016 National Peace Officers' Memorial Service held at the U.S. Capitol in Washington, D.C., on Sunday, May 15. Photo by Lynn Cronquist.



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TO THE FALL ISSUE OF

## FOP JOURNAL

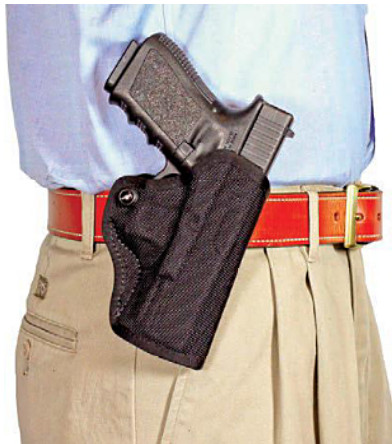
### Presidential Candidate Q&A

### Higher Ed: Criminology

### Holsters, Backup Guns and Concealed Carry

### Body Armor

# PRODUCT SHOWCASE



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# Recognizing and Celebrating Our True Heroes



// **WRITE TO US!** If you have further questions, contact Chuck Canterbury at [fopchuck@outlook.com](mailto:fopchuck@outlook.com).

We all know that we have a serious problem in our country: Public support for law enforcement is at an all-time low. Too many Americans have lost confidence in law enforcement, fed in part by a never-ending news cycle and the ubiquity of social media.

The cause of our country's crisis of confidence in law enforcement is a matter of some debate, but together, we are working hard on finding solutions. The solutions will come at the local level, and our local lodges and communities need to work together to find solutions in their jurisdictions.

All across the country, communities are debating these important issues, and FOP is playing a central role. We have no higher priority.

But collaboration takes time. We need time to work through these difficult challenges community by community, along with good will from all stakeholders.

Yet right now, the problem is compounding itself: With every negative story, we suffer a national setback. In the blink of an eye, all the good we do every day can be forgotten, and it becomes that much more difficult for the law enforcement officers who work so hard to keep our streets, neighborhoods and schools safe. The loss of support and lack of trust from the communities we protect then compounds the new realities of police work.

We face an increasingly challenging job with fewer resources, reduced access to equipment and less training. Not surprisingly, this has led to lower morale among active officers and fewer people interested

in making law enforcement their career.

These challenges are real and, like any other challenge we face in our profession, we need to face them head on. As National president, I pledge that we will not only work with you to find and implement solutions at the local level, but also work to rebuild public support for law enforcement.

So in May, during National Police Week, the Fraternal Order of Police launched a new national campaign to remind Americans just how critical our law enforcement officers are.

The FOP Foundation launched a new website and social media campaign to spotlight the heroism of law enforcement — and the incredible job our officers do every day. We call this campaign “Our True Heroes.”

Our goal is to tell the stories of everyday American heroes who put their lives on the line so that our communities are safe. These stories happen every day, all across the country. You wouldn't know it, because these stories are not featured on the 6 o'clock news, but law enforcement officers make a difference every day — in small and big ways. We know that the vast majority of officers serve with quiet dignity and courage, so most of these stories never get told. It's our job to do so.

Our True Heroes is FOP's campaign to shine a light on the good work we do — a true grassroots movement to highlight the men and women who carry a badge and perform incredible acts of courage and

Join the campaign!

★ OUR TRUE HEROES ★

Find out more at  
[ourtrueheroes.org](http://ourtrueheroes.org)



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Continued on page 23 >

# Getting Involved Makes a Difference



// **WRITE TO US!** If you have further questions, contact Jay McDonald at [jmcdonald@fopohio.org](mailto:jmcdonald@fopohio.org).

**G**reetings Sisters and Brothers,  
As I write this, we are preparing to go to Washington to pay respects to our fallen heroes. The sad fact is that we continue to lose far too many brave men and women. While May is set aside to especially remember their sacrifice, we must commit ourselves to sharing their legacies always. We know their legacies are safer communities, and we hope that through better training, better equipment and an end to the vitriol aimed at officers, we can see that goal of safe communities come to fruition while putting an end to violence against law enforcement officers.

## Being Powerful Politically

One step in the process to achieve better training, better equipment and an end to the vitriol against law enforcement is to have a powerful voice in politics at the national, state and local level. The Grand Lodge has a government affairs operation that is second to none; our executive director was called a "secret weapon for police" by a national publication. Members of Congress have stated in public hearings that the FOP is the preeminent law enforcement organization in Washington.

It's important to note, however, that paid staffers in Washington are **not** our most effective communicators with Congress. You are. Congress (and, by the way, your state legislature) wants to hear from you. So what can you do to be an advocate for the FOP?

- Make candidates earn an FOP endorsement. Do not give the FOP endorsement away to someone who smiles and says they support you but never shows you that support in the actions they take with their vote. Are they co-sponsors of priority legislation? Have they gone on record and demanded action on priority legislation? Where do they stand? Smiles and handshakes do not cut it.
- Dollars count. Our PAC donations don't buy votes, but they do give us a

seat at the table — and they get phone calls returned. If every member gave just \$1 per month to a local, state or national PAC, we'd have tremendous resources with which to reach out and share our stories with policymakers at every level.

- Sign up for the Grassroots Action Network updates from our Washington staff. If there's a call to action, please participate. Calling or emailing your member of Congress can and does have a positive impact.
- Make sure all of your brothers and sisters are registered to vote! It seems basic, but you'd be surprised. In 2011, when Ohio faced an effort to block public sector unions, we had to spend an enormous amount of time and money making sure that members of our law enforcement family were registered to vote. We were successful, but we need to get people registered before an emergency strikes. There are implications for law enforcement in every election.

## Presidential Endorsement

The FOP's endorsement process is unlike any other organization. President Canterbury does not endorse a candidate for president. The Executive Board does not get to choose. The Board of Trustees does not get to make that decision on their own. Each state has to have a mechanism to cast their vote for Candidate A, Candidate B or no endorsement. In order for the FOP to back a candidate, that candidate must get 60% of the states to support him or her. The beauty of the process is that even if you personally do not agree with the choice made, you know that it was made democratically and that you had your say.

Please make sure your lodge is ready to participate in the process your state has established!

## Officer Wellness

Officer wellness is a major initiative of the

FOP. President Canterbury and I have tasked the newly formed Officer Wellness Committee with determining what each state offers as far as critical incident stress management and awareness, police suicide awareness and PTSD treatment.

This committee can also offer training to state and local lodges in various officer wellness areas. If your state or local lodge would like training in critical incident stress management, police suicide awareness or officer wellness, please contact Committee Chair Mike Haley at [hillst@msn.com](mailto:hillst@msn.com). Your lodge will be responsible for the expenses of the instructor, but the Grand Lodge will pay the salary.

## Social Media

The National FOP asks that you follow us on Facebook at [www.Facebook.com/NationalFraternalOrderofPolice](http://www.Facebook.com/NationalFraternalOrderofPolice) and on Twitter at [@GLFOP](https://twitter.com/GLFOP). It is the quickest way to stay up to date!

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# Every Life Is Worth Saving; We Possess the Power to Do So

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

Chances are, you know at least one co-worker who is struggling. The burdens of police work can take their toll on even the strongest among us. Perhaps that person struggling is you.

Depression can fool you into thinking that you are alone in your struggle. This perception of inadequacy turns into a perception of worthlessness and progresses to hopelessness. Hopelessness leads to self-abusive, addictive habits to deal with our issues. Why would someone dedicating their life to law enforcement turn to drugs, alcohol, food or gambling as an escape, especially given our exposure to the broken lives of those who traveled this same destructive path?

Many in law enforcement struggling with depression from the daily stressors and trauma that occur in the line of duty are faced with a complex landscape of challenges that make them feel unsupported by the very communities that we endeavor to serve. They worry that they will be stigmatized if they seek help.

What we so urgently need to hear is what is being done to acknowledge, address and heal these traumas. We want to learn how we are being supported and encouraged to honestly address our daily challenges, and what resources are out there for us that can improve our mental and emotional well-being.

FOP lodges all across the country are stepping up and having these discussions. We can no longer be silent and watch our members self-destruct. Every life is worth saving, and each of us possesses the power to do so.

I recently learned about a new program embraced by the Colorado State Lodge that shows what lodges can do to help members experiencing the effects of trauma. It is called Equine Response.

Equine Response serves first responders, military service members, veterans

and their families, offering an opportunity for people to heal themselves in partnership with horses. They are led by an experienced, dedicated team of professionals who believe it is their duty to care for those who experience trauma in the process of serving and protecting our communities, and that it is their responsibility to help ensure that those in positions of authority are healthy enough to serve their communities safely and effectively.

Equine Response was created by a group of professionals who have direct experience in the military and first responder communities. They know the challenges that we face, and have themselves experienced the hope and healing that come from working with horses. The Equine Response program follows the Equine Assisted Growth and Learning Association (EAGALA) framework, which helps create a relationship between clients and horses, breaks down the stigma associated with mental health therapy, and enables horses to serve as powerful catalysts for healing and personal growth.

As the Equine Response team says, "You don't have to tell people in the first responder world or their families and spouses about the effects of the traumas they face day to day, and you don't have to tell horse owners about the therapeutic value of horses. What Equine Response is doing is bringing those two worlds together."

The equine therapy sessions offer clients an opportunity to address issues related to trauma and PTSD, including relationship challenges, anger, depression, anxiety and survivor's guilt. Through these groups, clients develop communication skills, self-awareness, emotional self-regulation and coping skills so that they are better equipped to heal themselves through partnership with horses.

Seeking traditional therapy can be a huge stigma for many of us, and something we tend to avoid or downright reject. Equine therapy is not like traditional therapies, which can have limited effects for some people. For those of us

*Continued on page 23 >*

## Resources

### Equine Response:

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

### Safe Call Now: (206) 459-3020

[www.safecallnow.org](http://www.safecallnow.org)

A 24/7 help line staffed by first responders to assist first responders and their family members with treatment options for mental health, substance abuse and other personal issues.

### Share the Load: (888) 731-3473

[www.nvfc.org/help](http://www.nvfc.org/help)

Run by the National Volunteer Fire Council, this program offers a Fire/EMS Helpline and has also collected a list of many good resources for people looking for help and support.

### National Suicide Prevention Lifeline: (800) 273-8255

[www.suicidepreventionlifeline.org](http://www.suicidepreventionlifeline.org)

The U.S. national suicide hotline; it is not first-responder-specific, but they can and will talk to anyone who needs help.

### Lifeline Crisis Chat:

[www.crisischat.org](http://www.crisischat.org)

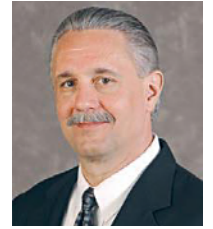
Part of the National Suicide Prevention Lifeline network, this program offers help via online chat instead of a telephone call.

### Crisis Text Line:

[www.crisistextline.org](http://www.crisistextline.org)

This service allows people in crisis to speak with a trained crisis counselor by texting 741741.





# Check Your Tax-Exempt Status

// **WRITE TO US!** If you have further questions, contact Tom Penoza at [tomfop@aol.com](mailto:tomfop@aol.com).

Over the past eight years, I have written often about filing taxes for your lodge. If you fail to file a 990, 990-EZ or 990-N for three years in a row, you will lose your tax-exempt status. If you lose your tax-exempt status, it is a time-consuming process to get it back, and it will cost \$1,000 to \$2,500 to have an accountant do it for you.

I was recently able to get a list from the IRS of lodges that the IRS says have had their 501(c)(8) tax-exempt status revoked. This list is not up to date, as the IRS is always behind on updating it. We know that some of these lodges don't exist anymore, and we also know that some of these lodges have gotten their tax status back. The list has over 600 lodges on it, so it is too big to print in this article, but it has been posted on our website at [www.fop.net](http://www.fop.net). Please take a minute to see if your lodge or any of your associate or auxiliary lodges are on the list. If so, check with the IRS to find out whether that status is correct, and if it is, you need to take action to get your 501(c)(8) tax-exempt status back. Paul Curatolo from the Grand Lodge accounting firm, Sasseti LLC, can provide you with information on how to get your tax status

back, or you can hire them to do it for you. He can be reached at (708) 386-1433. Failing to get your 501(c)(8) tax-exempt status back means your lodge is subject to paying tax on the money it takes in each year.

The Grand Lodge sponsors the National Peace Officers' Memorial Service in Washington, D.C., each May. The 2017 service will have an additional 75 to 80 honored officers, those who have died as a result of being exposed to toxins at Ground Zero on September 11, 2001. Last year the cost of the Memorial Service to the Grand Lodge was over \$212,000. The Memorial Committee is estimating the cost in 2017 could reach \$320,000 or more, with the addition

of over 75 more names to the Memorial and their families coming in for the Memorial Service. We will have to increase staff, seating and setup, and transportation to and from the event, as well as other associated costs. Donations to the National FOP Foundation have been declining the past few years and have not covered the costs of the Memorial Service. Please consider a donation to the National FOP Foundation when you prepare your lodge budgets for 2017, or encourage your lodge members to make a donation. A dollar per member would pay for next year's service. We need to raise the funds to properly honor those who lost their lives serving and protecting this country. **FOP**

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# FOP Strength Is Measured by How Much We Give



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

With summer upon us, the events of spring, a very important time of year for our organization, are still vivid in my mind. For the FOP, May is a month of remembrance and recommitment. We remember that this great order was first organized in May. We remember the lives and ultimate sacrifice of brave and dedicated police officers. We also remember the sacrifice and loss of our fallen heroes' families, friends and co-workers.

In addition to remembering, we honor these memories by recommitment to the ideas and hopes of two police officers who understood 100 years ago that progress can only be achieved by dedication, unity and

strength. We recommit to never forgetting those who laid down their lives so others could be safe and live in a free society. We recommit to selfless dedication to duty while protecting and serving the public through the noblest of professions, even when that dedication comes at a great cost.

These thoughts are also with me when speaking with potential applicants and new members. In both cases, at some point during the conversation, I am asked that all-important question: "What does the FOP do for me?" or "What do I get out of membership?" Before detailing the many services and benefits available to FOP members, I try to ensure that they understand the FOP's

strength doesn't come from what they get as members, it comes from what we give to each other. I also try to reinforce that in addition to benefits and protections, membership in the FOP comes with duties and obligations.

Our first Grand Lodge president, Delbert H. Nagle, gave the following description of the FOP's purpose in an article that appeared in the very first issue of this publication: "The Fraternal Order of Police was organized at Pittsburgh, Pennsylvania, May 14, 1915, its object being to unite in order to better existing conditions of policemen, to create harmony and social welfare among all its members, to weld together a feeling of friendship whereby each will be ready to render assistance to a brother in time of sickness or distress, to be fair and truthful in all their dealings with their fellow man, to teach and practice that which is honorable and just. To ever bear in mind that intelligence, industry and moral worth is the true standard of greatness, to promote the facilities of mutual interchange of thought, whereby the ideas, information and experience of each becomes common to all, resulting in a higher development of our intellectual, moral and social faculties that enable us to share in the gains and honors of advancing civilization, to hold sacred the trust and confidence placed in them by those whose lives and property it is their duty to safeguard, to instill efficiency and discipline into the minds of the men in whose hands lies the happiness and welfare of a nation."

We must always remember that membership in the FOP is an honor and privilege. It is exclusively and solely reserved for those who protect and serve, who put their lives in harms' way defending and protecting their communities and who hold the thin blue line that separates a peaceful society from those who would do evil — even when it costs them their lives do so. Membership in the FOP is about what we can give to each other, what we can contribute to the common good and how we can help a worthy brother or sister. **FOP**

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# Remembering Our Fallen and Looking Ahead



// **WRITE TO US!** If you have further questions, contact Roger Mayberry at [bear1233@aol.com](mailto:bear1233@aol.com).

This *Journal* article is being written before May 15, 2016, the day that we will remember the police officers who gave their all to protect the communities they worked in. We will also pay our respects to the families that are left behind to make a life without their loved one. They can rest assured that the law enforcement family that they belong to will always be there for them. May God look after them and always protect them.

I also want to thank the National Auxiliary for all that they do for us and for the many hours they put in to help make Police Week a successful event each and every year.

We are coming up on knowing who our candidates will be for the next president of the United States. This will start the process that we have in place to determine who the National Fraternal Order of Police will endorse. You should be working on how your state will get the information and questionnaire out to your members and back to you. We will be pressed for time this go-round because by this time we usually know who the candidates are, but now we will not know that for sure until both political conventions are over and winners are announced. Remember, no endorsement will be made until the next Board meeting and until each state has cast their vote.

Just a reminder in your local endorsements process: Make them count by supporting the candidate who will support your goals. They all will tell you they are supportive, but their votes on your issues will tell you the truth about what they support. Hold them accountable.

We are planning to have a Collective Bargaining Class again this year, sometime in late October. We will keep you posted with more information to come. We are also in the process of planning our Sixth Annual Labor Summit next February.

Be safe and God bless. **FOP**

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\* The officer's death occurred in a previous year but was determined in 2015 to be a line-of-duty death.





# COPS CREATING BETTER COMMUNITIES

From charitable efforts to community relations, officers devote their off-duty hours to making a difference — showing the public another side to the badge.

When people encounter the police, it can be hard to see beyond the badge. After all, it's very often under stressful circumstances. And depending on individuals' opinions of the profession, they also could hold suspicions or resentment toward law enforcement, especially in light of negative media portrayals of high-profile incidents.

But there's more to officers than just the job. Like everyone else, law enforcement professionals have families, hobbies and are active members of their hometowns. In fact, police departments across the country are filled with members who donate their time and talents to local organizations, both on and off duty. Their efforts not only provide charitable service, but as illustrated by the following examples of FOP members' volunteerism, their commitments can make a difference on the job, too.

## GREEN ENCHILADAS FOR ABBY

As a volunteer chaplain for FOP Lodge #52, Mauricio Alex Quiñones, a school resource officer for the Loveland Police Department in Colorado, is frequently called to counsel members. While looking in on a member who was recuperating from a gunshot wound, Quiñones learned



Officer Mauricio Alex Quiñones with Abby Holbrook and his son, Kaleb

about a brave 10-year-old who subsequently captured his heart.

Abby Holbrook suffers from transverse myelitis, which creates lesions on her spinal cord, and Chiari malformation, a structural defect in the cerebellum. The conditions have already required eight brain surgeries and nine bladder surgeries. Abby read about the officer's injury and wrote him a letter offering her encouragement based on her experiences in the hospital. When he was discharged, the officer met Abby and the local media captured the moment.

"That's how I was introduced to Abby," remembers Quiñones. "I then became Facebook friends with Abby and her mom, and we created a friendship."

When Abby's mother created a fundraising website to cover some of the skyrocketing medical costs, Quiñones and his wife agreed to donate \$100 but wondered if it was enough.

He wanted to come up with a way to contribute more. "That's when we had the idea of an enchilada sale," he says.

Quiñones used his \$100 to purchase the ingredients and sent out word about the Green Enchiladas for Abby sale. "I promoted it to my Facebook friends and through the schools I work at, and the response was amazing," he says. "We ended up creating more than 2,100 enchiladas and turned that \$100 into \$4,000."

Quiñones sees his volunteerism, which includes activities at church and within the FOP, as a balance against the stresses of police work. "Part of the reason why I still enjoy this job is that I find involvement outside of work," he explains. "The reason I don't feel burned out is because I have balance between my family, job, community and church."

Abby's health challenges are ongoing. If you would like to help, visit [www.gofundme.com/h9xcssng](http://www.gofundme.com/h9xcssng).

## WHY'D YOU STOP ME?

What would you do if traditional investigatory methods into a gang threat against the police didn't turn up leads? Police Officer Jason Lehman of California FOP Lodge #1 convinced his superiors at the Long Beach Police Department to allow him to speak with local students.

“I said, ‘Let me go into the high school where the younger gang members are coming from and talk to the at-risk kids,’” recalls Lehman. “I was hoping to impact someone to get the word out and stop the murder ambush of police officers.”

Although he didn’t come up with verifiable leads — and fortunately, the threat never transpired — the experience showed Lehman just how much of a perception gap exists between residents and law enforcement.

“Police officers don’t want to be proactive for a number of reasons. One is fear. Fear of Instagram or Internal Affairs,” he states. “Also, policing occurs more frequently in inner cities, so in those neighborhoods, the police look like a big force. You see them every day, but they never talk to you, and you hear bad things about police officers.”

Still, Lehman left feeling like the students were receptive to adopting a new attitude. That inspired him to speak to other area schools and police departments to help bridge the gap. Then in 2014, he established Why’d You Stop Me? (WYSM), a nonprofit agency promoting better relations between police and the public.

“We want to empower community members and police officers to embrace new and effective ways to communicate,” says Lehman. “This is the first system to train police and community leaders with the same communication system. For example, we tell students that a stop might occur for a reason beyond their control. On the flip side, we remind officers not everyone on a street corner is a drug dealer.”

This year, WYSM launched a national train-the-trainer program, and officials from the Austin Police Department will be the first students.

“They are getting great training to take back to Austin and use to hold their own community meetings,” Lehman concludes. Find out more at [www.wysm.org](http://www.wysm.org).

## ANY KID CAN FISH

When FOP Lodge #49 in Austin, Texas, was approached about supporting a fishing event to give patients at Dell Children’s Medical Center of Central Texas a day of fun, the membership quickly took the bait.



Officer Jason Lehman, founder of Why’d You Stop Me?, makes a presentation at Beach High School in Long Beach, California, in January 2016.

“Previously, our lodge was involved in youth sports programs,” notes Lodge President Michael Lang, a sergeant with the Texas Department of Insurance, Fraud Unit. “Then this came along and we thought it was a really good idea.”

For the past several years, the lodge has both raised money to support and helped host the Any Kid Can Fish event held on hospital grounds. “One year, we paid for a 20-foot trailer made out of Plexiglas that showed a cross-section of a river or lake and was filled with fish,” says Lang.

However, the real fun begins as soon as the kids get to test the waters. “These kids are in the hospital for months at a time,” says Lang. “This gives them a chance to get out and do something different. Also, volunteers give out goodie bags with things like coloring books, crayons and stickers.”

For Lang, the best part is visiting patients who are too ill to leave their rooms and handing them a goodie bag. “You just remember the looks on their faces and the enjoyment they get,” he says.

Lang also values the interactions he and other off-duty officers have with the public in attendance. “Law enforcement generally are perceived as being a hindrance or someone who shows up as a result of a 9-1-1 call when something terrible has happened,” he explains. “I think what an event like Any Kid Can Fish does is it lets not only the kids but the parents know we’re people, too. It gives us a venue to show the softer side of the profession.”



Sergeant Robert B. Brown, Ohio Lodge #3

“These kids get to forget about their lives for a week,” says Brown. “We take them swimming, on airplane rides and for boat rides. We have campfire talks and fireworks.”

What’s more, the camp is 100% run by volunteers, the majority of whom come from area law enforcement agencies. “Most guys donate a week of vacation so they can stay with the kids,” Brown notes.

But as much as the campout provides a good time, the connections officers make with the campers become far more lasting.

“You see the kids when they are young, then maybe they get into trouble at age 13, 14 or 15, but you have a relationship with them, which makes it easier to try to set them straight or ask what’s going on,” explains Brown.

During his 20-year tenure with the organization, Brown has seen many of the participants find personal and professional success.

“We’ve had quite a few campers who have gone on to do bigger and better things,” says Brown. “They write to us that they’re married with their own kids and thought it was cool what we did for them. We’ve had kids join the military. Others have become policemen and tell us that summer camp was the best week every year as a kid. That’s quite rewarding.”

For more information, visit [www.facebook.com/OperationOpenHeart](http://www.facebook.com/OperationOpenHeart).

Continued on page 16 >

## COPS CREATING BETTER COMMUNITIES

Continued from page 15 >

### SCOUTREACH

To earn the Boy Scouts American Cultures Merit Badge, scouts must attend a special event celebrating a culture, talk with someone about his heritage or learn a song, dance or poem representative of a cultural tradition, among other requirements. As a lifelong Boy Scouts supporter (first as a scout and then as a leader), Jeffery B. Rice Sr., saw the badge



**Captain Jeffery B. Rice Sr., Alabama Lodge #6**

requirements as an invitation to embrace diversity. For the past eight years, the 17-year veteran of the Huntsville Police Department and member of Alabama FOP Lodge #6 has served on the Scoutreach Cultural Day Activity Committee for the Talakto Boy Scout District.

“The Scout Leaders Council, which is a group of leaders who have troops from inner city and rural areas, decided to pool resources and have a Cultural Day so the scouts could earn their American Cultures Merit Badge,” he says. “We thought it was important to make sure the boys understood the importance of diversity and that America is a melting pot.”

Rice also believes the event presents an opportunity for the kids to learn more about where they live. “Huntsville is a culturally diverse city, an international city,” he explains. “The Cultural Day gives them an insight into cultures, races and ethnicities in the community. At an early age, they learn to respect different people’s cultures. As they grow up, they’ll be



Captain Rice (second from left), scout leaders and volunteers organize a yearly Cultural Day that not only helps Scouts earn a merit badge but has also grown into a community event.

better able to mingle with all the people in the community, and that will help them with future job opportunities.”

The community also has embraced the annual event. “When Cultural Day started, it was an experiment,” says Rice. “This year, there were people from smaller communities outside of Huntsville. Also, other cities are mirroring what we’re doing, and that tells me that word is getting out.” Learn more at [www.talakto.org](http://www.talakto.org).

### MOTHERS AGAINST DRUNK DRIVING

As the crime prevention specialist and community relations officer for the Miami Township Police Department in Ohio, John DiPietro frequently received requests from community groups to volunteer. Of course, he obliged as often as possible, but over his 26-year career, DiPietro developed a few favorite causes, including Mothers Against Drunk Driving (MADD).

Seventeen years ago, DiPietro learned that his then-girlfriend lost her sister in a vehicle accident due to an impaired driver. That made the group’s mission personal to him and prompted him to learn more about its various programs.

“My girlfriend’s mother explained to me how MADD does a wonderful job with victim services, and that’s why I really got involved,” says the president of FOP Lodge #117.



Retired Deputy Chief John DiPietro hosts a victim tribute at the annual Walk Like MADD.

Over the years, DiPietro contributed to MADD in various ways, but whenever possible, he tried to connect the group with his police work. “I would invite MADD to speak at the briefing before the officers went to work a DUI checkpoint. They would explain how when you remove impaired drivers from the roadway, you will never know, but that person could have killed themselves or other innocent drivers. It really gave meaning to what the officers were about to do,” says DiPietro.



**Retired Deputy Chief John DiPietro, Ohio Lodge #117**

Now that he’s retired, DiPietro devotes even more time to the organization as the state chairman.

“I function as ambassador for MADD. I coordinate different efforts throughout the state, including victim tributes and vigils, and fundraising,” he says. “One of our fundraisers is Walk Like MADD. Police departments create teams to walk, and the team that raised the most wins a trophy for the year. We’re providing opportunities for competition, and at the same time, we’re creating a fund-

ing mechanism for MADD to continue with its victim services.” Read more about their efforts at [www.madd.org](http://www.madd.org). **FOP**

## READ ABOUT MORE COPS IN THE COMMUNITY



There are so many members going above and beyond to make their communities better that we can’t fit them all here — like Nevada Lodge #1 member and retired Captain Stavros “Steve” Anthony, who promotes literacy and citizenship through direct outreach to children, and Indiana FOP Lodge #198 member Master Patrolman Matthew Johnston, who took four children into his family when their mother passed away of cancer. Their stories are at:

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Firearms and other statistically lethal weapons will always be a necessary component in any law enforcement officer's arsenal, but the increased scrutiny that modern cops face merits the proper use of less-lethal products. As education, training and on-the-job performance expectations of officers have significantly evolved in the last 20 years, so have the weapons at your disposal. A new crop of products like Tasers, pepper sprayers, projectiles and stun guns aim to help you keep the peace, whether dealing with an individual or crowd, while mitigating the chance of causing serious bodily harm when use of force is required. Here are some of the best products out there to invest in.

### /// Vltor Weapon Systems MGL-LTL

#### ALL-AROUND PERFORMER

Developed to meet the needs of tactical teams, the Multiple Grenade Less-Lethal Tactical Launcher (MGL-LTL) from Vltor Weapon Systems offers users the maximum amount of flexibility by accepting a variety of 40 and 37/38 mm ammo, with a KeyMod rail system that accommodates grips, lights, lasers and other accessories. An adjustable stock system allows the operator to fine-tune the correct cheek weld and length of pull. Proudly made in the USA, the MGL-LTL system comes with the launcher, SPARC II red dot sight, weapon sling, carry bag and cleaning kit. MSRP \$3,950.



### /// Security Devices International BIP Ammo

#### SOFTEN THE BLOW

Unlike most available less-than-lethal ammunition, which has a 20 to 50 meter range, SDI's next generation of 40 mm blunt impact projectiles (BIPs) have an operational range of 2 to 80 meters. A cushioning mechanism for close range helps the standard BIP avoid impact injury to the target, while the aerodynamic characteristics provide greater accuracy over long distance and prevent accidental injuries caused by "tumbling" of the projectile. In addition to standard, OC and marking rounds, SDI produces a unique malodorant round that can be used to safely disperse crowds and for identification purposes. MSRP \$23.99 and up.





## Kimber PepperBlaster II

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Thwart an individual oncoming attacker with the PepperBlaster II from Kimber. Don't let its pint size put you off — a single hit to the face will disable an attacker for 45 minutes or more. This hand-held device packs a powerful pepper punch with a solution of 10% OC (2.4% capsaicinoid content) with benzyl alcohol for viscosity. Clocking in with a delivery speed of 112 miles per hour, it can reach out to 13 feet, reducing risk of blowback or drift. Featuring the same revolutionary nonaerosol pyrotechnic delivery system as the original PepperBlaster, the PepperBlaster II adds an ergonomic grip and sights for increased accuracy and weighs just 4.2 ounces. Also available in red. MSRP \$39.95.

## PepperBall VKS

ULTRA LIGHT

The orange and black VKS is striking not only for its vibrant color combination, but its safe and effective firing power. Projectile deployment has a variable kinetic impact of 10 to 30 joules with an extended range and precision accuracy. The dual-feed system lets an officer switch between hopper mode, with a capacity of 180 rounds, and magazine mode, with a capacity of 10 or 15 rounds. Users have an air source choice between the HPA stock, which functions as a stock with a tank, or the remote air line that connects to any tank. PepperBall states that it has never experienced a fatality from the use of one its products. MSRP \$900.



## Pepper Enforcement Aerosol Fog Grenade

SUPERIOR DEPLOYMENT



When you need to take control of a situation quickly and don't have immediate contact with the suspects (for example, they've locked themselves in a car or are barricaded in a house), the Pepper Enforcement Aerosol Fog Grenade from Personal Safety Corporation can come in handy. Simply roll in one of these tiny portable canisters, and it will immediately disperse a pungent 10% OC, delivering 1.33% major capsaicinoids. Sold only to law enforcement, this superior pepper spray fog grenade is also safe to use with Tasers. Now you'll be able to clear a room in the safest way possible. MSRP \$5.99 and up.

## CTS 9-Bang Flashbang

DAZE AND CONFUSE



Nearly every special tactical unit has a hoard of flashbangs at the ready, but if you don't have the CTS-9 Bang by Combined Systems, Inc. you're missing out. This nonbursting, nonfragmenting multibang device puts out a pulse of intense bright light and thunderous noise that will disorient and confuse suspects and allow your team to penetrate and subdue them. The flashbang provides nine nonrhythmic actions (about 0.8 seconds apart) with a single pull of the pin.

CTS flashbangs are built and tested to military ammunition standards, making them the leading brand in noise flash diversion devices (NFDDs). MSRP \$54.



## Taser X26P

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The most compact of the Taser family of electrical weapons, the X26P is the next generation of smart weaponry. It has everything you like and rely on from Taser, but ups the production value with a more ergonomically designed handle, extended performance power magazine and smaller size for easier carrying capacity. Like all of Taser's Smart Weapons, the X26P is built on an all-digital platform and has the ability to regulate charge output, perform health checks, update firmware over the web and provide analytics displaying how and when you use the less-lethal weapon. MSRP \$931. **FOP**

For additional less-lethal products, visit:  [FOPconnect.com](https://www.FOPconnect.com)

# STAY FOCUSED

*Cutting-edge products to enhance your field of vision  
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**T**he human eye is only capable of so much. According to research at Texas A&M University, human vision, on average, cannot extend even as far as the horizon, which occurs at approximately three miles from where one is standing. Researchers have also discovered that humans naturally have difficulty discerning different degrees of brightness. That's where technology can make a big difference. Not only do optical devices bring clarity, they extend your line of sight, filter out disrupting environmental conditions and discern elements in low light. Tools such as night vision empower law enforcement professionals to gauge darkened scenes, while scopes magnify objects and can calculate for wind and other factors that affect a shooter's accuracy. Then there are products that combine the different technologies to further aid LE professionals in their duties. Here are some of the newest night vision and optics products showcasing state-of-the-art technology.



## NIGHT OPTICS MICRO SERIES ULTRA COMPACT THERMAL MONOCULARS

*A Powerful Handful*

Just because a product comes in a little package doesn't mean it lacks power or functionality. A perfect example is Night Optics' new Micro Series Ultra Compact Thermal Monoculars. Neither the Micro 1 nor Micro 2 model is bigger than the average adult palm, but both offer four polarity options, an accelerometer, a video-out option and 1x, 2x and 4x digital magnification, all housed within a shockproof casing. Micro 1 is a 19 mm fixed-focus monocular and Micro 2 is a 20 mm variable focus design. Each can be mounted for head, helmet, tripod or weapon use. MSRP \$6,199.99 and up.



## KNIGHT'S ARMAMENT AN/PVS-30 WEAPON SIGHT

*Military Precision*

## NIGHT VISION DEPOT NVD-BNVD BINOCULAR

*Double Vision*

Night Vision Depot's NVD-BNVD Binocular looks like a traditional dual-tube night vision device, but this model can double as a monocular, too. Simply choose which side to use for your night vision eye, then rotate the other side or arm of the binocular upward, out of the way. The product comes with a 10-year warranty, can be submersed up to 66 feet and averages more than 36 hours of battery life with a lithium AA battery. MSRP \$8,895.



## LASER TECHNOLOGY TRUPULSE TACTICAL LASER RANGEFINDER

*Accurate Alignment*

Law enforcement sharpshooters will appreciate the craftsmanship built into the AN/PVS-30 by Knight's Armament. This product boasts Gen 3 light intensification night vision applicable to most rifles and day scopes, with its refractive lens supplying high-performance light collection. Used by the U.S. Army for long-range rifles, the sight's patented, universal technology will not degrade the accuracy of bore-sighted scopes, and when added in front, it doesn't impede the existing optics, eye relief or cheek weld. Choose between a black matte finish or desert sand brown, both corrosion-resistant. MSRP \$12,646.

Developed specifically for SWAT and law enforcement snipers, the TruPulse Tactical Laser Rangefinder from Laser Technology Inc. supplies optimum accuracy through premier, seven-power magnification optics and a ballistics solver. The handheld rangefinder allows shooters to build up to five custom ballistics profiles via proprietary software that also computes the effects of barometric pressure, temperature, and range and tilt data — all to eliminate the need for manual adjustments when time is of the essence. Available for purchase at [usnightvision.com](http://usnightvision.com). MSRP \$2,195. **FOP**

For more night vision and optics products, visit:



## PRESIDENT'S MESSAGE

Continued from page 6 >

heroism, as well as the small acts of kindness that reflect our love for the job and the communities where we live and serve. Real people, real heroism.

While we applaud similar existing efforts on social media, Our True Heroes is our effort to tell **our** story. We will do so in a positive and constructive manner.

The new website, [ourtrueheroes.org](http://ourtrueheroes.org), has a corresponding Facebook page that also launched during National Police Week. The parallel media campaign is designed to draw attention to the unsung heroes who work long hours to make our neighborhoods safe. Later this summer and fall, we expect to launch an expanded campaign to reach voters and citizens of every stripe. And in the process, we will be building a grassroots organization of citizen support.

To do so, we will need your help. I urge you to help share these stories of everyday heroes by uploading a brief summary of such stories to the website. It could be a couple of paragraphs, a photo or two, relevant news articles and/or video. We will continuously update this website with fresh content as part of an ongoing effort to shine a light on the fantastic people who have made law enforcement their career.

Please help us spread the word about this important campaign. We need to tell our story — and it needs to be an authentic and truly grassroots effort. The FOP is proud to serve as the platform for this effort, and I hope I can count on you to help. **FOP**

## SECRETARY'S MESSAGE

Continued from page 8 >

who automatically relax when we are outdoors in nature, who find ourselves laughing at the antics of our pets even after an awful day at work, and who know that it would be wise to reach out to a professional to help us work a few things out but simply can't see ourselves sitting in an office talking to a stranger about our deepest fears, a program like Equine Response could be just the resource we've been searching for.

How can we renew and strengthen our commitment to supporting our fellow officers in a meaningful way, where the reality of our everyday trauma is recognized, acknowledged, accepted as real, and not stigmatized as being "weak"? How can we create a more positive culture that encourages us to seek professional help? If the United States military has started to recognize that post-traumatic stress is a reality and deserves to be taken seriously, treated with compassion and with resources, why can't law enforcement officials follow suit?

It's time to take positive action if we want to change these statistics and improve our relationships with our families, our co-workers, our communities and, most importantly, with ourselves. We deserve an opportunity to be heard, to be emotionally and mentally healthy, and to have access to help that improves our lives. It's time to reach out for support — for ourselves, for our families and for the communities we serve.

The Colorado FOP has found an avenue to help their members. What is your lodge doing to help struggling members find their way? **FOP**

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# FOP-Backed Bills Clear House and Senate; Two Signed by President

As we observed National Police Week 2016, the FOP saw a lot of our hard work pay off. Staff here in the National Office engaged in an intense campaign to build broad bipartisan support for several bills, and laid the groundwork in the subcommittees and committee in preparation for consideration on the floor. These efforts have really paid off.

## A Pair of Bills Signed by the President

For the past three Congresses — six years — the FOP has had the reauthorization of the Bulletproof Vest Partnership Grant Act as one of our most important priorities. During his tenure in the Senate, Senator Thomas A. Coburn, M.D. (R-Okla.), blocked the bill's consideration on the floor. His retirement, and a lot of our hard work, got the bill to the Senate floor during National Police Week 2015. S. 125, the Bulletproof Vest Partnership Grant Reauthorization Act, passed the Senate 99-0, but the House was slow to act and the legislation languished in committee.

The FOP made the case for the bill, which is part of our officer safety agenda, to virtually every member of the subcommittee with jurisdiction and picked up the support of its chairman, Representative F. James Sensenbrenner Jr. (R-Wis.), and its ranking member, Representative John Conyers Jr. (D-Mich.), who helped us champion the bill before the full Committee on the Judiciary. The bill was favorably reported without amendment by voice vote in late April and, during this year's National Police Week, was passed by the full House under a suspension of the rules.

The FOP supports legislation that honors the sacrifice of the men and women in law enforcement, and especially the families they leave behind. One bill, the Fallen Heroes Flag Act, has been an FOP-supported bill for nearly 20 years. In May 2015, the House passed H.R. 723 by voice vote under a suspension of the rules. Again,

## Just the Facts:

» At a time of deep dysfunction in Congress, the FOP has still been able to generate action on legislation important to our members. FOP-supported bills promoting officer safety and honoring families of fallen officers were signed by the president. Two more FOP-backed bills have passed in the House and another in the Senate. Priority bills expanding the federal hate-crimes law to include protections for law enforcement and extending LEO salary and retirement benefits to all federal law enforcement officers have been introduced in the Senate. Other top FOP legislative issues include funding active-shooter training grants, restoring federal LE equipment programs, and fighting the nation's opioid and heroin abuse epidemic.

the bill languished in the Senate Rules Committee. The FOP enlisted the assistance of the Senate majority leader, Senator Mitch McConnell (R-Ky.), whose staff worked with ours to revise and introduce a Senate companion bill, S. 2755. This legislation was passed by unanimous consent in the Senate and transmitted to the House for further action. The bill was then passed during National Police Week by the House under a suspension of the rules without amendment, so the bill went directly to the president for his signature.

The president announced that he signed both bills into law at a White House ceremony at which he presented 13 officers, one posthumously, the Public Safety Medal of Valor for their actions that went above and beyond the call of duty. More than 20 FOP members were at the White House for the presentation and, in his remarks, the president singled out the FOP for its hard work in getting S. 125/S. 2755 to his desk.

At a time when there is profound dysfunction in Congress, the FOP has been able to push through legislation important to our members.

## House Takes Up FOP Legislation

The House considered and passed by voice vote under a suspension of the rules two bills supported by the FOP:

- H.R. 2137, the Federal Law Enforcement Self-Defense and Protection Act
- H.R. 3209, the Recovering Missing Children Act

The first bill will ensure, in the event of another partial shutdown of the federal government, that any federal law enforcement officer authorized to carry a firearm in the performance of his or her duties will continue to possess that firearm. This will avoid a repeat of 2013, when several agencies forced their officers to relinquish their issued weapons and credentials.

According to the National Center for Missing and Exploited Children

Continued on page 26 >

## Top Priorities in Brief

**H.R. 973/S. 1651, the Social Security Fairness Act**  
**House:** 141 co-sponsors  
**Senate:** 23 co-sponsors

**H.R. 2254/S. 2946, the Federal Law Enforcement Officers' Equity Act**  
**House:** 17 co-sponsors  
**Senate:** 1 co-sponsor





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## WASHINGTON REPORT

Continued from page 24 >

(NCMEC), more than 800,000 children are reported missing every year in the United States. In 25% of these cases, the child is abducted by a family member. A report by the Treasury Inspector General for Tax Administration (TIGTA) found that, in a significant amount of cases, tax returns were filed using the missing child's Social Security number and a new address for the child and the abductor.

For this reason, the FOP supported H.R. 3209, the Recovering Missing Children Act. The bill would add missing-children cases to the current list of circumstances in which the Internal Revenue Service (IRS) may release tax information to law enforcement. Missing-children cases are complex, and giving law enforcement access to these specific tax documents could significantly increase the chances of locating and returning children to their homes.

This bill was adopted by the House on a voice vote under a suspension of the rules and will go to the Senate for further action.

## Senate Also Acting on Bills Supported by FOP

After passing S. 2755 in late April, the Senate also passed S. 1352, the Children of Fallen Heroes Scholarship Act, by unanimous consent during National Police Week. The legislation would eliminate the Expected Family Contribution in the Pell Grant eligibility formula, making these federal school loans easier for the children of public safety officers who die in the line of duty. While nothing can replace the loss of a loved one, this change to federal law may help make college more affordable for our surviving families.

We hope that the Senate will consider H.R. 2137 and H.R. 3209 during this year's National Police Week so that they can be sent to the president for his signature as well.

Finally, the Senate Committee on the Judiciary favorably reported S. 2840, the Protecting Our Lives by Initiating COPS Expansion (POLICE) Act. The bill would allow the Office of Community Oriented Policing Services (COPS) to award grants to state, local and tribal law enforcement agencies to get active-shooter response training. There is a real need for this

training. The Senate passed the bill by unanimous consent, sending the measure to the House. The FOP is optimistic that the House will approve the bill later this summer. Given the broad bipartisan support the bill has, the FOP is optimistic that it will pass the full session before summer.

## Hate Crimes Bill Introduced

Representative Kenneth R. Buck (R-Colo.) introduced legislation, H.R. 4760, that would expand the existing federal hate crimes law to include protections for law enforcement officers, who are increasingly targeted.

Inflammatory rhetoric, amplified on social media, is inciting acts of hatred and violence toward our nation's law enforcement officers, and our members are increasingly under fire by individuals motivated by nothing more than a desire to kill or injure a cop.

Chuck Canterbury recounted numerous recent incidents in which law enforcement officers were deliberately targeted for death or injury:

- Last June, a gunman armed with assault weapons and explosives used

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an armored car to get close to the headquarters of the Dallas Police Department and opened fire in an effort to kill law enforcement officers.

- Officer Thomas W. Cottrell Jr. of the Danville Police Department in Ohio was shot and killed in an ambush attack by a man who told his ex-girlfriend that he intended to kill a law enforcement officer.
- Officer Douglas S. Barney of the Unified Police Department of Greater Salt Lake in Utah was responding to the scene of a car crash when one of the drivers, a man with an extensive criminal background and active federal and state warrants, shot and killed him. The shooter wounded another officer before being killed by responding officers.
- Officer Jason Moszer of the Fargo Police Department in North Dakota responded to a domestic violence disturbance call. A man armed with multiple long guns called dispatchers after barricading himself inside of his home and told them he was going to shoot at officers. He shot and killed Officer Moszer from his barricade.

- Prince George's County, Maryland, Detective Jacai Colson was on the scene when a gunman and two brothers attacked the police station in what may have been a "suicide by cop" attempt. Detective Colson was accidentally shot and killed by responding officers, but he would be alive today had the gunman not launched an attack on a police station.
- Deputy Constable Alden Clopton in Harris County, Texas, was backing up a fellow officer at a routine traffic stop when a gunman appeared and shot him six times in the back. His soft body armor saved his life.

At this writing, 89 officers have been shot in the line of duty this year, 20 of whom were killed.

In October of last year, the Department of Justice released its "Ambushes of Police" report, detailing the number of ambush attacks on law enforcement officers from 1990 to 2013. In 2013, there were between 200 and 300 ambush attacks reported on law enforcement officers. The Executive Summary of the report states, "the proportion of fatal attacks on officers attributable to ambushes [is] increasing.

Concerns about targeted violence against police are on the rise, while officers must not only be guardians of the public but also be prepared to respond to violence targeting them."

The FOP will continue to work with Representative Buck to build bipartisan support for this bill and get it passed.

### FOP Top Priority Introduced in the Senate: LEO Equity Bill

During National Police Week, Senator Cory A. Booker (D-N.J.) introduced S. 2946, the Senate version of the FOP's top priority, the Law Enforcement Officers' Equity Act. This legislation would expand the definition of "law enforcement officer" (LEO) for salary and retirement benefits to include all federal law enforcement officers.

Due to their high level of training and the dangerous nature of the profession, Congress rightfully determined that federal law enforcement officers should receive enhanced salary and retirement benefits compared to other federal employees. However, federal law enforce-

Continued on page 28 >

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## WASHINGTON REPORT

Continued from page 27 >

ment officers classified as GS-0083 police officers were not initially covered. Over time, Congress has partially corrected this injustice by granting GS-0083 officers in some agencies LEO status for salary and retirement benefits, but today nearly 30,000 of these dedicated federal law enforcement officers do not receive these benefits. Congress has even granted LEO status to air traffic controllers and many employees of the Bureau of Prisons (such as cooks) whose primary duties are not law-enforcement-related.

The dedicated men and women affected by this legislation put their lives on the line as law enforcement officers for different agencies, including the Department of Defense (DoD) and Armed Services, Veterans Affairs (VA), Federal Bureau of Investigation (FBI), U.S. Postal Police, Federal Protective Service (FPS), National Institutes of Health (NIH), U.S. Mint, and Bureau of Engraving and Printing (BEP). They serve as our federal government's first responders, are asked to face the same hazards as their state and local counterparts

and, when one of them falls in the line of duty, their names are added to the National Law Enforcement Officers Memorial here in Washington, D.C.

Since the OPM will not amend its outdated LEO definition and the judicial review process has failed, the best and fairest remedy to this injustice is legislation amending U.S. Code to grant all GS-0083 officers LEO status.

We will be working with Senator Booker to build support for this top priority.

### Restoring LE Equipment Programs

The FOP is working to build support for legislation overturning the recommendations of the Law Enforcement Equipment Working Group (LEEWG), which went into effect last October. H.R. 4880/S. 2694, the Protecting Lives Using Surplus Equipment (PLUS) Act, would roll back these recommendations.

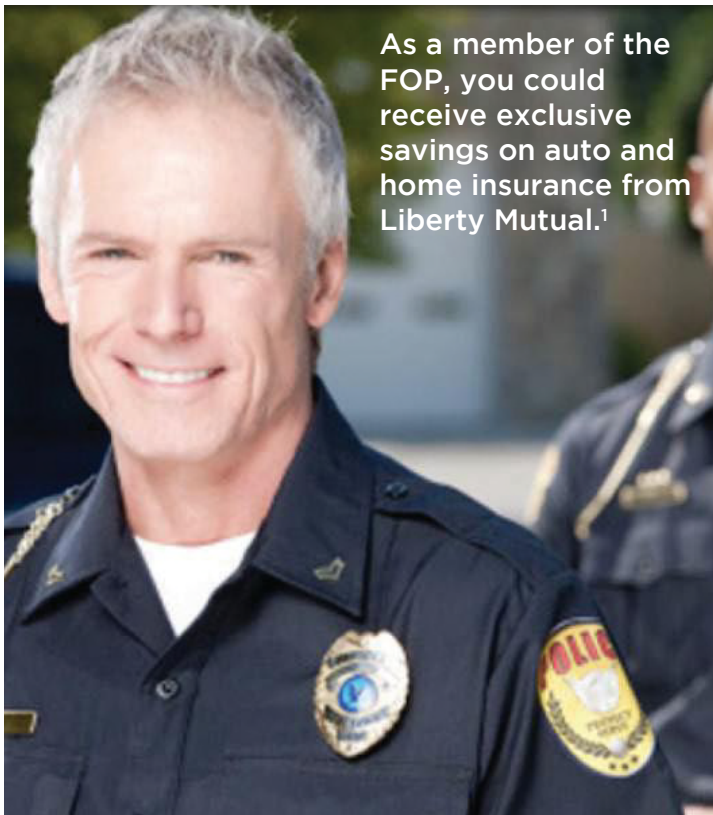
It is our understanding that the DoD has completed its recall of equipment placed on the "prohibited" list that agencies obtained through the 1033 program. While the new recommendations affect all federal equipment programs, only the DoD has recalled equipment, because the

Department retains title to all the equipment. The bills we support would require that this equipment be returned to these agencies.

### FOP Helps Lead National Effort to Fight Overdoses

Sometimes, public health crises become public safety crises and vice versa. The incredible loss of life from drug overdoses in the past few years has led the FOP to support S. 524, the Comprehensive Addiction and Recovery Act, which contains many provisions designed to tackle the dangerous rise in the use of heroin and abuse of opioids in our country. This bill passed the Senate earlier this year, and we are currently working with our allies in the House to expand upon this legislation and send it to a conference committee.

From 2001 to 2013, there was a fivefold increase in the number of overdose deaths due to heroin, according to the National Institute on Drug Abuse (NIDA). Public awareness of these drugs is the first step to stop the ongoing abuse of heroin and opioids in this country. The legislation provides treatment for those caught in the clutches of addiction or who



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also suffer from mental illness. The bill also provides law enforcement with necessary tools to prevent heroin and opioid deaths by assisting agencies in acquiring and deploying naloxone, which can reverse the effects of an overdose.

Law enforcement officers are almost always the first on the scene — even before the paramedics arrive. In these life-and-death situations, our officers are not looking to make an arrest, but to save a life. Many states and jurisdictions have successfully equipped their officers with this lifesaving drug, training them to recognize the symptoms of an overdose and administer it on the scene. We believe that S. 524 will help expand the use of naloxone and provide us with one more tool to reduce the deaths of this epidemic.

The FOP also supports H.R. 4447/S. 2423, the Opioid and Heroin Epidemic Emergency Supplemental Appropriations Act. This legislation will make available \$210 million to help law enforcement fight the heroin and opioid epidemic that is destroying our communities. The bill will help our state and local law enforcement officers by giving them the necessary funding and tools to combat their commu-

nities' heroin and opioid problems. This funding will be used for expenses relating to drug treatment and enforcement programs, law enforcement programming, and drug addiction prevention and education programs. Something needs to be done, and Congress is correct to provide law enforcement with the resources we need to combat this epidemic.

### Support the National FOP PAC

An important tool for the FOP is the National Fraternal Order of Police Political Action Committee (NFOP PAC). The NFOP PAC is the power behind our organization's punch on Capitol Hill, and we are careful to make sure that candidates whom we support are strongly supportive of law enforcement in general and the FOP in particular. The NFOP PAC helps us educate members of Congress about issues important to law enforcement. We do this by promoting the FOP's legislative priorities and providing the opportunity for individuals who are interested in the safety, health and occupational security of rank-and-file law enforcement officers to contribute to worthy candidates for federal office, candidates who believe in and have

demonstrated their support of the principles to which the FOP is dedicated. The NFOP supports candidates and elected members of Congress who stand as staunch allies for law enforcement and give a voice to the issues of rank-and-file officers.

But any PAC is only as good as its balance. Consider making a donation to the NFOP PAC, either as a one-time gift or as a regular monthly contribution. For more information about how you can help, contact Marisa Beam ([mbeam@fop.net](mailto:mbeam@fop.net)) in the National Legislative Office.

### Staff Changes in the National Legislative Office

Michael Martin, a graduate of Manhattan College, has joined the National Legislative Office as a legislative liaison. Welcome aboard, Mike!

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# The Duty of Fair Representation and Fair Share Fees

In recent years, there has been a lot of attention and litigation focused on unions and the ability to collect fair share fees. As a result of Justice Scalia's death, the U.S. Supreme Court has only eight justices, which resulted in a 4-4 split decision in the case of *Friedrichs v. California Teachers Association*. The effect is that the Ninth Circuit decision protects, for the moment, public sector unions' right to collect fair share fees.

Any discussion of fair share fees necessarily requires a discussion of the duty of fair representation. As a result of several cases in the 1940s, the U.S. Supreme Court created the duty of fair representation, requiring unions to represent all members fairly, in good

## Just the Facts:

» The recent 4-4 decision in the case of *Friedrichs v. California Teachers Association* protects, for now, public sector unions' right to collect fair share fees. Fair share fees are intended to cover unions' costs in fulfilling their federally required duty to provide fair representation for all members in contract negotiations, grievances, and internal investigative and disciplinary processes.

faith, and without harassment or discrimination. Under the National Labor Relations Act (NLRA), the federal law that regulates all private sector unions, the duty of fair representation as it currently exists requires unions that have been certified as the exclusive bargaining representative to represent all members of a

bargaining unit in contract negotiations and to file and process all grievances that have merit. Under the duty of fair representation, a union is also required to provide representation during internal investigative and disciplinary processes.

Although the NLRA does not apply to public sector unions, most states that have enacted a public employment collective bargaining law have essentially used the same language contained in the NLRA. Since public sector collective bargaining is created specifically by state law, each state's collective bargaining law determines the scope of the duty of

fair representation for public employee unions in those states.

Whether there is a duty owed to non-dues-paying members of a bargaining unit by the exclusive bargaining representative in a particular state is determined by each state's law. Even where a statute may be unclear or silent on the issue, the state's public employee labor board or commission will likely have an administrative rule or a case decision that determines the duty of fair representation owed to non-dues-paying members of a bargaining unit. In those states that do not have collective bargaining laws or administrative rules, such as Missouri, the collective bargaining process and the duty owed to bargaining unit members by unions may be found in case law if the courts have ruled on those issues.

In short, the certified union or bargaining representative for a bargaining unit of public employees is, more likely than not, required to represent all members of the bargaining unit, including those who do not pay union dues and refuse to join the union. Do not assume that non-dues-paying members of the bargaining unit are not entitled to union representation. Unions that represent federal employees have an absolute duty to represent non-dues-paying members of the bargaining unit.

Because this hardly seems fair, some states have enacted so-called "fair share fee" statutes. These statutes have been challenged, and in 1977 the U.S. Supreme Court, in a case known as *Abood v. Detroit Board of Education*,

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Continued on page 32 >



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**LABOR NEWS**

Continued from page 30 >

upheld unions' rights to collect fair share fees from non-dues-paying bargaining unit members. Under *Abood*, a union can set a fee, not to exceed the amount of dues paid by union members, to be collected from so-called "free riders." Because exclusive representation status for unions requires an employer to negotiate only with the union with regard to hours, wages, and terms and conditions of employment, non-union members are not entitled to have an alternative representative and the employer cannot make individual agreements with anyone who is included in the bargaining unit. Therefore, the union is entitled to be compensated for those representation activities through the collection of the non-dues-paying members' "fair share" of the union's expenses.

Determining fair share fees is not as simple as it sounds. Fair share fees cannot exceed the dues paid by union members, but the dues paid by union members might exceed what is allowed to be collected as a fair share fee from non-union bargaining unit members because of other expenses charged to union members that are not collectible from non-union members. For example, union

members might be charged an additional amount to participate in a legal defense plan that is only available to union members or for certain other activities of the union.

In 1986, in *Chicago Teachers Union v. Hudson*, the U.S. Supreme Court determined that non-dues-paying members of a bargaining unit are entitled to a notice of the fair share fee amount, the right to object to the amount, and an expedited process to resolve the objection. In general terms, fair share fees must be set according to the audited expenses of a union in collective bargaining and contract administration. Certain expenses are not chargeable in the fair share calculation, including political activities and lobbying, even when the political activities and lobbying are directly tied to a union's right to collectively bargain.

In order to establish the fair share fee, the union must list all of its expenses from the previous year, have that list audited, and then provide the *Hudson* notice to the non-dues-paying bargaining unit members from whom the union wishes to collect the fee. Before the fee is collected, a reasonable period of time must be given to allow for objections. If the fair share fee is collected before the time for objections has expired, the union will be deemed to have violated the First Amendment rights of the non-dues-paying members. If the objection is religious (certain religions prohibit memberships in other organizations), the non-dues-paying member may be required to make a charitable donation in the amount of the fair share fee. In 2012, in *Knox v. SEIU*, the Supreme Court held that a

special assessment by the union requires a new *Hudson* notice and procedure.

Finally, there is the "right to work" jurisdiction. Many believe that being in a right-to-work state means that there is no collective bargaining permitted. This is absolutely false. "Right to work" simply means that an employee cannot be forced to join a union as a condition of employment. There are several right-to-work states that also have very strong public employee collective bargaining laws. In addition, there are many right-to-work states without collective bargaining statutes where the FOP is actively engaged in collective bargaining and has successfully negotiated collective bargaining agreements for law enforcement officers on the local level. Arizona, Indiana, Florida and Tennessee are four such right-to-work states where collective bargaining is taking place.

It is important for all to be aware of the various myths and misconceptions about collective bargaining, a union's obligations and a union's rights. All too often, decisions are made without the appropriate information or knowledge of what is legally permissible or required. These mistakes can be very costly but are easy to avoid. The National Fraternal Order of Police Division of Labor Services stands ready and willing to assist our members when dealing with these issues. For further information, please contact us. **FOP**

// **WRITE TO US!** You can reach the Division of Labor Services at 701 Marriott Drive, Nashville, Tennessee 37214; (800) 451-2711; or [labor@fop.net](mailto:labor@fop.net).

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# Circuit Court Strikes Down Wisconsin's Right-to-Work Law

The plaintiffs in a case before Judge C. William Foust of the Dane County Circuit Court, Branch 14, were two labor organizations, the International Association of Machinists, Local Lodge 1061, and United Steelworkers, District 2, and one Federation of Labor organization, the Wisconsin State AFL-CIO. The plaintiffs argued that the Wisconsin right-to-work law is an unconstitutional **taking** of the plaintiffs' property without just compensation, in violation of the Wisconsin Constitution, by prohibiting the unions from charging nonmembers who refuse to pay for representation services that unions continue to be obligated to provide by law.

A taking requires four elements: 1) a property interest exists, 2) the property interest was taken, 3) the taking occurred as a public use and 4) the taking was without just compensation. The state disputed each of the four elements. Judge Foust addressed each element individually.

First, the judge agreed with the plaintiffs, asserting that "services constitute property under the law." Unions have a legally protectable property interest in the services they perform for their members and nonmembers.

Second, applying a *Penn Central Transportation Co. v. City of New York* balancing test, the court found that the government had taken the plaintiffs' property.

Third, the court believes the legislative intent of the right-to-work law was sufficient to constitute a public use of the plaintiffs' property. The law was enacted "for the purpose of making the business climate in the state more favorable by eliminating the power of labor organizations." In essence, the plaintiffs' property was taken to benefit the public with a better business climate at the expense of private unions.

Finally, the government has not compensated the plaintiffs with money for their services, thus satisfying the final requirement

## Just the Facts:

» A judge has granted summary judgment in favor of labor organizations that Wisconsin's right-to-work law is an unconstitutional taking of their property without just compensation.

for a taking. The state argued that the plaintiffs have been justly compensated for their compelled labor with the privilege of exclusive representation. However, the court noted that the Wisconsin Constitution equates "just compensation" to the payment of money, not to a grant of special privileges or other nonpecuniary benefits purportedly of equal value.

Based on this rationale, the court concluded that the right-to-work law is a taking of plaintiffs' property without just compensation under the Wisconsin Constitution and awarded summary judgment. The plaintiffs will appeal this decision to a conservative appellate court and an even more conservative state supreme court if they lose. **FOP**

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# Youngstown Lodge #200 Comes Through in a Big Way

Last December, when members of Youngstown (Ohio) State University FOP Lodge #200 heard that a local church pantry serving 500 local families had seen a decline in donations, they rallied the troops and donated three truckloads of clothes, toys, food and money for distribution to families in need. Volunteers at the church pantry in Niles broke out in tears of joy when the unexpected donations arrived.



The story was featured on local news station WFMJ, as well as the Ohio FOP's Facebook page. Kudos to Lodge #200 for their efforts, which ensured that local area families had a much brighter holiday. **FOP**



Members of the Youngstown Ohio State University Lodge were holiday heroes when they answered the call of a local church pantry in need of donations. Holding the FOP flag are three of the church's grateful volunteers with (L to R) Officer Kevin Chapel, Officer Don Cox, Dispatcher Dean DeMain (kneeling), Officer Dave Benko and Sergeant William Mays.

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