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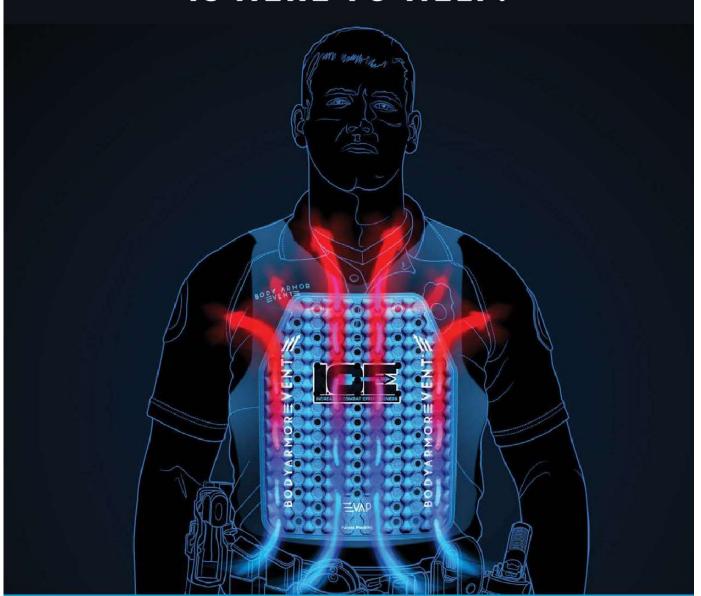
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Key Legislation Signed Into Law

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t was with great pride that I joined President Joseph R. Biden Jr., Vice President Kamala D. Harris, U.S. Attorney General Merrick B. Garland, U.S. Homeland Security Secretary Alejandro N. Mayorkas and numerous members of the House and Senate at a signing ceremony at the White House the week before Thanksgiving. I witnessed the president sign into law three critical bills that the FOP spent a year, and in some cases longer, pushing through Congress.

The Confidentiality Opportunities for Peer Support (COPS) Counseling Act was the first bill the president signed into law. The FOP had worked with staff in the offices of Senators Catherine Cortez Masto (D-Nev.) and Charles E. Grassley (R-Iowa) as well as Representatives David J. Trone (D-Md.) and Guy L. Reschenthaler (R-Pa.) since early 2020 to develop this legislation, which will reduce the barriers for federal law enforcement officers who want to access mental health resources. The FOP helped get the bill through the Senate during National Police Week in 2020, but the bill died in the House at the end of the 116th Congress.

The job of a law enforcement officer is not easy. As President Biden said at the signing ceremony, law enforcement officers are expected to do everything from taking down the bad guys to acting as counselors for people in crisis. This puts enormous strain on our officers. This legislation ensures that our nation's everyday heroes will be better equipped to address a personal or professional crisis so they can continue to protect and serve their communities to the best of their ability.

The enactment of the **Protecting America's First Responders Act** is a landmark bill for the Public Safety Officers' Benefits (PSOB) program, especially when it comes to law enforcement officers who are disabled in

the line of duty. Existing law had what the FOP regarded as unreasonable definitions of the terms "catastrophic injury" and "gainful work" that prevented officers who are disabled in the line of duty from receiving the benefits to which they are entitled. This, combined with the absence of any guidelines for the adjudication of disability claims, has resulted in the denial of PSOB benefits to officers whose service-connected injuries would be viewed as eligible by almost every other

I witnessed the president sign into law three critical bills that the FOP spent a year, and in some cases longer, pushing through Congress.

component of the federal government. Under current law, officers capable of performing any commonly compensated activity are not considered permanently disabled, therefore making them ineligible to receive benefits.

For several years now, the FOP has been working with staff in the offices of Senators Charles E. Grassley (R-Iowa) and Kirsten E. Gillibrand (D-N.Y.) as well as Representatives William J. Pascrell Jr. (D-N.J.) and Brian K. Fitzpatrick (R-Pa.) to address these issues and develop the bill

that was recently signed into law.

The new law defines the term "disability" in such a way as to ensure that officers who can perform sedentary work that involves simple tasks with minimal duties or work performed for therapeutic purposes or with special accommodations still receive disability compensation benefits. These changes will greatly improve the ability of our injured and disabled officers to have their claims processed more fairly and more quickly.

In addition, the new law requires the benefit award amount to be based on the date of the determination rather than the date of the injury or death to account for increases in the cost of living that may occur during lengthy adjudication periods. It also provides for education assistance for eligible survivors and ensures that those survivors who had no choice but to pay out of pocket for education expenses while awaiting the adjudication of a claim will be paid back.

Too often, and especially in cases involving a disabling injury, heart attack or stroke, the PSOB process can take several years — which is too long and too frustrating for these officers and their families. The legislation signed by the president addresses this by expanding the program's subpoena authority to more efficiently secure records needed to evaluate claims.

Lastly, the FOP repeatedly called for an extension of the statutory presumption that public safety officers who die or are disabled by COVID-19 did so in the line of duty. In fact, we sent letters to the administration urging that, in the absence of congressional action, the Justice Department take steps to preserve the presumption, which as originally enacted applied only to public safety officers who "engaged in a line of duty action" between January 1, 2020, and December 31, 2021. As the pandemic has persisted,

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PRESIDENT'S MESSAGE Continued from page 10 >

it was critical that this presumption be extended. The COVID-19 virus and its variant have resulted in the deaths of more law enforcement than any other cause. With the signing of this bill, the presumption is extended to December 31, 2023.

Finally, President Biden signed into law the Jaime Zapata and Victor Avila Federal Officers and Employees Protection

Act, which corrects a gross miscarriage of justice by clarifying that federal law clearly and unambiguously protects federal law enforcement officers and other employees operating outside our borders. This became critically important when federal officers and employees found themselves in jeopardy in Haiti and during the withdrawal from Afghanistan.

Federal courts across the country have recognized for years that, pursuant to 18 U.S.C. 1114, the United States government could prosecute anyone who killed or attempted to kill a federal officer or employee while they were performing their official duties. In January 2020, the D.C. Circuit Court of Appeals vacated the murder convictions of two Los Zetas cartel assassins responsible for the heinous murder of Immigration and Customs Enforcement's Homeland Security Investigations Special Agent Jaime J. Zapata and the attempted murder of Special Agent Victor Avila. Agent Zapata was the first U.S. federal law enforcement officer killed in the line of duty in Mexico since 1985. The court concluded that Congress was not expressively clear that Section 1114 applies to crimes committed outside the United States.

This appalling decision was a horrendous miscarriage of justice, and the FOP worked tirelessly with the administration — the U.S. Departments of Justice, State and Homeland Security in particular, as well as the offices of Senators John Cornyn III (R-Texas) and Christopher A. Coons (D-Del.) and Representatives E. R. "Henry" Cuellar (D-Texas) and Michael T. McCaul (R-Texas) to correct it. The bill becoming law will undo this dangerous precedent and help protect our federal officers and other employees working abroad. **FOP**

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Public Pushes Back Against the Lunacy



// WRITE TO US! If you have further questions, contact Joe Gamaldi at jgamaldi@hpou.org.

mid the energy and focus paid to the Virginia governor's race, there was another item on the ballot in Minneapolis that may not have received the attention you would expect. Now I would suspect it didn't get nearly the coverage people were hoping for because the result didn't fit with the "woke" narrative to defund and dismantle police departments across the country amid the greatest violent crime wave in the last 30 years. On the ballot in Minneapolis was one of the most idiotic and dangerous initiatives I have ever seen. The measure called to completely dismantle and do away with the Minneapolis Police Department. Of course, this ballot initiative was wholeheartedly backed by Representative Ilhan Omar, despite the fact that Minneapolis, which is in her district, is experiencing a 65% increase in murders. I mean, imagine the arrogance and audacity of a sitting congressmember supporting a complete destruction of the police department while her own constituents are being murdered wholesale in the streets. I will remind you that she still maintains a private security force to protect her. I anxiously await with bated breath to see whether she will be giving up that security force. Since she believes her own constituents don't require protection, surely she doesn't.

Thankfully the people spoke. In a loud and proud voice, they rejected the lunacy, voting down the reckless and dangerous measure. A measure that if passed would have only added to the bloodshed and heartache the Minneapolis community has been experiencing. In an overwhelming margin of 57%, the people of Minneapolis chose the path of law and order instead of chaos and despair. We



at the National FOP and countless
State and local lodges have for quite
some time been beating the drum about
how dangerous it would be to defund
and dismantle police departments, and
the public is listening. The American
public is watching what is unfolding
in our urban communities and they
instinctively know that it is the American
police officer who delivered historic
crime reductions in the 20 years prior to
this spike, and we are the answer now.

My sincere hope is that this vote is a turning point not only for the Minneapolis community, which has suffered so dearly under terrible leadership from its mayor and city council, but for communities across this country that have either defunded or are still contemplating defunding their departments. As more and more politicians realize just how stupid they were for expounding these "woke" talking points and we continue to have polls pouring in about how the public does not support defunding police

departments, we hope this is the end of the defund conversation. In fact, a recent Pew Research Center poll reported that 77% of Black Americans do not support defunding the police, and across all demographics (age, race, gender, etc.), the idea of defunding the police is widely rejected. But be aware, there is always a radical looming around the corner ready to resurrect the lunacy.

I encourage all of you to please research your local candidates and become involved in the campaigns of individuals who support the hardworking men and women of law enforcement. We must send a message that police officers will show up in droves to support candidates who support us, and we will not tolerate candidates and elected officials who attack us.

As always, be safe out there, and if you need anything, I am only a phone call, text, email, Facebook Messenger or Twitter direct message (@JoeGamaldi) away — or message me on our free National FOP mobile app. FOP



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Start the New Year Off Right



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rothers and sisters, I hope this month's Journal finds you and your family well. I know we are busy getting ready for the holiday season, but I encourage us all to take some time this month to reflect on our blessings and prepare for the new year. Our greatest treasures are our family and friends. Take a few minutes to thank them for all the support they give. I don't have to tell you that the past two years have been some of the most trying times we have experienced. COVID, calls for police reform, defunding law enforcement, staffing shortages, rising inflation and the failure of government at all levels are some of the tribulations we have all endured. With this being said, now more than ever we need to be each other's keeper. Obviously, we are not going to agree on every issue or position point, but that does not mean we are not on the same team. Don't let something relatively minor destroy your relationship with a brother or sister. And if you have had a quarrel in the past, use this season as an opportunity to make things right. I am going to do just that and start the new year off right. Infighting and personal agendas will surely divide us - and right now, we need each other. Always be mindful, we are FOP strong!

On the business side, per capita was due for the first half of 2022 on November 1. As of this article, we still have about 40% of our lodges outstanding. The consequences for not having per capita in on time are many, but namely: lock out from the membership system including not being able to order merchandise, no new membership card, not being able to utilize the various membership benefits such as tuition-free universities, and if

you are enrolled in legal defense, your coverage is in jeopardy.

Most local lodges have elections for officers in November and December. Lodge secretaries must submit a lodge officer roster update form to our Membership Department, even if there were no changes to the sitting officers. The reason being is that a change in the expiration of term of office must be made from our end for lodge

I encourage us all to take some time this month to reflect on our blessings and prepare for the new year.

officers to access their membership database. This is a security measure put in place to keep unauthorized users out of the system.

Please make your arrangements now to attend the various training opportunities that will occur in January and February 2022. Our annual Wellness Summit will be held January 30 through February 1, and the everpopular Leadership Matters training event will be held January 3 through 5. Both excellent training sessions will be held at the Nashville Music City Sheraton, which is a short distance

from the National Headquarters. Also, the annual Labor Summit and Legal Seminar will be held February 22 through 26 in Las Vegas. This is excellent training for negotiators, lodge attorneys or any member engaged in representing their fellow brothers and sisters with internal affairs or disciplinary investigations. These training opportunities will fill up fast and once they are at capacity, there is no way to slide someone in (primarily due to continued COVID restrictions). For more information, check out FOP.net or call the National Office.

I encourage you to send short articles of general interest to me for consideration of inclusion in future Journal publications. Please send a few photos if you have them as well. Articles of interest include community projects by the lodge, exemplary service recognitions of members or anything unique that may stir interest for others to follow. What I cannot publish are book solicitations from members or commercial ventures offering products or services. However, I can put you in touch with our publisher who can assist you in getting your product or book known to others.

In closing, I wish you and your family a merry Christmas, happy holidays and a happy new year. I am grateful to my outstanding and dedicated staff of the National Secretary's Office, HALO and 911MEDIA, and to our staff members of Labor Services, the National Treasurer's Office and our Legislative Office in D.C. These hardworking women and men make our responsibilities easier to perform and, frankly, handle the heavy lifting.

Be safe, and I look forward to seeing you soon. FOP



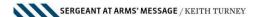
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Is the Pendulum Swinging Back?

// WRITE TO US! If you have further questions, contact Keith Turney at kturney@fop.org.

ighteen months ago we were faced with defunding initiatives across the country and the vilification of our noble profession. It was like a contagion that was spreading across America.

Traditional supporters of law enforcement were turning their backs on us. Many of our so-called political supporters exposed their true colors when they voted for adverse laws shrouded in the guise of criminal justice reform. Friends and even family members turned their backs on many of us. It was a truly a sad state of affairs that we found ourselves in.

It's been a troubling time for anyone involved in law enforcement. As many dedicated officers went about their daily duties in protection of their communities, many others weighed their options. We observed a mass exodus of seasoned officers who were at or near retirement age leave the profession. They could have stayed, but circumstances dictated otherwise. The vilification and criminalization of routine police practices was just too overwhelming for many a seasoned officer.

Many of our younger officers too faced the realities of current day policing, realizing that the risk to their very freedom was just too much to deal with. Imagine a young officer with a family facing the dual realities that he or she could be killed while preforming a routine police activity or, in contrast, react to a deadly threat and be criminally charged for their actions. Thanks, but no thanks!

As bleak as things have appeared, there are areas of our country that seem unaffected by all this turmoil. In my travels I would occasionally stumble across them. In my interactions with law enforcement professionals in these areas, I would often ask what their current status was in relation to recruitment and retention. Not often, yet enough to take note of, I was informed that things were good and that their departments were operating normally. This response was always intriguing to me, and I would inquire as to what was the perceived difference. The usual response was something like this: "We have good relations with our citizenry and our politicians support us." Additionally, they as a community observed the unrest that is occurring across the country as a threat to their well-being and therefore made the concerted effort to prevent that from happening in their backyards.

Now we see these pockets of our country actually taking advantage of the anti-police rhetoric to recruit police officers as well as citizens to move to their communities. Their message is simple: We remain dedicated to the rule of law and support

our law enforcement professionals, and if you do as well, come to our community where you can be safe and assured that our criminal justice system works. We are also seeing communities offer hiring incentives and wage increases at proportions that a labor practitioner such as myself could only dream of. I know we are not out of the woods yet and we still have communities across this country that are not supportive of law enforcement. But the tables are definitely turning, and rightfully so.

It's the pendulum, right? When all this started 18 months ago, I would often hear from one trusted sage or another, "It's simply the pendulum swinging back." They have seen it swing back and forth for years, and they knew that as good or as bad as things were, they would ultimately change and swing back into some sort of alignment. I think our communities have become tired of all the unrest and mistrust as well. With homicide rates soaring and police recruiting dismally low in many parts of the country, people are rethinking all the rhetoric that they have heard and are seeing the reality of social change. Let's hope that the pendulum continues its trajectory back to some normalcy. We need it and our communities that we serve need it as well.

God bless you all, and God bless the

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The Qualified Immunity Debate Rages On



// WRITE TO US! If you have further questions, contact Rob Pride at lodge52pride@gmail.com.

t has been yet another challenging year for law enforcement. As we close out 2021 and look forward to a hopefully better 2022, it's important to look back upon and understand one of the most important discussions affecting our profession today: qualified immunity. No doubt, these discussions will continue during legislative sessions all over the country in the new year. In that regard, I wanted to share with all of you some points from a recent media article I wrote. I submitted the article in hopes of furthering factually based discussion about qualified immunity with media outlets and the public in general. I share it in hopes that it will give you some talking points for your lodges during conversations with legislators in your areas. In many states, these conversations are already occurring or are imminent.

The facts about qualified immunity have been lost in discussions regarding police reform. Qualified immunity has become a complex topic, with many of our detractors joining the debate without a complete understanding of qualified immunity. It is imperative for us as the FOP to understand and relay exactly what qualified immunity is, but it is even more important to understand what it is not.

Qualified immunity protects state and local officials — lawmakers, firefighters, teachers, school administrations and more — from civil liability for following the rules and regulations set forth by the laws they are sworn to uphold. Law enforcement officers who objectively are acting in good faith under the color of law are protected by qualified

immunity. Despite statements to the contrary, qualified immunity is not granted to every law enforcement officer in every case. Qualified immunity does not protect law enforcement officers who violate the law, and they can face criminal charges, internal investigations, discipline and termination.

We must
continually implore
our lawmakers
across the country
to evaluate the
consequences that
come with revoking
qualified immunity.

As we have seen recently, the U.S. Supreme Court continues to uphold qualified immunity. The doctrine in its entirety has held firm and withstood recent political and legal debates.

Some elected officials in favor of revoking qualified immunity speak about law enforcement officers needing to have "skin in the game." The fact is: Our nation's officers, or members, already

have "skin in the game," both literally and figuratively. They are constantly being faced with making split-second, life-changing decisions while defending and protecting the lives of others, or sometimes even their own.

The attacks on qualified immunity have caused instability throughout our law enforcement profession. Securing the future of policing and making any true change can only happen by having the ability to attract the best and brightest young, forward-thinking recruits. The possibility to face complete financial ruin even when reasonably believed to have acted under the color of law will not draw the much-needed young people to pursue a career in law enforcement.

Recruitment numbers were suffering before the national debate on qualified immunity began, and they are even worse now. Officers are leaving the profession in droves — with no end on the horizon. The reality is that people are not lining up at the doors to become police officers today.³ Threats of stripping qualified immunity from law enforcement are not helping.

In my home state of Colorado, through lodge communications and other reports, 4 we know our state's officers are retiring early, leaving the profession altogether or moving to other states to continue their careers. This is largely because of the enactment of the Colorado Senate Bill 217,5 which eliminated qualified immunity for police officers. A vast majority of the agencies in Colorado are experiencing the struggles of

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NATIONAL TRUSTEES CHAIRMAN'S MESSAGE Continued from page 20 >

being understaffed and not able to retain qualified applicants. I know many, if not all of you, are experiencing these same issues in your states and agencies.

Although we should always be looking to continue discussions with lawmakers to find ways to improve policing and trust within our communities, they must understand the policing profession is far from "normal" and cannot be viewed the same as other lines of work. There are few other professions where an employee can perceive a dangerous situation in the workplace and still be required to enter that environment and act. Most professions provide employees do the total opposite and avoid the dangerous situation.

Yet, if our police officers refuse to respond just because danger is present, then that can be categorized as a dereliction of duty and a failure to hold their sworn oath. We must continue to push for laws to maintain protections for law enforcement officers thrust into these types of situations and act reasonably based on law, training and common sense.

The standards set by SCOTUS are clear about addressing the reasonable actions of officers, and this should be the standard within all our states as well. If the attacks on qualified immunity continue, our nation will still struggle to recruit the brightest people and retain the good, experienced men and women of law enforcement needed to train the recruits.

We must continually implore our lawmakers across the country to evaluate the consequences that come with revoking qualified immunity and ask: Is this effective police "reform," or will this have long-lasting negative impacts that will affect the safety of our communities?

I wish you all a happy and safe holiday season as we move into a better and brighter 2022! I look forward to doing the good work of the Order with you and hopefully seeing you at an event in your area soon. May God bless each of you, and may God bless the mighty FOP!

Note: The reference section of this article (see page 20) contains interactive links to various sources and reports on the topic of qualified immunity that our membership may find helpful. **FOP**

THE NATIONAL LAW ENFORCEMENT MUSEUM IS NOW OPEN!



POST 9/11

THE EVOLUTION OF AMERICAN LAW ENFORCEMENT

8.27.21 - 7.31.22

HONORARY CHAIR, COMMISSIONER DERMOT F. SHEA, NYPD



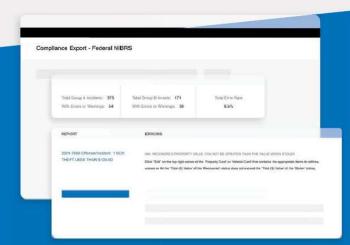
To mark the 20th anniversary of the 9/11 attacks, the National Law Enforcement Museum will feature a new exhibit titled "Post 9/11: The Evolution of American Law Enforcement."

To learn more about the National Law Enforcement Museum, please visit tinyurl.com/hazwfmdr.



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Lodge #50 Supports Homeless Veterans

OP Lodge #50 was proud to support the Vetsville Cease Fire House of Boynton Beach with a \$500 Walmart gift card. On Monday, November 22, several of our board of directors went on a shopping spree to purchase necessities for the residents of the shelter. Special thanks to Nick Leischen, Mike Brunson and Tom Hannigan Sr. for their assistance in this worthwhile program. Learn more about the Vetsville Cease Fire House at vetsville.us. FOP







YOUR VOICE MATTERS!



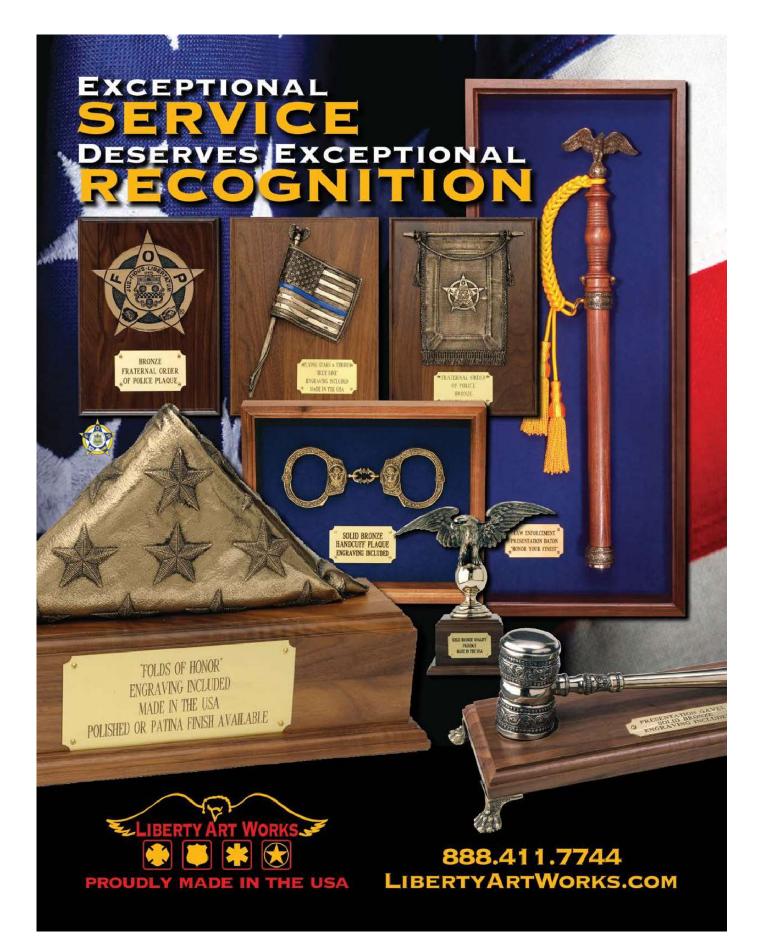


2021 FOP Biennial Critical Issues in Policing Survey

Your participation in the 2021 Biennial Critical Issues in Policing Survey will enable your FOP leaders to advocate on your behalf about the issues that matter most to you. The survey is completely anonymous, and each participant's voice is valuable. Be sure to enter the prize drawing when you complete the survey. We want to hear from you!

To take the survey, please visit surveymonkey.com/r/2021FOPCriticalIssues or scan the QR code below.





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AND ATTOM

 $\begin{array}{l} \textbf{MIKE ESSIG} \ / \\ \textbf{FOUNDATION COMMITTEE CHAIR} \end{array}$

JIMMY HOLDERFIELD / NATIONAL SECRETARY

ue to the recent horrific destruction caused by Hurricane Ida, many of our brothers and sisters have suffered damage or displacement. Please consider making a contribution to the National FOP Foundation, which in turn will help with disaster relief.

Any individual or lodge donating \$500 or more will be given a ticket for a chance to win this beautiful custom-made cornhole game, courtesy of the Missouri State Lodge. A ticket will be given for every \$500 increment of your donation; e.g., \$5,000 will receive 10 tickets.

The drawing will be held December 10, in time for Christmas.

The winner will be responsible for shipping from the National Secretary's Office in Nashville.

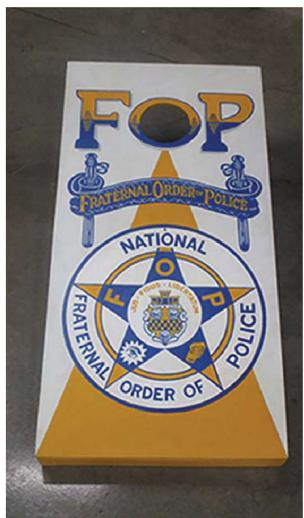
To donate, please mail a check made out to the **NFOP** Foundation to:

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In the memo line, indicate: disaster relief. FOP









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Lauren Holz

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his month's Member Spotlight is about a dynamic FOP leader who is well known at the State and National levels. She is respected for her conscience building and her eagerness to help her brother and sister members not only in the state of New York, but around the nation. Her administrative skills are sought out by new lodge officers since she has a way of making intimidating or complex procedures easily understood.

It is my high honor and privilege to present to you our featured member for December, New York State Lodge Secretary Lauren Holz. I asked Sister Lauren to share with us her experiences and passions. Enjoy.

I am currently a deputy chief clerk of night arraignments in Brooklyn Criminal Court. I began my career as a court officer in the same courthouse 19 years ago in September 2002. I spent 14 years in Manhattan as a Supreme Court officer and a court clerk. I was tremendously proud to return home to Brooklyn as the deputy chief.

I joined New York State (NYS) Court Officers Memorial Lodge 35 in 2006. I was recruited by Sergeant Frank Fulminante, who is now on the Lodge 35 Executive Board with me. I had just met him and he made it clear that I had no choice but to join. Not only do we work together on our Lodge 35 Executive Board, but he is also one of my sergeants in Brooklyn.

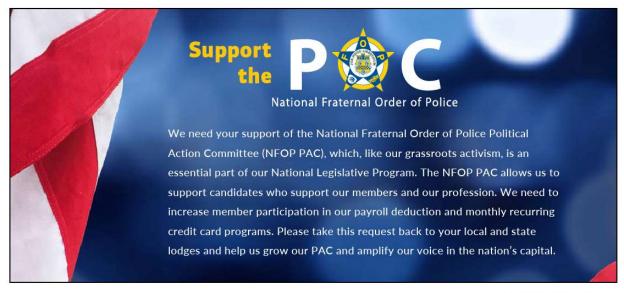
On September 30, 2006, FOP Lodge 35 sponsored a memorial street renaming in Downtown Manhattan in honor of the three NYS court officers who were killed on September 11, 2001. In front of the Supreme Court building where they had worked, I marched with hundreds of my fellow court officers in honor of Captain



William "Harry" Thompson, Supreme Court Officer Thomas Jurgens and Supreme Court Officer Mitchel Wallace. My parents joined us as well, as my father is a retired Supreme Court officer and was friends with all three officers who were killed.

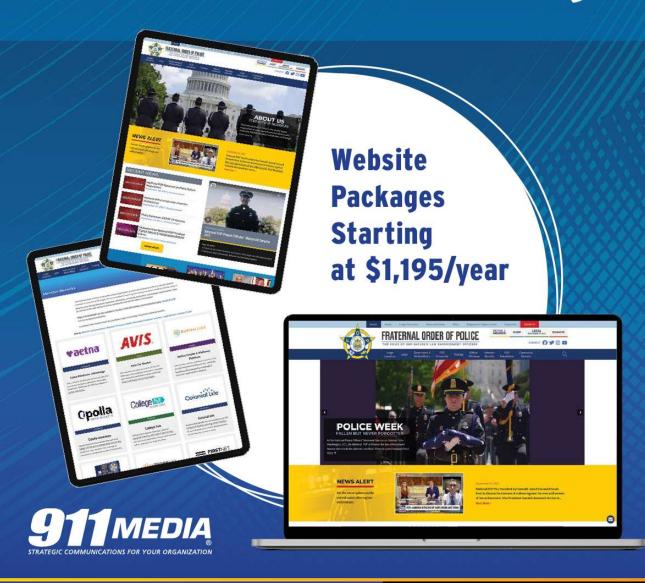
Being able to participate in the street renaming was a true honor, and the importance was never lost on me. I was very impressed

Continued on page 30 >



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MEMBER SPOTLIGHT
Continued from page 28 >

watching my Lodge President Frank Graniero and the Lodge 35 Executive Board in action. When they asked me to run for recording secretary a year later, I proudly accepted.

After several terms of being the Lodge 35 recording secretary and administrative secretary, I was "discovered" by Mike Essig, who was the NYS FOP executive vice president at the time. I was asked to run for NYS FOP recording secretary. Without completely understanding what I was getting myself into, I agreed. Lodge 35 President Graniero was also a State Executive Board member, and he assured me, "It will be worth it!"



Late one night, in the middle of the 2015 National Conference in Pittsburgh, I was asked to run for State secretary by State President Essig. Though I was unsure if I was ready for such a demanding position, I promised to do everything I could to run and make the organization proud.

I was elected NYS FOP State secretary in 2016. Once I became confident and proficient in the position, I recognized the need to provide tools and education to our local lodge executive boards. Working with my own State FOP Executive Board, we developed training seminars and began giving classes. We took our training seminars on the road to reach our lodges in the far north parts of New York State. Being able to inspire members to become more involved has been very fulfilling. The future of the FOP depends on lodge growth and member involvement. I really enjoy being able to provide help and support.

On the grounds of the NYS FOP State Headquarters is our Law Enforcement Memorial. It is the only complete memorial in New York State, as it honors both fallen police and peace officers. Each May we honor our fallen, and our memorial grows. Like a well-oiled machine, I work with State President Essig and my National Trustee Mike Nied to run our memorial as beautifully and flawlessly as possible. It is a labor of love, and we put our hearts into it. My proudest moments in this organization include all the work I have done to help honor our fallen heroes. I feel humbled that I can be a part of something that is so much bigger than me and so special.

The FOP is the strongest reminder of how big our blue family is. When times are tough in law enforcement, as they are now, it is so important for members to know they are not alone. I love bringing new members to National Conferences and having them meet members of law enforcement from across the country. Having a huge blue family is a tremendous blessing and it is a gift that was given to me by the Fraternal Order of Police.

In between all the hard work, it is important to have fun. My investment into the FOP has been a full-time job. As a leader, you must always surround yourself with great people. I'm always recruiting my closest friends to join me on our assorted FOP adventures. Being able share time with my friends while working hard and doing great work helps keep everyone motived. I cherish the memories made with my friends at FOP functions.





I am always pushing our membership to get more involved. I assure them that the memories they will make are going to be wonderful. Helping people is good for the heart and soul. Participating in events like Polar Plunges and Torch Runs for the Special Olympics are a lot of fun and they raise substantial funds for people in need. We always encourage our membership to attend our Law Enforcement Memorial. Seeing and interacting with the heartbroken family members acts as a strong reminder of what we stand for.

I have been forever molded by my involvement in the FOP. It is my passion and purpose. Being able to help the people who need it the most make my heart feel full. The FOP has provided me the access and path to do that. I am very lucky! **FOP**

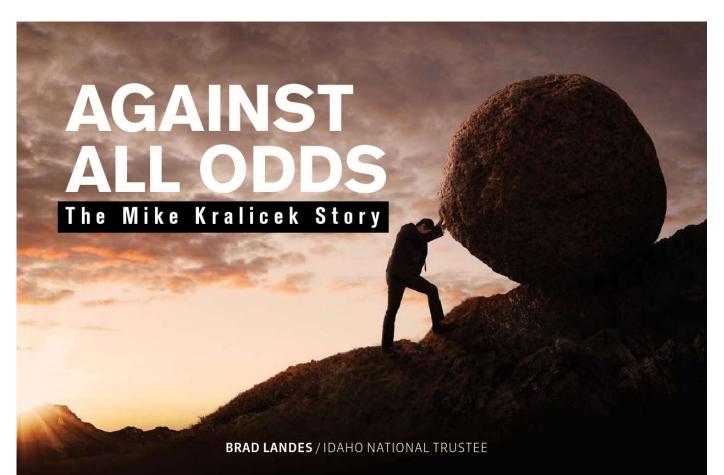
SHARE YOUR STORY!

So many of us learn from the experiences of others, especially others with whom we share things in common. Do you have a story to tell of overcoming adversity in your own life? The National Officer Wellness Committee would like to hear it!

Whether you would just like to share your story privately with peers on the Committee or are willing to share with readers so that all can learn from it and celebrate with you, we want to hear from you! Contact us confidentially at officerwellness@fop.net.



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uring the early morning hours of December 28, 2004, Coeur d'Alene, Idaho, Police Officer (K-57) Mike Kralicek's life would forever change. A coward using a .357 Magnum during a routine misdemeanor call shot Mike in the face. The bullet that hit Mike was lodged in the back of his neck, severely damaging the C2, C3 and C4 vertebrae. Mike was rushed to a hospital where he was given life support measures several times. He died more than once but was revived each time. Mike's wife, Carrie, who was working as a nurse in another hospital nearby, rushed to be at her husband's side. When she arrived, she saw the condition Mike was in and knew things were bad.

Mike was soon airlifted and flown to Seattle, where he lay in a coma for over two weeks. The doctors were telling Carrie how bad things were, saying that Mike would never live through his coma. Mike's brain activity was at a four out of 24. The doctors told Carrie that even if Mike survived, she wouldn't want him; he would never see, never hear, never talk and would be a full quadriplegic.

Unlike most families, Mike and Carrie had already discussed between themselves

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what to do if something catastrophic like this were to ever happen. Carrie was prepared to allow Mike to die and not be a vegetable the rest of his life. She was first determined to be at her husband's side and sit with him to make sure she was doing the right thing, because that decision would be final.

The doctors were trying to get the family to make the choice to let Mike die. Mike's chief, Wendy Carpenter, was told to be ready for that day, so she started writing Mike's funeral speech. The police chaplain was trying to prepare Mike's young daughter, Alexis, for her father's death.

As the decision was nearing, Mike's brain activity started rising and he soon awoke from his coma. When he opened his eyes, he saw his wife by his bedside. The doctors informed everyone that Mike would be a full quadriplegic, and Carrie was told he would never walk or talk, but she knew Mike better than anyone. Carrie knew he was a fighter and would beat any odds the doctors gave him.

The first battle was over, but the war was just beginning. Mike started his rehabilitation with Carrie at his side. She wasn't going to allow him to give up. Carrie spent every waking hour of every day working with Mike on getting him to move his limbs. Mike was showing improvement, but he was still a quadriplegic like the doctors predicted.

The more the family was told that Mike would never walk or talk, the more determined they were to prove them wrong. With speech therapy, Mike was able to learn how to speak again. Within a year, he was able to stand and lean against something. This was a start, but definitely not the finish, as the rehabilitation continued.



Alexis Kralicek at her father's bedside



Mike and Carrie Kralicek

It has been almost 17 years since that dreadful night. Mike is still continually working on getting himself stronger and more mobile each day. And today, I am proud to say that Mike has more than beat the odds. He survived a trauma that no one could. He sees, he breathes, he feels, he hears, he speaks and now he even walks and talks, something the doctors said that in no way would ever happen.

Today I am proud to say that even though Mike is paralyzed on the left side of his body, he is independent in getting up, walking and speaks fluently. Some days you can't get him to shut up.

The physical survival the Kralicek family endured is a remarkable story. But this was only one of many battles they faced in the war to survive. The system failed the Kralicek family. They were denied benefits, some medical supplies and needed items in the home for Mike to be able to live. Carrie was told that if the family wanted the system to pay for all of his needs, then they would have to place him in a nursing home. The system is not set up to pay for all in-home health care for someone like Mike.

Carrie couldn't believe what she was hearing. I haven't heard anyone say they knew that if a law enforcement officer were hurt in the line of duty, the system would leave you behind and treat you like a number.

Mike was finally let go from the Coeur d'Alene Police Department and the family's medical benefits were also taken away. For Mike to receive the in-home care he needed, Carrie had to quit her job and take on the task of taking care of Mike full-time. She didn't think twice before making such a decision, but that decision also cost them her income and any family medical benefits they had. The Kraliceks were now forced to survive on Mike's income, which was cut in half. The only medical benefits that Mike is covered for must be related to his injury received in the line of duty. On top of all this, any income Mike might receive would be taken away, penny for penny, because this is the way the system is set up in Idaho.

Stories like this should never have to be told; it should be fictional. But the fact of the matter is that there are others out there forced into a position like the Kralicek's. Anyone can go to work and suffer a catastrophic event, but it's the type of job that a law enforcement officer does that sets us apart from the others. A law enforcement officer can be injured at no fault of their own, then be forced to suffer physically, emotionally and financially by a system that will let you down.

You would think we live in a society that takes care of those who are willing to stand up to evil so others might survive. A law enforcement officer does not sleep at night so others can. Edmund Burke once said, "The only thing necessary for evil to triumph is for good men to do nothing." Mike was doing his job in the early morning hours of December 28, 2004. He is paying a price that no one should have to endure.

The Kraliceks are now inspirational speakers. They travel throughout the country to tell their story and to encourage law enforcement families to prepare for the worst. "It's better to be prepared and have it not happen, than to have it happen and not be prepared." These are words that the Kraliceks live by every day.

Carrie has been going to school and is close to accomplishing her Ph.D. She now counsels first responders with the wellness therapy they so need. To say the Kraliceks are a success story doesn't do them justice.

The Kraliceks speak about organizations like the Fraternal Order of Police, a true cops-for-cops organization. Being alone during a catastrophic event is not the answer. But being part of an organization for the betterment of all is one step closer to a solution.

It was the FOP that was first to help the Kraliceks morally and financially



Mike's headshot for the Coeur d'Alene P.D.

— the FOP was in the forefront. The Kraliceks talk about getting involved within your states legislatively and making a difference, changing laws that protect those who protect and serve.

The Kraliceks are not sitting still and drowning in pity. They are out there speaking to senators and representatives, seeing what it would take so others don't have to go through what they had to go through.

Mike is a true survivor, a hero among heroes, and his story of the will to survive and live needs to be heard by all. If you would like to hear the Mike Kralicek story in person, you can contact me anytime to make the arrangements. FOP



A recent photo of Mike

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he National Officer Wellness Committee is excited to invite all members to our 2022 FOP Officer Wellness Summit, scheduled to take place from January 31 to February 1 at the Sheraton Music City Hotel in Nashville, which is just steps from our National Office. We have put together an exciting agenda and believe that this will be our best Summit yet!

We will kick off the event with a powerful keynote speaker, Dr. Kevin Gilmartin, an internationally known behavioral scientist and author of *Emotional Survival for Law Enforcement*. Along with two of his colleagues, Chief Pat Flannelly of the Lafayette, Indiana, Police Department and Sergeant James Brack of the Bellevue, Washington, Police Department, he will share the science behind the connection between hypervigilance and Type 2 diabetes, which affects the health of millions of law enforcement officers, especially later in their careers.

We have just concluded the **2021 FOP Biennial Critical Issues in Policing Survey**, and we offer our sincere thanks to all members who participated by responding to the survey. The results and key findings of the survey will be shared publicly for the first time at the 2022 Officer Wellness Summit. Our research partner from across the globe, Dr. Jacqueline Drew of Griffith University in Australia, will join FOP National Director of Wellness Services Sherri Martin to present the details of this survey, and to share how the voices of our members will direct future efforts in wellness and will inform the entire profession about the needs and experiences of our nation's officers.

Like the 2021 Officer Wellness Summit, we will offer a wide variety of breakout training sessions on a number of focused wellness topics delivered by subject-matter experts. Mandy Nice of the National Strength and Conditioning Association will present strategies for getting and staying fit for the job no matter your fitness level. Nick Daugherty of Financial Cop will once again join us to deliver financial wellness strategies for the law enforcement family. Corey Nooner, a sergeant with the Oklahoma City Police Department and member of the National Officer Wellness Committee, will present a seminar on emotional intelligence. And finally, Dr. Gabrielle Salfati of the John Jay College of Criminal Justice will share the science behind compassion fatigue and burnout, with a special focus on how working during the global pandemic has caused added stress.

We are grateful to have so many of our partners in officer wellness joining us for this event. Dianne Bernhard of Concerns of Police Survivors and Shelley Jones of Survivors of Blue Suicide will join That Peer Support Couple, Javier and Cathy Bustos, to lead a discussion on strategies that law enforcement families can use to ensure that they live well and thrive throughout their officer's career. Chris Scallon, a retired sergeant from the Norfolk, Virginia, Police Department, will present information and resources about vicarious trauma, and will join Dr. Tom Coghlan and Dr. Salfati to discuss the development and outline of the **Power in Peers** curriculum, an updated model of law enforcement peer support. Our National Chaplain Rick Snyder will share information about how chaplaincy service interacts with other areas of wellness and will discuss the plans that the National FOP has to further our outreach.

The 2022 FOP Officer Wellness Summit will provide opportunities for members and leaders to learn more about how they can begin and bolster wellness efforts in their agencies, lodges and communities at large. We will learn from representatives of the Indianapolis Metropolitan Police Department how they have created a culture of wellness at all levels of the agency. With panel discussions including subject-matter experts, Summit attendees will discuss how leaders can best support officers through crisis, considering issues of confidentiality, safety and support. This year's event will also include a variety of viewpoints, with one of our expert panels discussing how the job and maintaining officer wellness might look different for diverse cultures and life circumstances.

The 2022 FOP Officer Wellness
Summit will provide opportunities for
members and leaders to learn more
about how they can begin and bolster
wellness efforts in their agencies,
lodges and communities at large.

As we work to build a nationwide directory of culturally competent wellness services specializing in work with and for law enforcement, we have developed a guide for agencies, lodges, officers and families who might want to find these services. Dr. Stephanie Conn and Dr. David Black, our advisors on the **Approved Provider Bulletin** project, will join Jeremy Kommel-Bernstein of the COPS Office of the U.S. Department of Justice to share this guide with attendees and to discuss how we can best



work together to develop a comprehensive network of support.

In a continuous effort to build that network for all officers, we will once again be hosting the **FOP Wellness Professionals' Forum** on January 30, just prior to the Summit. This one-day seminar provides an opportunity for wellness professionals to learn the latest information that will bolster their ability to work with first responders and will enable them to network with each other and with officers and family members attending the Officer Wellness Summit, so that we continue to build relationships that will work for all officers and their families.

As we take on a holistic picture of wellness for the law enforcement officer, we will include optional physical fitness opportunities, including yoga, Pilates and more. We encourage officers, their partners and wellness providers and professionals to join us as we continue to learn together how we can remain well and help our brothers and sisters to do the same. We are excited to be able to include many of our **FOP vetted and approved wellness providers and programs**, who will exhibit their services and interact with attendees as well.

Thanks to a generous sponsorship from the American Arbitration Association, we are once again thrilled to have the opportunity to provide a number of scholarships that will cover tuition to attend the 2022 FOP Officer Wellness Summit. Scholarships will be available to FOP members in good standing on a first-come, first-served basis. The National Officer Wellness Committee looks forward to seeing you in Nashville in January as we come together to learn about and celebrate all things officer wellness!



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WELLNESS

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ilverSneakers, the fitness program that comes with Fraternal Order of Police Medicare Advantage plans, has several online tools you can use to stay active. They provide education and resources to help you stay safe, fit and healthy, whether you like to go to a fitness center or want to work out at home.

Here are programs SilverSneakers offers to help you stay active at home:

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 online library of 200-plus workout videos. Just log in to
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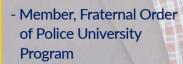
SilverSneakers is a registered trademark of Tivity Health, Inc. © 2021 Tivity Health, Inc. All rights reserved.

Editor's Note: The FOP is dedicated to helping all of its members and their families thrive and improve their standard of living. That's why the FOP has teamed up with Aetna to offer four Aetna Medicare Advantage PPO plan options that provide members with comprehensive medical, prescription, hearing and vision benefits. As part of this partnership, Aetna will be sharing helpful information about its plans, wellness-related news and more in each issue of the FOP Journal.

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For more information about these programs, visit **trident.edu/fop** or contact Caterina Swaggerty at **caterina.** swaggerty@trident.edu. **Fop**



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¹ Trident is part of the American InterContinental University System, which is accredited by the Higher Learning Commission (**hlcommission.org**), a regional accreditation agency recognized by the U.S. Department of Education.

² Transfer credit is evaluated on an individual basis. Not all credits are eligible to transfer. See the University Catalog for transfer credit policies.

The National Fraternal Order of Police University (NFOPU) has successfully paved the way for hundreds of FOP members to pursue higher or continued education. For more information on the NFOPU Consortium, go to fopconnect.com/education-connect/about-the-consortium.





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An Update on the FOP's Legislative Priorities



ongress has just returned to session after a one-week recess in mid-November. Immediately before this recess, the House considered and passed H.R. 3684, the Infrastructure Investment and Jobs Act, which was recently signed into law by President Biden. The new law provides for the investment of \$1 trillion in our nation's roads, bridges, rails, ports and other infrastructure. This is considered to be a major piece of the Biden administration's agenda for the 117th Congress.

The House also considered and passed H.R. 5376, the Build Back Better Act, a spending bill of at least \$1.75 trillion in social spending according to the Congressional Budget Office (CBO). The House considered and passed the legislation on a 220–213 vote, which sends the bill to the Senate for further consideration. The legislation will be considered as a reconciliation measure, meaning that it can pass with a simple majority in the Senate. At this writing, there is no timeline for Senate consideration.

Congress also faces several critical deadlines. The continuing resolution, which is currently funding the operations of the federal government, expires on December 3. It seems unlikely that Congress will pass an omnibus appropriations measure before this date, so we are expecting Congress to adopt a new continuing resolution extending funding into February or March 2022.

In addition, the borrowing authority of the federal government, necessary to avoid defaulting on existing loans and financial commitments, also expires on December 3. According to recent estimates by the U.S. Department of the Treasury, the United States will hit the "debt ceiling" and risk default

Just the Facts:

We are pleased to report that three FOP-backed bills were signed into law by the president in November. Each bill extends critical support to law enforcement and first responders, expanding access to mental health resources (S. 1502), benefits for disabled officers (S. 1511) and penalties for offenders who harm federal law enforcement (S. 921). The enactment of these bills is a significant achievement for the FOP and represents a victory for law enforcement. However, there is still much work to do. The FOP continues to focus on defending the 1033 program, urging Congress to pass the Protect and Serve Act and gaining co-sponsors for the Social Security Fairness Act, LEOSA Reform Act and other priority legislation.

on or about December 15. Senate Republicans have said for months that they will not support any further extensions on borrowing authority and insist that Senate Democrats must use the reconciliation process to pass such an extension, but no such efforts have been undertaken as of this writing.

FOP-Backed Bills Signed Into Law!

The staff in the Government and Media Affairs Center (GMAC) is pleased to report on the final passage of three bipartisan bills that the FOP played a lead role in getting to the president:

- S. 921, the Jaime Zapata and Victor Avila Federal Officers and Employees Protection Act, which would clarify that federal law clearly and unambiguously protects federal law enforcement officers and other employees operating outside our borders.
- S. 1502, the Confidentiality
 Opportunities for Peer Support
 (COPS) Counseling Act, which
 would reduce the barriers for law
 enforcement officers when trying
 to access mental health resources.
- S. 1511, the Protecting America's First Responders Act,

which would update the Public Safety Officers' Benefits (PSOB) disability determinations and the definitions making it more consistent with existing federal law and greatly improve the ability of our injured and disabled officers to have their claims processed more fairly and more quickly as well as providing for an extension of the COVID-19 presumption for the PSOB program.

National President Patrick Yoes joined President Joseph R. Biden Jr., Vice President Kamala D. Harris, U.S. Attorney General Merrick B. Garland, U.S. Homeland Security Secretary Alejandro N. Mayorkas and numerous members of the House and Senate at a White House signing ceremony held the week before Thanksgiving. All three bills were signed into law, and President Biden acknowledged the hard work of the FOP in getting these bills to his desk. The enactment of these bills is a significant achievement for the FOP in what is a very difficult and challenging climate in Congress. It shows that hard work and persistence do pay off!



Biden Administration Announcing COPS Hiring Grants

During the White House signing ceremony described previously, President Biden announced that the U.S. Department of Justice (DOJ) awarded \$139 million in grant funding through the DOJ's Office of Community Oriented Policing Services (COPS Office) COPS Hiring Program (CHP). The awards provide direct funding to 183 law enforcement agencies across the nation, allowing those agencies to hire 1,066 additional full-time law enforcement professionals.

The FOP helped shape the 1994 law that established the COPS Office and the CHP, which is a competitive award program intended to reduce crime and advance public safety through community policing. The CHP provides funds directly to law enforcement agencies to hire new or rehire additional career law enforcement officers, thereby increasing their community policing capacity and crime prevention efforts. Since its creation, the COPS Office CHP program has invested more than \$14 billion to advance community policing, including grants awarded to more than 13,000 state, local and tribal law enforcement agencies that have funded the hiring and redeployment of more than 135,000 officers. The CHP is the keystone for our nation's communityoriented policing strategy and, as our profession struggles to recruit and retain law enforcement officers, is in high demand. In FY21, the COPS Office received 590 applications requesting nearly 3,000 law enforcement positions. For FY22, the administration has requested \$537 million for CHP an increase of \$300 million.

FOP Continues to Defend the 1033 Program As NDAA Starts to Move

The FOP will continue our full-throated defense of the 1033 program, which is an important equipment program administered by the Defense Logistics Agency (DLA) and the Law Enforcement Support Office (LESO) within the U.S. Department of Defense (DOD). The 1033 program allows state and local law enforcement agencies to obtain equipment they would not otherwise be able to afford.

In the House, the FOP led an effort to defeat an amendment to H.R. 4350, the National Defense Authorization Act, offered by Representative Henry "Hank" Johnson Jr. (D-Ga.), which would have gutted the 1033 program. The amendment was rejected on a 198–231 vote after an intense lobbying campaign by the FOP. The House passed the bill at the end of September and sent it to the Senate for further action.

The Senate is expected to begin debate on its version of the NDAA before Thanksgiving, though it is not clear what amendments will be debated and voted on or what the timeline for final consideration will be. The FOP is closely monitoring a pair of amendments offered by Senator Brian E. Schatz (D-Hawaii) that would prevent most law enforcement agencies from seeking access to equipment through the 1033 program.

Update: Most Recent Information on Federal Vaccine Mandate

 On November 12, the Occupational Safety and Health Administration (OSHA) within the U.S. Department of Labor developed an Emergency Temporary Standard (see tinyurl. com/yzbs3vsn) that would require all private employers with 100 or more employees to ensure their employees are "fully vaccinated" or that the employee produce a negative test result on "at least a weekly basis" before reporting for work. The rule was scheduled to take effect on January 4, 2022, but the U.S. Court of Appeals for the Fifth Circuit has temporarily halted the "mandate," which the three-judge panel states "grossly exceeds OSHA's statutory authority." The Fifth Circuit has ordered OSHA not to take any further steps to implement or enforce the mandate. Using a judicial lottery system, all legal challenges to the mandate will now be heard through the U.S. Court of Appeals for the Sixth Circuit.

- On October 29, the U.S. Food and Drug Administration (FDA) authorized the emergency use of the Pfizer-BioNTech COVID-19 vaccine to include children from 5 through 11 years of age.
- In September, the FDA, acting on recommendations by the independent Advisory Committee on Immunization Practices (ACIP) within the Centers for Disease Control and Prevention (CDC), approved the use of COVID-19 booster shots (see tinyurl.com/ave53dmd), which are now widely available, for Americans ages 65 and older as well as people in certain "high-risk" categories:

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Top Priorities in Brief

H.R. 82/S. 1302, the Social **Security Fairness Act**

House: 237 co-sponsors (180 D, 57 R) **Senate:** 36 co-sponsors (30 D, 4 R, 2 I) Urge Congress to pass the Social Security Fairness Act: tinyurl.com/ps9rbnd8

H.R. 962/S. 1888, the Law Enforcement Officers' Equity Act

House: 78 co-sponsors (57 D, 21 R) Senate: 1 co-sponsor (1 R) Urge Congress to pass the Law Enforcement Officers' Equity Act: tinyurl.com/9pp93cw

H.R. 3225, the Public Safety Employer-Employee Cooperation Act

House: 28 co-sponsors (19 D, 9 R) Urge Congress to pass the Public Safety Employer-Employee Cooperation Act:

H.R. 1210/S. 1610, the **LEOSA Reform Act**

tinyurl.com/8hzwfbt3

House: 52 co-sponsors (1 D, 51 R) Senate: 2 co-sponsors (2 R) Urge Congress to pass the LEOSA Reform Act: tinyurl. com/3dmb25mw

H.R. 3079/S. 774, the **Protect and Serve Act**

House: 49 co-sponsors (5 D, 44 R) Senate: 23 co-sponsors (23 R) Urge Congress to Pass the Protect and Serve Act:

tinyurl.com/97jb9e6y

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To see a full list of legislation supported by the FOP, please visit tinyurl.com/ynep59y6. Members should continue to monitor the FOP's social media platforms and our website for the latest legislative news! To send a message to your members of Congress asking them to support FOP priority legislation, visit tinyurl.com/yrnbeu55.

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- Individuals 65 years of age and older
- Individuals 18 through 64 years of age at high risk of severe COVID-19
- Individuals 18 through 64 years of age whose frequent institutional or occupational exposure to SARS-CoV-2 puts them at high risk of serious complications of COVID-19 including severe COVID-19

To see the full document, please visit tinyurl.com/trbw2k.

Social Security Fairness Act: Is Your Representative a Co-Sponsor?

In October, we were pleased to report that a majority of the members of the U.S. House of Representatives were co-sponsors of H.R. 82, the Social Security Fairness Act. While this is a very important milestone, our true goal is to reach 290 co-sponsors, which would trigger an existing House rule and force the measure to the House floor for a vote.

As of this writing, we have 237 co-sponsors - including 180 Democrats, a majority of that caucus, and 57 Republicans! We also still have 19 members of Congress who previously co-sponsored the bill but have not yet signed on in this Congress. The GMAC staff will be continuing to target these offices, but we are asking our members to review the list below and, if any of these representatives are yours, please contact them and ask them to co-sponsor H.R. 82:

- Tony Cardenas (D-Calif.-29)
- Bill Posey (R-Fla.-8)
- Lucy McBath (D-Ga.-6)
- Jamie Raskin (D-Md.-8)
- Haley M. Stevens (D-Mich.-11)
- Jim Hagedorn (R-Minn.-1)
- Emanuel Cleaver (D-Mo.-5)
- Nydia M. Velazquez (D-N.Y.-7)
- Marcy Kaptur (D-Ohio-9) Kevin Hern (R-Okla.-1)
- Frank D. Lucas (R-Okla.-3)
- Mary Gay Scanlon (D-Pa.-5) Lloyd Doggett (D-Texas-35)
- Lizzie Fletcher (D-Texas-7)
- Lance Gooden (R-Texas-5) Roger Williams (R-Texas-25)
- Marc A. Veasey (D-Texas-33)
- Jennifer Wexton (D-Va.-10)

• Mark Pocan (D-Wis.-2)

Please check to make sure your representative and both senators are co-sponsoring H.R. 82 or S. 1302, even if they are not listed above.

LEOSA Reform Act — FOP Legislative Priority Update!

Staff in the GMAC are waging an active outreach effort to House members who had previously co-sponsored H.R. 1210, the LEOSA Reform Act, in the 116th Congress. We are pleased to report that we have gotten the support of all previous co-sponsors, with the exception of these three members:

- · Representative Carol D. Miller (R-W.Va.)
- Representative Brian J. Mast (R-Fla.)
- Representative Scott DesJarlais (R-Tenn.)

If one of these members represents your district, we ask that you contact their office and ask them to once again co-sponsor this important legislation. You can contact these offices by visiting tinyurl.com/3dmb25mw.

This bill, H.R. 1210/S. 1610, the LEOSA Reform Act, would amend the Law Enforcement Officers Safety Act, which exempts qualified active and retired law enforcement officers from local and state prohibitions on the carriage of concealed firearms, to ensure that these officers are able to carry in the same venues as civilian concealed carry permit holders such as schools, national parks and common public areas as well as on public transportation. The bill extends the exemption to magazine capacity and would allow active and retired law enforcement officers to access services in U.S. post offices, Social Security Administration offices, Veterans Affairs offices or other federal facilities without disarming or securing their firearms elsewhere. It would allow states to affirmatively act to extend the period between training certifications for qualified retired law enforcement officers from 12 months to up to 36 months.

Officers Shot and Killed in the Line of Duty and the Protect and Serve Act

Our members know better than anyone how hateful rhetoric, if

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WASHINGTON REPORT Continued from page 42>

unchallenged, can translate threats of violence to actual physical violence. Since the FOP began tracking officers shot in the line of duty — particularly those who were targeted for violence in ambush or calculated attacks — we can confirm that these numbers have increased each and every year.

At this writing, we are sadly on pace to surpass 2020's historic numbers of officers shot in the line of duty. At this writing, 303 officers have been shot in the line of duty so far this year, 56 of whom were killed by gunfire. There have been 90 ambush-style attacks on law enforcement this year, which have resulted in 113 officers shot, 26 of whom were killed. Without the improvements in medical trauma science and the efficacy of anti-ballistic soft body armor, many officers would not have survived.

To address these increased attacks on law enforcement, the FOP is urging Congress to pass H.R. 3079/S. 774, the Protect and Serve Act, which was adopted by the House in 2018 on a lopsided 382–35 vote. The legislation would impose federal penalties on individuals who deliberately target law enforcement officers with violence in very specific circumstances.

Sadly, Congress is not taking this issue seriously and has held no hearings or undertaken other actions to protect the law enforcement officers who are in the line of fire. Legislation has been introduced, similar in construction to the Protect and Serve Act, to establish federal penalties for targeting journalists, election poll workers and polling places. The FOP is cooperating with federal task forces to track threats to educators, school board members and election workers because we know that angry rhetoric can turn into physical violence. However, we have the evidence that officers are being targeted with violence right now - 26 of whom did not make it home to their families. Congress has a responsibility to act.

Staff in the GMAC are waging an outreach campaign focused on members of Congress who have lost officers in their district or states to targeted or ambush attacks, and will be broadening this advocacy campaign in the coming months.

Make Your Voice Heard!

The National Fraternal Order of Police is the leading voice for law enforcement on social media. We have had tremendous success at spreading our message, allowing us to reclaim the narrative from those seeking to alienate the brave men and women who wear the badge from the communities they serve. We have been able to have direct, personal conversations with millions of members, potential members, supporters and opponents across our social media platforms. The National FOP undisputedly has the largest presence on social media compared to other national law enforcement organizations.

We urge our members to visit our social media pages and see for themselves

We are sadly on pace to surpass 2020's historic numbers of officers shot in the line of duty.

the daily posts we are making to better inform and educate the public on the current issues facing law enforcement. We encourage every lodge, every member and every citizen who supports law enforcement's brave men and women to follow the National FOP:

- Facebook (@GLFOP)
- Twitter (@GLFOP)
- Instagram (@FOPnational)

Making our voice heard is critical to shaping the narrative around our brother and sister officers. We ask that you join us by sharing articles, stories and pictures that highlight the tremendous work our members are doing in their communities. When sharing, please make sure to tag us and use the following hashtags: #FOP #FOPstrong #BackTheBlue

#DefendThePolice If the individuals tasked with

If the individuals tasked with developing social media content for your lodge have any questions about creating, developing or implementing any social media material or strategy, please have them reach out to Mark McDonald (mmcdonald@fop.net) in our Government and Media Affairs Center to set up a meeting.

The bottom line: We need your help to spread the truth and defend the police and our officers. We ask that everyone share, comment and like the content that we are posting.

Lastly, the National FOP's Weekly Update is a key resource to keep you informed on the legislation pertinent to law enforcement and a great way to stay updated on what the National FOP is doing for you in Washington. If you have not yet done so, please be sure to sign up for the National FOP's Washington Watch: Legislative Update. This one-of-a-kind weekly update is sent out every Friday via email, posted in the NFOP mobile app and shared on our social media platforms. To sign up to receive the update via email, please visit tinyurl.com/57yvd2as.

Support the PAC!

Not only is the FOP the premier voice for law enforcement on social media, but our National Legislative Program is the most reliable, effective and impactful advocacy operation in Washington, D.C. When Congress or an administration, regardless of party, is looking to engage meaningfully on criminal justice or law enforcement issues, they seek out the FOP as a partner.

One of the tools used by our National Legislative Program and Grassroots Action Network is the National Fraternal Order of Police Political Action Committee (NFOP PAC). The NFOP PAC is — or can be — a very effective way to represent our members on Capitol Hill by supporting candidates who support our members and our profession.

We are asking all FOP members to find a way to contribute to the National FOP PAC. Our profession depends on having well-informed lawmakers who listen and understand the challenges facing law enforcement today.

We can accept one-time donations, but we encourage members to sign up for recurring monthly contributions using their credit card. This is the most effective and reliable way to contribute.

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I felt it was exceptional. If you're a working student, you need the support of your professors, and I found they were very supportive. They were also very well informed and educated on the classes they were teaching. 39 – Adrian V. '17, Master of Criminal Justice, Deputy Chief of Police

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- **1. Visit** fopfoundation. firstresponderprocessing.com
- 2. Visit fop.giveback.org and register for the 5-5-5 program
- 3. By U.S. Mail: NFOP Foundation 701 Marriott Dr. Nashville TN 37214



100% of the proceeds go to the NFOP Foundation Disaster Relief Fund.

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These contributions need not be for hundreds or thousands of dollars (though these are also very much appreciated) — every dollar helps! If every FOP member gave just \$1, we could raise \$364,000! If 10% of our members gave just \$5 this year, we would raise \$182,000 in time for the next election cycle. We can and need to do better raising funds for our PAC!

To donate online, please visit tinyurl.com/55e2dxfs. If you would like to donate via check, please make it out 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 our recurring monthly credit card donations, please contact the Government and Media Affairs Center at (202) 547-8189 or David Taboh at dtaboh@fop.net.

Thank you to all of you who have supported and continue to support our PAC with regular contributions! FOP

The New and Improved FOP.net A user-friendly website redesign is here to help you stay up to date on the topics that affect you! You have the power of the FOP at your fingertips with easy access to all the information you need, including: + Law enforcement news + Training + Legal defense + FOP updates and events + Legislation Wellness resources + Member benefits + Labor issues + And much more!

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Vaccine Mandates: What Choice Do I Have?



reedom's just another word for nothing left to lose," wrote Kris Kristofferson in the song "Me and Bobby McGee," made famous by Janis Joplin. When people believe their freedom to choose is being taken away, get ready for a fight — especially in America. The bedrock of the experiment we call "America" is that we the people have "unalienable rights," including the right to be governed by consent. Consent by its very definition is a matter of choice.

For over 200 years, we the people have chosen to be governed by a threebranch, constitutionally authorized

Just the Facts:

The courts have been remarkably consistent that employees have the freedom of choice. Employees have the freedom to choose to refuse to get vaccinated, and in that choice employees are also choosing to work in a different profession or for a different employer. However, there is an alternative. Employees who work under a collective bargaining or employment agreement are free to bargain the impact of the implementation of a vaccine mandate. In other words, negotiate options and accommodations other than termination.

system of governance. We choose this system of governance not because it is convenient or easy. It is neither. We choose this system of governance because we believe that authority cannot be safely entrusted to or vested in a single person, branch or even majority. We choose this system because we know that unchecked authority means that freedom is lost, and when freedom is lost, there is nothing left to lose.

Under our chosen system of checks and balances, each branch has a unique and exclusive power that is checked by the unique and exclusive powers of the other two branches. The Constitution says so. Police power is the exclusive domain of the executive branch. Executive officers such as mayors and the president have the power to order or mandate measures to protect the health, safety and welfare of the people. The executive branch has this power because the Constitution says so. The judicial branch, the courts, check that power by ensuring that the exercise of police power is within the bounds of the Constitution. The judicial branch has this power because the Constitution

COVID-19 vaccinations rolled out almost one year ago. Given the "warp speed" with which these vaccines were produced, it is no surprise that there

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LABOR NEWS

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is hesitancy and suspicion over their efficacy and safety. As a result, when the executive branch, whether in the form of a city or county executive or the U.S. president, issued vaccine mandates, the fight was on!

And what a fight it is! According to Will Aitchison of the Labor Relations Information System, at least 53 lawsuits have been filed challenging the legality and validity of vaccine mandates. The issue in every one of those cases is the freedom of employees (or students) to choose to not be forced to get vaccinated. Every single one of them has been resolved in favor of the freedom to choose. To be clear, every one of those cases has also confirmed that the executive branch has the lawful, constitutional power to issue vaccine mandates. Of the 53 cases, 50 have been decided in favor of the vaccine mandate. The remaining three also ruled that the executive branch had the power to mandate vaccines but there were procedural flaws in the mandates at issue in those cases, such as not allowing for exemptions.

On October 29, the Supreme Court, consistent with 116 years of precedent, refused to hear a challenge to a Maine vaccine mandate by healthcare workers. The Supreme Court also rejected challenges to vaccine mandates in Indiana and New York. The Supreme Court has consistently ruled in favor of the exercise of police powers by the executive branch since the 1905 smallpox vaccination mandate case known as Jacobson v. Massachusetts. The court ruled that during a public health emergency, vaccinations were a legitimate exercise of a state's police power, and thus were valid. In short, absent procedural errors, legal challenges to vaccine mandates have an extremely low probability of success.

Back to the original question, "What choice do I have?" The courts have been remarkably consistent that employees have the freedom of choice. Employees have the freedom to choose to refuse to get vaccinated, and in that choice employees are also choosing to work in a different profession or for a different employer. There is an alternative.

Employees who work under a

collective bargaining agreement or employment agreement are free to bargain the impact of the implementation of a vaccine mandate. In other words, negotiate options and accommodations other than termination. Although this option seems limited, it is far better to be engaged in negotiation than it is to be compelled by a court order after an unsuccessful lawsuit. If an employer refuses to bargain the impact, there may be statutory remedies available that are easier to obtain than trying to get a court to ignore over 100 years of precedent. In fact, in a recent case out of Chicago, the court ordered the parties to bargain over the impact of a vaccine mandate. Employees who are not working under a collective bargaining agreement have far more limited options.

For additional information, support or to discuss how you can engage in collective bargaining, please contact the Division of Labor Services at labor@fop.net. FOP





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Supreme Court Decides Two Qualified Immunity Cases in Favor of Law Enforcement



n October 18, in two per curiam decisions with no dissenting opinions, the Supreme Court sided with law enforcement and reinforced the qualified immunity doctrine. The cases stemmed from alleged Fourth Amendment excessive force violations. In each case, the Supreme Court found that the officers did not violate any clearly established law and were entitled to qualified immunity. The decisions are major victories for law enforcement officers and highlight the National FOP's efforts to re-emphasize the importance of qualified immunity. In City of Tahlequah, Oklahoma, et al. v. Bond, the National FOP filed an amicus brief in support of all law enforcement officers, including Officers Brandon Vick and Josh Girdner, as well as the City of Tahlequah, Oklahoma.

City of Tahlequah arose from a domestic dispute. Officers responded to a call from Dominic Rollice's ex-wife. She explained that Rollice was intoxicated and would not leave her home. When the officers arrived, Rollice was in his ex-wife's detached garage. The officers met Rollice in the doorway of the garage and told him that they were simply trying to get him a ride home. Rollice fidgeted with something in his hands. The officers asked if they could pat him down for weapons, but Rollice

Next, one officer stepped toward the doorway, and Rollice stepped back into the garage. Rollice then turned and walked toward the back of the garage and grabbed a hammer. In response, the officers backed up and drew their guns. They ordered Rollice to drop the hammer, but Rollice did not comply. Instead, Rollice raised the hammer as if he was about to throw it or charge at the

Just the Facts:

The Supreme Court unanimously sided with law enforcement and reversed the denial of qualified immunity in two separate cases alleging excessive force. In City of Tahlequah v. Bond and Rivas-Villegas v. Cortesluna, the court found that the officers did not violate any clearly established law and were entitled to qualified immunity. The decisions are major victories for law enforcement officers and highlight the National FOP's efforts to reemphasize the importance of qualified immunity, which affords officers a certain degree of discretion to carry out their duties in situations that could put lives, including their own, at risk.

officers. As a result, the officers shot and killed Rollice.

Rollice's estate filed suit against, among others, Officers Girdner and Vick. The estate alleged that the officers were liable for violating Rollice's Fourth Amendment right to be free from excessive force. The trial court found that the officers' use of force was reasonable, and even if not, the officers were entitled to qualified immunity. The Tenth Circuit Court of Appeals reversed. No oral argument was held. On October 18, the Supreme Court summarily reversed the Tenth Circuit and held that the officers were entitled to qualified immunity.

The Supreme Court's opinion admonished the Tenth Circuit's decision and stated that "[w]e have repeatedly told courts not to define clearly established law at too high a level of generality." The Supreme Court found that "[n]ot one of the decisions relied upon by the Court of Appeals ... comes close to establishing that the officers' conduct was unlawful." In fact, neither the panel majority for the Tenth Circuit nor the respondent identified a single case finding a Fourth Amendment violation under similar circumstances.

In its amicus brief, the National

FOP argued that law enforcement officers need protection to perform their duties, which sometimes involve using force to minimize a perceived threat to themselves or to the public. Every single factual scenario an officer encounters is different, contains unknown variables and is rapidly evolving. Officers need to be afforded a certain degree of discretion to carry out law enforcement-related duties in situations that could put lives, including their own, at risk. The qualified immunity doctrine provides that breathing room. As evidenced by its decision in City of Tahlequah, the Supreme Court agrees.

Finally, in Rivas-Villegas v. Cortesluna, the Supreme Court reversed the Ninth Circuit's decision that held that the officer was not entitled to qualified immunity because "existing precedent put him on notice that his conduct constituted excessive force." The Ninth Circuit relied solely on a case from its own circuit in order to determine that the law was clearly established. The Supreme Court disagreed and found that the case was "materially distinguishable." As a result, Cortesluna and the Court of Appeals failed to identify any case that addressed facts like the ones at issue in the case before the Court.



Briefly, Union City, California, police officer Daniel Rivas-Villegas responded to a 9-1-1 call reporting that a woman and her two children were barricaded in a room for fear that the woman's boyfriend, Roman Cortesluna, was going to hurt them. Rivas-Villegas arrived on scene with four other officers. After the officers confirmed that the woman and children were unable to get out of the home and observed a man through a window matching Cortesluna's description, Rivas-Villegas

knocked on the door and announced the police presence.

Next, the officers ordered Cortesluna to drop his weapon (a metal tool) and to get on his knees. Cortesluna complied. The officers then observed a knife in his front left pocket. The officers ordered Cortesluna to put his hands up, but

Cortesluna lowered his head and hands in contravention of the officers' orders. In response, one of the officers shot Cortesluna twice with a beanbag round. Cortesluna then raised his hands over his head and got down as directed by the officers.

Once Cortesluna got down as directed, Rivas-Villegas straddled Cortesluna and placed his left knee on the left side of Cortesluna's back, near where Cortesluna had a knife in his pocket. Rivas-Villegas was in this position for no more than eight seconds before he stood up and continued holding Cortesluna's hands up until another officer placed Cortesluna in handcuffs.

Following this interaction,
Cortesluna brought suit claiming that
Rivas-Villegas used excessive force
against him in violation of the Fourth
Amendment. On appeal, the Supreme
Court reversed the Ninth Circuit and
found that the officer did not have
"fair notice" that his actions violated
Cortesluna's Fourth Amendment rights.
As a result, Rivas-Villegas was entitled
to qualified immunity. FOP

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There Is ALWAYS Another Option











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Remembering Dean

he FOP office and board should reflect the membership of the police department." These were some of the first words that were spoken to me years ago by former Chicago FOP Lodge #7 President Dean C. Angelo Sr., Ed.D. before he announced his run for lodge president. That is one moment of my 33-year career as a Chicago police officer I will never forget; the night I met Angelo.

My name is Marlon Harvey, and I was assigned as a full-time field representative for Chicago Lodge #7 in 2013 when I met him.

Sadly, on October 12, Angelo died while in the hospital battling a severe illness.

The Diversity Committee of the National Fraternal Order of Police, chaired by Captain R.E. Gaddy Jr. of the Durham Police Department in North Carolina, wants the membership to know of Angelo's pledge of diversity. Angelo was concerned about how some Chicago police officers felt disconnected from their union. Throughout the years, minority officers have expressed concern regarding issues that are important to them. Many thought that they did not have a voice within the union body that represented them.

Angelo asked minority officers to look at their union. What do they see? Does anyone look like them? He felt that an essential step in feeling included was to be included. Angelo reiterated to officers around the city of Chicago what he had told me, "The board room should look like the roll call room." Yes, of course, many FOP representatives and board members have provided effective and equitable service to all police officers. There is no denying that; however, if



Dean C. Angelo Sr.

a disconnect does exist, then it must be addressed. Angelo was true to his word. After successfully becoming the Chicago Lodge #7 president in 2014, he retained me as a full-time field representative. True to his word, Angelo installed another African American officer, Detective Keith Carter, as a field representative. Angelo also installed Inez Riley and Landry Reeves, both African American police officers, as trustees. He also placed other officers of various backgrounds on committees.

The National Diversity Committee realizes that many minority officers throughout the country can express similar concerns.

Our goal is to ensure that all concerns of minority officers are addressed by all National members. Nevertheless, just as important, officers like Angelo should continue to be recognized for their efforts to make things better for all police officers.

We thank you, Dean C. Angelo Sr., for your service. May you rest in peace. **FOP**



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New Retired Law Enforcement Concealed Carry Legal Defense Coverage



he FOP Legal Defense Plan's
Board of Trustees has had
numerous requests from current
and prospective participants to review
broadening coverage under the current
HR-218 LEOSA Plan. After diligent
review and analysis, the Board voted to
make the following changes.

The HR-218 Plan coverage was replaced with the FOP Retired Law Enforcement Concealed Carry Legal Defense Coverage (CCC). The expanded coverage will offer unlimited legal defense for civil and criminal claims associated with the legal carrying and/or use of a concealed weapon: All reasonable and necessary legal defense costs are now covered in full when using a plan attorney. This new expanded plan will provide coverage for not only those retirees who were

qualified under LEOSA, but also those retirees who are qualified under their own state laws to carry a concealed weapon. Coverage does not include claims related specifically to the open carrying of firearms.

The CCC went into effect on January 1, 2021. If you are a current HR-218 retired member, unlimited coverage and the enhanced benefits automatically took effect on January 1, 2021, with no additional cost. Upon renewal of your coverage in 2021, the new annual fee of \$75 will take effect. For all new retired members joining the plan after January 1, 2021, the annual fee is \$75.

If you are an active law enforcement officer covered by the FOP Legal Defense Plan, LEOSA coverage is already included. CCC is for **retired law** **enforcement officers only** and separate from the FOP Legal Defense Plan.

The Board is excited to provide yet another excellent benefit for our FOP law enforcement brothers and sisters. In today's unstable times, it is crucial to make sure you are protected.

The Legal Plan values your business and thanks you for your continued support. To enroll, please visit our website at foplegal.com and select Join Now > Retired Law Enforcement Concealed Carry Coverage. Full coverage, eligibility and other exclusions can be found in the Plan Description at foplegal.com, under the About > Library section. If you have questions pertaining to these changes, enrollment or the plan in general, please contact Hylant at (800) 341-6038 or via email at info@foplegal.com. FOP



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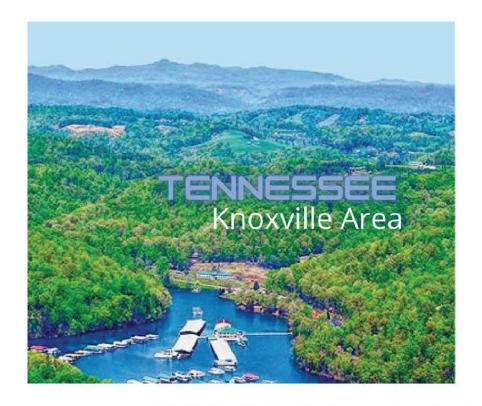
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Legal defense coverage has become a necessity for law enforcement as the frequency and cost of allegations against peace officers continue to rise. The FOP Legal Plan offers you and your lodge members a very affordable comprehensive plan.

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