

BLACK HISTORY MONTH // P. 26

# FOP



## JOURNAL

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LAW ENFORCEMENT OFFICERS

FEBRUARY 2022

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Co-founder of GoJoe Patrol

*Ret. Detective at Washington State Patrol, Former President of FOP Spokane Lodge 20*

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**THE FOP JOURNAL** is published monthly by the Grand Lodge, Fraternal Order of Police, 701 Marriott Drive, Nashville, TN 37214 - 1-800-451-2711. Presort Non-Profit Standard, U.S. Postage Paid in Balingbrook, IL, Permit No. 1309. FOP membership includes a subscription to THE FOP JOURNAL. Subscriptions accepted from recognized law enforcement agencies, government officials and libraries. Non-member subscriptions \$32 a year, single copies \$8.

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## Sign Up Today for the 2022 Day on the Hill



// **WRITE TO US!** If you have further questions, contact Patrick Yoes at (504) 236-4300, or [pyoes@fop.net](mailto:pyoes@fop.net).

Our new normal is anything but normal. Rather, it is a never-ending, ever-changing challenge. This is especially true in our grassroots legislative efforts.

COVID times are frustrating times, and the global surge of the omicron variant and the public health response has made events like our annual Day on the Hill very difficult to plan and execute. Although we were moving ahead to meet in person, recent COVID restrictions have caused us to reevaluate the viability of an in-person Day on the Hill. As frustrating as it is, for the second year in a row, we are forced to hold our annual Day on the Hill virtually.

The reasons for this are practical ones. In recent days, access to the U.S. Capitol Complex has become severely limited, and many offices will not receive visitors because of pandemic-related concerns or because members have directed their staff to work from home.

The FOP Day on the Hill was designed with the express purpose of putting our members in front of members of Congress and their staff to talk face to face about our issues and

what's important on the streets and neighborhoods of their districts and state.

Even if we traveled to Washington, D.C., we could not be assured that we could make that happen. Local orders from the D.C. government now require proof of vaccination to visit restaurants, indoor events or use any hotel facilities, like conference rooms or business centers, which creates additional obstacles to putting on a successful in-person event.

We can, however, still have a successful event! I urge all of our members, especially everyone who planned to attend in person, to participate. The Day on the Hill is a big part of our grassroots efforts, and we need to make sure it's a success. Please register now at [tinyurl.com/2p89whke](http://tinyurl.com/2p89whke).

You can see all of the Day on the Hill materials here: [national.fop.net/dtoh-2022](http://national.fop.net/dtoh-2022).

Please remember that genuine grassroots activism is not a one- or two-day event, especially in this virtual environment. The key to being effective in the future is to grow the relationships with the individuals you connect with during the course of this event.



**Follow up!** Make contact again with the members and staffers you speak to, even if it is just to thank them for their time. Each and every contact you have with them will reinforce our message and make our efforts more productive in generating strong and active support for our issues.

I hope to see you during our virtual Day on the Hill! **FOP**

## Support the NFOP PAC!

We need your support of the National Fraternal Order of Police Political Action Committee (NFOP PAC), which, like our grassroots activism, is an essential part of our National Legislative Program. The NFOP PAC allows us to support candidates who support our members and our profession. As the oldest and largest law enforcement labor organization in the United States, it is crucial we keep our PAC strong, so we can help the candidates who not only support our members but the entire law enforcement community. It is up to us to ensure that they get elected!

We need to increase member participation in our payroll deduction and monthly recurring credit card programs. Please help us advocate on your behalf and do so with the resources needed to be effective. Help us grow our PAC and amplify our voice in the nation's capital.

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## The Art of Leadership



// **WRITE TO US!** If you have further questions, contact Jimmy Holderfield at (904) 813-2067, or [jholderfield@fop.net](mailto:jholderfield@fop.net).

Brothers and sisters, I pray this February edition of the *Journal* finds you and your family well. This is an extraordinary month with a tremendous amount of training being conducted through your National Fraternal Order of Police. We just finished up the annual Wellness Summit, and we are conducting Leadership Matters this week, both in Nashville. Later in the month, the annual Law Enforcement Labor Summit and Legal Counselors Seminars will be held in Las Vegas. All this training is designed to acclimate new leaders in their roles as lodge officers and to hone the skills of experienced leaders. I hope you are participating in one or all of these programs.

### LET YOUR VOICE BE HEARD!

The FOP constantly endeavors to hear about the experiences of our members, so that we can understand how best to serve you.

The FOP was selected to partner with the Department of Justice to build standardized training in law enforcement peer support. Share your thoughts with us on how this training can best help our profession at [surveyMonkey.com/r/PowerInPeers](https://surveyMonkey.com/r/PowerInPeers).

This month, I will discuss leadership; what it is, and what we can do to prepare ourselves to lead others in our great FOP. What is leadership? Simply put, leadership is the ability of an individual or group of individuals to steer followers or other members in the organization to accomplish a desired result. Most experts agree that leaders are not born. The art of leadership is the result of education and training, mentorship, life experiences, interaction with others and a desire to accomplish a goal or objectives. Going even deeper, the ability to listen, think critically, have a clear vision and deliver the message are key core competencies every leader must practice. I like to simplify the definition of leadership using a quote from President Dwight D. Eisenhower: "The essence of leadership is to get others to do something because they think you want it done and because they know it is worthwhile doing."

Rotary International, which is a service organization of professionals that instills leadership development, requires its members to subscribe to a four-way test of the things they think, say or do. The test asks: Is it the truth? Is it fair to all concerned? Will it build goodwill and better friendships? Will it be beneficial to all concerned? This test is a moral code, and it fosters respect, trust, reciprocity, shared experience and mutual enjoyment of each other's company. The four-way test is a nonpartisan and nonsectarian ethical guide to use for personal and professional relationships.

A great architect in leadership development is the legendary football coach, Lou Holtz. He devised three simple universal questions that should be asked of yourself and others.

- Can I trust you? Without trust, there is no relationship. A leader must build trust by doing the right thing for the members and not for personal gain.

- Are you committed to excellence? When you interact with your members, how much do you know about the FOP and what opportunities and services the Order offers? It is all our responsibility to do everything we can to the best of our ability.
- Do you care about me? This is not a question about friendship but rather our desire to help each other grow and succeed. It's not about making things easier, but rather, encouraging and showing genuine support for helping the FOP and the individual grow.

Many lodges installed their newly elected officers in January. Some officers were elected to their respective offices by way of a contested election. Others may have been elected simply because no one else stepped up to fill the position. The majority were re-elected to their current position because of the leadership they have exhibited from the past. In all these scenarios, what is paramount is an understanding of your duties and responsibilities to the Order, your members and yourself. The first place all officers should start is reading and understanding your local Constitution and By-laws. The next place is doing the same with your respective State and the National Constitutions and By-laws. Also, don't forget to review the Ritual Book. Over the years, I have observed lodges that find themselves in turmoil or scandal because they have not adhered to the rules of the Order or that officers have not fulfilled their duties.

I encourage officers and members to seek guidance and clarification on questions they have in the interpretation of the rules. Experienced current and past officers and

Continued on page 14 >

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## SECRETARY'S MESSAGE

Continued from page 12

State and National officers are great resources to reach out to for advice. It is far better to have an understanding before action is taken versus taking improper action only to have to undo it later. Such situations create division, ill will, lack of trust and impact our great organization negatively within and sometimes outside the Order.

Let's explore the hierarchy in applying rules. First and foremost, the law of the land. You cannot create an organizational rule that would be in violation of your ordinances, state or federal laws. Next is the Constitution, which is the fundamental set of laws that establish the broad functions, powers, duties and rights. The By-laws are mostly used to regulate, organize and establish functions, powers and specific functioning rules of the organization and its officers. Also of great importance but often overlooked is the Ritual. The Ritual requires the oath of membership, oath of office, the order of business and the conduct of ceremonial events.

Some lodges also have "standing rules" that address a specific function,

such as political endorsement procedures or a prohibition of using cell phones during a meeting. In the absence of an established rule, our Constitution directs us to "Robert's Rules of Order," the latest edition. The primary purpose of this is for conducting the orderly flow of business at the various meeting. It is not intended to trump over the Constitution, By-laws, Ritual or standing rules. This issue arises at times and can be categorized as procedural versus substantive. There are rules in our Order's Constitution and By-laws that may conflict with Robert's, and that is acceptable. Our rules take precedence since it was the membership that established our rules.

Another process that should not be done or accepted by the membership is the "waiving of the reading of the previous minutes or waiving of the reading of the treasurer's report." In the interest of time, it is acceptable to provide written minutes of the previous meeting and a written copy of the treasurer's report, provided members are given ample opportunity to review, ask questions and make corrections to these two vital reports. Additionally, the minutes can be approved by a simple

majority (yes, this is Robert's Rules), but the treasurer's report should be "received" and not approved until the lodge either commissions an audit, or, at the very least, a review of its finances from the previous year, which can be conducted by the lodge trustees. When the report is presented as to the financial condition of the lodge, along with the transactions received and disbursed, and reported any other holdings and/or liabilities, it is acceptable to approve the treasurer's reports and that of the audit committee.

In closing, I hope you found this article helpful and informative. Know that I stand available to assist any member any way that I can as your brother and National secretary. Congratulations to all recently elected officers. You are the backbone of the Order. I send out our condolences to the family of Brother William "Bill" Peacock (Georgia), who served as our chairman of the National Trustees from 1997 to 2001. Brother Bill was a dynamic leader who helped so many of us hone our leadership skills. He will be missed but never forgotten.

See you at the next meeting, and be safe. **FOP**

## SHARE YOUR STORY!

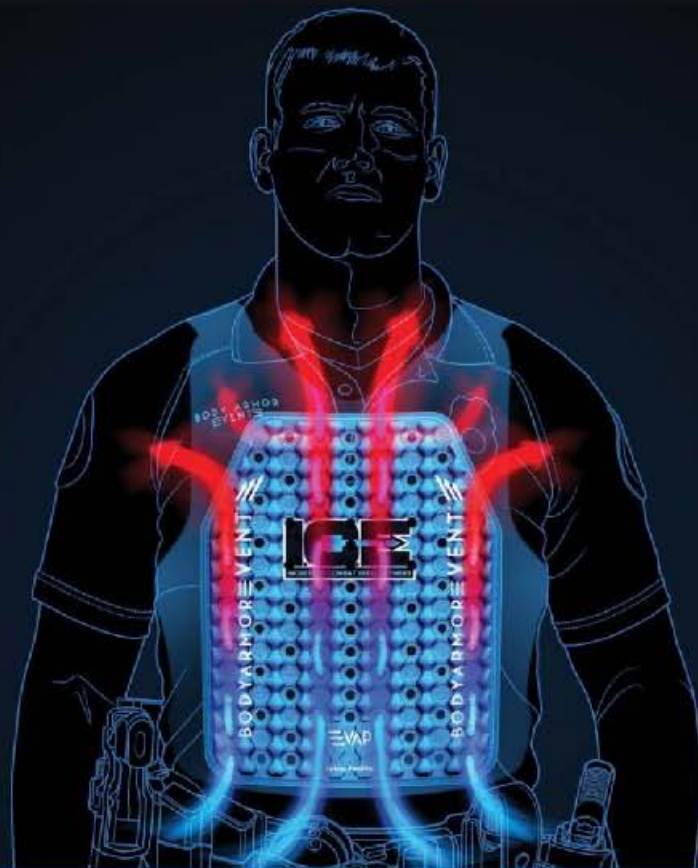
So many of us learn from the experiences of others, especially others with whom we share things in common. Do you have a story to tell of overcoming adversity in your own life? The National Officer Wellness Committee would like to hear it!

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](mailto:officerwellness@fop.net).



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## Vaccine Mandate Updates



// WRITE TO US! If you have further questions, contact Steve Weiler at (257) 269-1086, or [sweiler@fop5.org](mailto:sweiler@fop5.org)

To be an effective representative of the National FOP, I am going to need your help to get there. Sure, I can research various areas of the country and try to find out the differing problems as they affect our membership nationally, but it would certainly be more effective to hear from you, our members.

As of this writing, the Supreme Court has ruled certain vaccine mandates in and others out. How it affects police officers remains to be seen. Across the country, police officers are government workers at some level, so the effect of this ruling may not be all that helpful for us. The portion of the mandate that was stopped affected private companies that have over 100 employees. We do not fit that description, so we await further interpretation of these mandates. I can relay to you that in my home base, Philadelphia, vaccines were foreseen to be a problem by our president, John McNesby, when we negotiated

our newest labor contract that became effective on July 1, 2021.

We were able to enter language that simply stated a neutral arbitrator had to be

**It has been reported that 458 law enforcement deaths occurred in 2021, which is the deadliest year for us since 1930.**

used in the event of any mandates regarding the pandemic. It has proven to be needed as the city has moved to require vaccination, not vaccination or testing, to be required

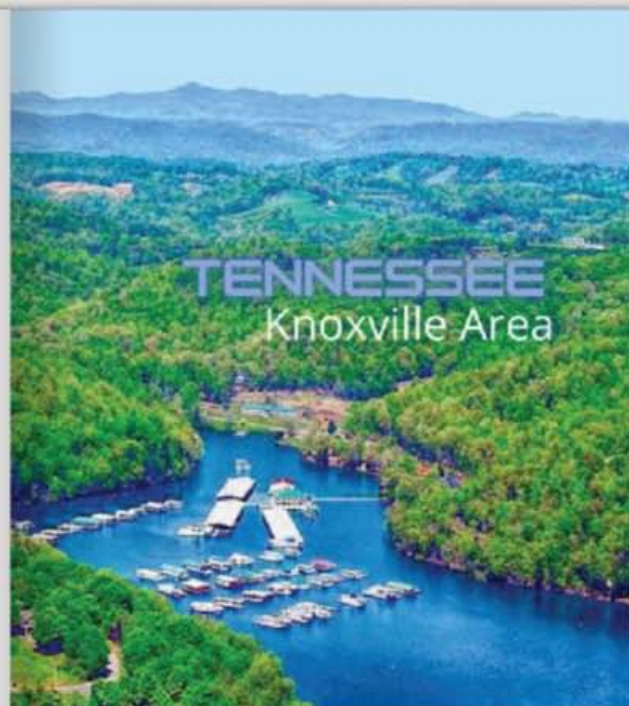
of all city employees with a deadline of January 14, 2022. That deadline was yesterday (as of this writing), and now the city has extended that deadline until January 24. The reason being is that the FOP and the city are engaged in hearings with our neutral arbitrator regarding the mandate. Since the city did not want to engage its original deadline against the remaining city workers, they will enjoy the protection that FOP Lodge #5 negotiated in our contract. It remains to be seen what the neutral will decide.

Law enforcement, despite many improvements in safety features such as improved body armor and safer vehicles, remains inherently dangerous. It has been reported that 458 law enforcement deaths occurred in 2021, which is the deadliest year for us since 1930. That number represents a 55% increase from deaths reported in 2020. COVID-19 was the leading cause of death in 2021, and that increase continues daily in 2022. Firearms were listed as the number two cause of death, followed by traffic fatalities.

For National FOP news, I strongly urge all to take advantage of the National FOP app, which can be found on an iPhone in the Apps section; it is free. Search for NFOP and download the app. The app is continuously updated and contains a wide variety of pertinent information on both a National and State level.

The National FOP will be looking to host a charitable golf tournament with any local or State lodge soon. The actual benefit for the National FOP would be our National Survivor Fund and any local or state charitable funds that a co-host would designate. The breakdown would be 50% of profits going to the National fund and 50% to the local host charity.

Be safe out there, and remember, I am here to serve you at any hour. Simply send me an email at [sweiler@fop5.org](mailto:sweiler@fop5.org), and I will work hard to get you an answer. **FOP**



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**Francis Day, Florida**

5th (\$100) — Paul Barnes, Georgia

6th (\$100) — Ralph Jones, Ohio

7th (\$100) — Carla Benton, South Carolina

8th (\$100) — Marvin Wolthall, New York

9th (\$100) — Brian Carnahan, Arizona

10th (\$100) — James Keenan, Florida

## I'm Conflicted

I feel a little conflicted these days. We are seeing the greatest number ever of law enforcement officers leaving the profession, and we all know why: lack of support, anti-police legislation, criminalization of certain police tactics and outright vilification of our profession, to name a few.

Ironically, we are seeing some law enforcement agencies acting rather schizophrenically as well. They enact policies that encourage a hands-off type of policing and then hint at discipline for the very inactivity that they promote. Mayors and other political leaders who once advocated for the dismantling of our American policing structures have recently hit the panic button, announcing a crisis in the rising crime rates and the diminishing number of law enforcement officers to combat it!

That's where the conflict appears as I look at myself in the mirror. Part of me wants to simply laugh at the crazy dilemma that our so-called leaders have put us into. It's easy to say, "Too bad, so sad, Mr. Politician — you own it!" The proverbial "you reap what you sow" response. I feel that I am more than justified in this response. How can I, in good faith, encourage potential applicants to enter the field of law enforcement when just the other day, I was encouraging anyone who could to take their pension or seek other employment if they could do so, rather than risk the perils of being criminally prosecuted for simply doing one's job.

Then again, let's not forget about those who stuck it out. Dedicated men and women who continue to go to work day in and day out, not only risking their lives but their very freedom in the service to others. Those brave women and men who are working unprecedented overtime hours with little

light at the end of the tunnel. Those who rarely see their families and friends because of the crazy demands placed upon them by a diminished workforce. We simply can't ignore their dilemma. I would love to ignore the countless politicians and political operatives who turned their backs on us in 2020! What glee would it be to turn our backs on those who abandoned us during some of the most turbulent times in America. They caused this mess. They own it, so let the polls and election cycles sort out the mess they caused! But turning our backs

**It would seem that the great social experiment kicked off in 2020 has had some devastating consequences.**

on the politico's is also turning our backs on our profession and those remaining in the battle. And it's turning our backs on those we have sworn to protect.

I'm not suggesting that we let them off the hook for the devastation they have caused in some areas of our country or are still causing in other areas. But we need to make ourselves available when there is an outreach for help. We need to be aware of potential windows of opportunity when they present themselves.

It's easy to laugh while comparing political quotes from 2020 and 2022.



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

From forceful speeches about defunding the police to impassioned pleas for help in reducing crime — all made by the same person. It's interesting watching the budget cycles reducing law enforcement funding one year to dramatically increasing the same line items the next. And let's not forget the current signing bonuses being offered by some government employers who ran off their workforce a mere two years ago!

It would seem that the great social experiment kicked off in 2020 has had some devastating consequences. Our primary complaint all along was that we were not consulted nor brought to the table as an equal partner when this enlightened social experiment started. We offered warnings and were ignored. We offered alternatives and were silenced. Yet, there were plenty of experts out there — unfortunately, none of them had any credible credentials. It was like they were consulting with a gardener to cure a toothache!

So, here we stand today. A diminished workforce, cops in handcuffs (literally and figuratively) and criminals running free. Carjackings abound, murder rates through the roof, organized theft rings operating without fear, drive-by shootings, kids killing kids ... and now you need us again? I'm conflicted, as I'm sure you are. It's easy to turn our backs but that's not what we swore an oath to do. As the pendulum swings back, we will help in any way we can. We have the expertise. We have always said we are willing to meet with anyone who wants to have a legitimate conversation on the complex issues facing our society today. But don't expect us to acquiesce to some new world order, because that isn't working.

As always, God bless you all and God bless the FOP. **FOP**

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## NFOP LABOR COALITION

# Conducting Training and Electing New Officers

JIMMY HOLDERFIELD / NATIONAL SECRETARY

The National FOP Labor Coalition met January 6–8 in Deerfield Beach, Florida, at the Wyndham Deerfield Beach Resort. This was the sixth year the coalition has conducted its business and training at this property. It was well attended by over 80 members, presenters and lodge professionals. Many educational topics were dispensed, including officer wellness and physical health for negotiations, providing negotiations strategies from both sides of the table and engaging in state policy and politics.

Former Danbury, Connecticut, Mayor Gene Friquer discussed management strategies in the collective bargaining process via Zoom. The mayor was straightforward, answered audience questions and gave pointers on how to be better prepared at the table. The audience was mesmerized by retired Somerville, Massachusetts, Detective Mario Oliveira's presentation on how he was shot six times and nearly killed by a gun-trafficking suspect. His city retired him at only 72% of his salary, and he championed, with the aid of the Violently Injured Police Officers Organization, changing the law in Massachusetts so that injured officers would receive 100% of their pay.

The Association held elections of officers during the business session. Chairman Stephen Schulz, president of the Colorado State Lodge, did not seek re-election. Brother Schulz has served the Labor Coalition in stellar fashion over the past four years. He said that it was time for a new chairman to take the helm and move the coalition even further. New York State Lodge President Mike Essig, who has served as vice chairman, was unanimously elected chairman. Chairman Mike announced that he and the other Board members are exploring expanding the training, adding new topics, presenters and advocating



other State and local lodges to join and be involved in the labor movement.

Other Board members elected without opposition were Vice Chairman Bob Gries, executive vice president of the New Jersey State Lodge; Secretary Rick Inglima, president of the Missouri State Lodge; and Treasurer George Kline, treasurer of the New Jersey State Lodge.

Chairman Essig announced that the coalition has locked in the Wyndham Deerfield Beach Resort for 2023 and 2024. "The Labor Coalition is open to any lodge wishing to receive cutting-edge training," he said. To receive additional information, email [foplaborcoalition@gmail.com](mailto:foplaborcoalition@gmail.com). **FOF**



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**NEW MEXICO**

**Swearing-In Ceremony at Albuquerque Lodge #1**

Albuquerque Lodge #1 conducted its annual dual swearing-in ceremony on January 9 at the lodge. The newly elected officers of Lodge #1, along with newly elected Auxiliary officers, were sworn in and treated to a nice dinner and music. **FOP**



National Trustee James Flores swears in new board members



New Mexico State President Robert Parra describes duties of office to board members by elected position. Left to right: Treasurer Harry Tipton, Secretary Rick Pickup, Sgt. at Arms Lou Black, State Trustee Robert Radosevich, Trustee Eddie Hogan, Trustee Rob Duren, Chaplain Bob Coon, State President Robert Parra, Vice President Bill Davis, National Trustee James Flores, Auxiliary Sgt. at Arms Mary Coon, NM Auxiliary National Trustee Linda Davis and Auxiliary Secretary Maria Henderson.



New Mexico State President Robert Parra describes duties of office to Lodge #1 President Toby Gallegos and Auxiliary President Yolanda Pickup



Maria Henderson, Auxiliary treasurer and daughter of Past National President Gil Gallegos, is greeted as she arrives by President Toby Gallegos, New Mexico Auxiliary National Trustee Linda Brown and NM National Trustee James Flores.



Standing: Immediate Past Auxiliary President Linda Martinez, Immediate Past President Bob Martinez, Auxiliary President Yolanda Pickup and State President Robert Parra. Sitting: Lodge #1 President Toby Gallegos and NM National Trustee James Flores.



Members having a great post-swearing-in dinner!

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## MEMBER SPOTLIGHT

# John Krupinsky

JIMMY HOLDERFIELD / NATIONAL SECRETARY

This month's Member Spotlight is the president of the Connecticut State Lodge, Brother John Krupinsky. Brother John has had an amazing career as a law enforcement professional and FOP leader. Let's explore his law enforcement career first. He has been a police officer for over 30 years. He is currently a sergeant with the Danbury Police Department. Sergeant Krupinsky has been assigned to various special units over his career and is a 19-year member of the SWAT team and Dive Rescue team. He has worked with the United States Secret Service on two presidential details, including the inauguration detail of President George W. Bush. Brother Krupinsky spent 14 years working undercover as a Narcotics detective, during which time he was assigned to various federal task forces, including the Drug Enforcement Administration, Federal Bureau of Investigation and Joint Terrorist Task Force. He has received 13 commendations throughout his career, including a lifesaving award for the rescue of a swimmer who suffered a heart attack during a triathlon. He also served as the manager of player relations and as an assistant coach for the previous Danbury Whalers professional hockey team and currently the Danbury Hat Tricks. We will inform you about that later in this article.

Brother John received his inspiration for involvement in the FOP from his father, a retired police officer, in 2002. His father joined the lodge in Myrtle Beach, South Carolina, and soon after, John started a fraternal lodge in Danbury after learning of the benefits of being a member of the FOP. He was ultimately elected president of the local lodge, the position he holds today. He became active with the Connecticut State Lodge and served as sergeant at arms, vice president and the current president, the office he has held since 2016. Through his leadership with the local and State lodges, he has been the driving force in growing the State lodge from 300 members to over 2,000 members, with 16 lodges being labor lodges, including Danbury.

President John is consistently at the Connecticut State Legislature in Hartford advocating for his sisters and brothers. Most recently, he testified on why qualified immunity should remain in place, why Project 1033 (police agencies being assigned surplus military equipment) should not be repealed, why the state should not take away consent searches and why the state should not consider changing its



use-of force policies. He is also a strong advocate of additional in-service training to aid in the betterment of professional police officers.

Brother John is also a member of the National FOP's Disaster Assistance Committee, which helps with financial assistance for members and their families in need after a disaster. He is also actively involved with the National Labor States Coalition, helping with arranging for presenters and lending advice to lodges involved in labor relations. John is also a legend during Police Week in Washington, D.C. He entertains us all at Kelly's Irish Times pub as the unofficial DJ. He also endorses the "Blue Heart for Law Enforcement," which is a medal awarded to law enforcement officers either seriously wounded, killed or who suffer severe PTSD in the line of duty.

Now back to the Danbury hockey team mention. Danbury Hat Tricks assistant coach John Krupinsky was awarded the Federal Prospects Hockey League (FPHL) Founder's Award for outstanding service and commitment to the community, dating back to the days of the Danbury Whalers. His continued perseverance and devotion to hockey in the "Hat City" is an inspiration, and his contributions are invaluable to the Hat Tricks' organization. Brother Krupinsky lectured the team about his expectations on showing respect to our country when the national anthem played. He issued an ultimatum to the team: "I think we can take a timeout to give two minutes' worth of respect to our soldiers, to our firemen and to our policemen. I don't think that's asking too much. I'm not going to apologize for asking to show a little bit of respect when it's either the American or Canadian national anthem." He went on to explain that any player refusing to show respect during the anthem was off the team.

Somehow, there was a video taken of the lecture to the team, and it went viral. Fox News picked up the story and interviewed President John. He, in his matter-of-fact demeanor, reinforced his belief and position on showing honor to our country. Fox was so impressed that they awarded Brother John the Patriot Award in 2019.

We now have all learned how the Connecticut State Lodge is moving in the upward direction and the force leading it. **FOP**

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# CELEBRATING BLACK HISTORY MONTH

**P**resident Gerald Ford officially recognized Black History Month in 1976, calling upon the public to “seize the opportunity to honor the too-often neglected accomplishments of Black Americans in every area of endeavor throughout our history.” The National FOP encourages all members to reflect on the accomplishments and sacrifices that Black officers have made through the years. Below are examples:

- Black police officers were appointed to police departments in the late 1860s and early 1870s (1867: Selma, Alabama; 1868: Jackson, Florida; 1870: Houston and Galveston, Texas).
- 1870: New Orleans, Louisiana, had 177 Black officers, and three of five police board members were Black.
- April 12, 1870: Officer William Jolinson of Jacksonville, Florida, becomes the first recognized Black police officer killed in the line of duty.
- 1875: Bass Reeves was appointed as the first Black deputy U.S. marshal.
- 1911: Samuel Jesse Battle was sworn in as New York City’s first Black police officer.

- 1916: Georgia Ann Robinson became the first Black woman police officer. She served with the Los Angeles Police Department.
- 1919: James Wortzley Jones became the first Black special agent of the now FBI.
- 1929: Dr. Louis Tompkins Wright, though not a police officer, is the first known Black police surgeon. He treated the officers of the New York City Police Department.
- 1941: William B. Lindsay became the first known Black state trooper, hired by the Illinois State Police.
- 1966: Sheriff Lucius Amerson was one of the first elected Black sheriffs. He served as sheriff of Macon County, Alabama.
- 1974: Gail Cobb was a Black police officer and the first uniformed female officer of the Metropolitan Police Department of the District of Columbia (MPDC) to have been killed in the line of duty in the United States, attempting to apprehend a bank robbery suspect.
- 1988: Willie L. Williams became one of the first Black police commissioners. He served in Philadelphia and subsequently became the first Black police commissioner of the Los Angeles Police Department in 1992. **FOP**

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# | WELLNESS |

## SELF-CARE: 14 WAYS TO LOVE YOURSELF



SHERRI MARTIN / DIRECTOR OF WELLNESS

**A**s first responders, we are trained to provide care to others. This Valentine's Day, in the spirit of love, while caring for those you love, why not make a plan to give extra love to yourself as well?

It's a given that law enforcement is often a demanding job that can place extra stress not only on officers but on their families as well. When schedules are busy, days are shorter and the weather outside is frightful, it can be easy to get in a rhythm of working, plopping at home on the couch, going to bed and doing it all over again. Doing something new or different can end up taking a backseat. Self-care might take a bit of intentional planning to start. But beginning a new habit is always possible, and when it comes to taking care of and loving yourself, consider it as necessary as taking care of others.

Get started today with one of these ideas. Tomorrow, try another. Then make it a weekly plan!

1. **Enjoy a great meal.** Think about taking in a delicious but nutritious choice. Or have a special meal to indulge in that one sinful dish you love to eat. If you enjoy cooking, prepare a special meal for someone you love!
2. **Get a good night's (or day's) sleep.** With hectic schedules and overtime, it can be hard to get adequate rest. However, even one solid eight-hour session of

uninterrupted sleep in a week can help your body regenerate and can provide you with a clearer head. Set yourself up for good rest by ensuring it's quiet (use earplugs if you need!), a comfortable temperature and dark (sleep masks are golden!) in the room where you slumber.

3. **Go for a walk.** Wintry weather outside? If you aren't a fan of the gym or the treadmill, think of a place indoors that has room for you to walk and things for you to see or do. Indoor shopping malls are a popular place for walks when the weather is bad. Physical movement of any kind gets the blood pumping, makes the heart stronger and has been proven to improve mood.
4. **Phone a friend.** With nontraditional work schedules and rotating shifts, it is often difficult to keep in touch with friends. Make a plan to call a friend you haven't talked to as much as you would like. Write it down to help you remember or set a reminder on your watch or phone.
5. **Take a deep breath.** Fill your lungs and hold it for a count of three, and then completely exhale all of your breath out. Then do it again. When we are stressed or anxious, taking a few deep breaths can have a tremendous impact on our state of mind and sense of calm.
6. **Plan a "me" day.** Ever feel like you spend all your time working and doing for others and that you never get a

chance to just do what you want? Sometimes it's difficult to get things done without a plan. So first, plan which day you will take time for yourself. Then let family and others know. It may feel like you are being selfish, but everyone deserves time to do what they enjoy. Then plan what you will do on "your" day. Finally, make it happen and enjoy!

7. **Practice positive self-talk.** This tip conjures up images of Stuart Smalley and his characteristic affirmations. However, using positive phrases to encourage yourself really does work. Humans seek to validate what they believe. If you tell yourself you can't do something, it is likely that you won't. Reminding yourself (out loud if you have to!) of your strengths and good qualities can improve your mood and make you more confident and productive.
8. **Thank yourself and those around you.** Spend a few minutes thinking about people in your life for whom you are grateful and consider exactly what they do to make your life better. Then let them know how you feel. If it's hard for you to express out loud, write a message. Also, think about something you have done lately that turned out exactly the way you hoped. Maybe it's something as simple as having organized a closet. Thank yourself for getting that project completed!
9. **Play!** Even if you think it might be silly, do that thing that excites you or makes you laugh. For some, it may be video games. Maybe dancing? Crank up those tunes and sing along at the top of your lungs. Whether it's playing fetch with your dog or basketball with your buddies, playing dress-up with your kids or cards with your honey, have some fun!
10. **Buy yourself a little something.** Choose that something you have been eyeing for a while, or find a little

something on impulse that makes you smile. It's always fun to get something new that we love or enjoy.

11. **Connect with your favorite hobby.** Hobby time often gets buried in the demands of work and the to-dos of busy weeks. But working on something you can get completely absorbed in is therapeutic. It helps us to get into a state of flow in which we are challenging our minds, abilities or creativity, yet we are enjoying the process.
  12. **Learn something new.** It could be something as simple as YouTubing a small home repair or learning a new dance. If you are more ambitious, take an online class or take up learning a new language. Learning new things keeps the mind young and healthy!
  13. **Let go of negativity.** Been harboring hurt feelings or resentment over something that happened in the past? Unfortunately, holding on to hurt feelings can be like holding onto broken glass. It only hurts the person holding it. Identify something about which you are angry or hurt, then be intentional about letting it go. There is no need to tell anyone unless you want to. Just put it down, let it go and find peace in not allowing negative thoughts to hurt or anger you any longer.
  14. **Reflect on your spiritual side.** It can be very meaningful to look outside of ourselves and consider how we are a part of something bigger. Whether you practice a religion as a faithful churchgoer or you take quiet time to meditate in nature, taking time each week to nourish this part of yourself can be the most important act of love for your soul.
- Hopefully, these tips for self-care are not news but instead reminders. If you learned something new, get out there and try it out. Sharing self-care with others you treasure can be the greatest act of love you show for them as well. **FOP**

## Visit [FOPCovid19.org](https://www.fop.org/covid19)



Get the latest updates on the FOP's activities in response to the coronavirus pandemic and helpful safety information for law enforcement!

# MORE WAYS TO GET VIRTUAL CARE WITH AETNA

**F**or 2022, we're happy to offer expanded telehealth benefits to our Fraternal Order of Police (FOP) retirees who are enrolled in our Aetna Medicare Advantage plans.

The last few years have shown us the need for better access to telemedicine. So, we now offer two ways you can access virtual care: through your current providers or through the Teladoc service. It's a convenient way to receive care if an in-person visit isn't possible or needed.

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You can access telemedicine much like you would a regular in-person office visit. Check with your provider or urgent care clinic to find out if they offer telemedicine services. If they do, they can help you make an appointment for a virtual visit. Your provider will then let you know how you can complete the virtual visit (such as by phone, web or mobile app).

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Teladoc allows you to speak to a licensed doctor by web, phone or mobile app 24/7 — usually within 15 minutes. This service doesn't replace your relationship with your PCP, but it's a way to get care while traveling or after hours. They offer only general medicine visits, not specialist or behavioral health care.



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**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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[fherehab.com/services/first-responders](https://fherehab.com/services/first-responders)

#### First Responder Wellness by Simple Recovery Costa Mesa, CA

[firstresponder-wellness.com](https://firstresponder-wellness.com)

#### Harbor of Grace First Responder Program Havre de Grace, MD

[harborofgracerecovery.com/first-responders](https://harborofgracerecovery.com/first-responders)

#### Transformations Treatment Center: Help for Our Heroes Program Delray Beach, FL

[helpforourheroes.com](https://helpforourheroes.com)

#### Warrior's Heart Bandera, TX

[warriorsheart.com](https://warriorsheart.com)

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#### Lighthouse Health & Wellness [lighthousehw.org](https://lighthousehw.org)

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## Dedicated Advisors: With You Every Step

Throughout your TU experience, our advisors are here for you. Many have been through the program themselves and can tell you exactly how it works and what to expect. Whether you want to change a schedule, take a semester off, discuss a personal issue or celebrate a victory, there's always someone ready to help!

## No Application Fees and Classes Start Soon!

We are now accepting applications for all of our degree programs — which start six times per year. Get started on your application ([tinyurl.com/5dp6j7td](http://tinyurl.com/5dp6j7td)) to reserve your spot! From there, our team will contact you to answer any questions and help with the application process. **FOP**

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](http://fopconnect.com/education-connect/about-the-consortium)



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## 2022 Day on the Hill



### Day on the Hill Goes Virtual

Once again, the public health situation in Washington, D.C., has forced us to pivot to a virtual **Day on the Hill**. The nation's capital is at the epicenter of the current omicron surge and, to combat its continued spread, the District of Columbia has imposed strict protocols, which include having to prove that you are fully vaccinated to access indoor food and drink establishments. In addition, the recent surge in cases has resulted in very restricted access to members' offices in and around the U.S. Capitol Complex. The reason for our **Day on the Hill** event is the opportunity to interact with members of Congress and their staff, but congressional staff members are working from home in the majority of these offices, and accessibility to members of Congress has also been made very difficult, if not impossible.

We have concluded that it is very unlikely that we could have had a successful in-person event, so, for these reasons, we will host our **2022 Day on the Hill** virtually, just as we did last year.

Our event will begin on Monday, February 7, with an online briefing on our legislative agenda hosted by staff in the National FOP's Government and Media Affairs Center (GMAC) and members of the National Legislative Committee. The GMAC staff will make our **Day on the Hill** legislative and supporting materials available on the website soon. The online briefing will last approximately one hour, and the details about how to register and log on to the event will be shared as soon as they are available.

### Just the Facts:

» The public health situation in Washington, D.C., and around the country, has forced the FOP to pivot to a virtual **Day on the Hill** event. **Day on the Hill** will begin on Monday, February 7, with an online briefing on our legislative agenda hosted by staff in the National FOP's Government and Media Affairs Center and members of the National Legislative Committee. Talk about **Day on the Hill** in your lodge meetings and help us help you by increasing our participation. If you have any questions, please contact the National FOP's GMAC at (202) 547-8189. Register for the event here: [tinyurl.com/2p89whke](https://tinyurl.com/2p89whke).



We encourage all of our members and **Day on the Hill** participants to set up virtual meetings with your members and their staff from your home states and districts — conference calls, Zoom calls or other virtual interactions for the rest of that week, with a focus on Tuesday and Wednesday, February 8-9. Even though these meetings will be virtual, it is important to make these appointments in advance! Every effort should be made to have your representative or senators participate

the effectiveness we will have as an organization. Talk about **Day on the Hill** in your lodge meetings and help us help you by increasing our participation.

If you have any questions, please contact the National FOP's GMAC at (202) 547-8189.

### Minimal Congressional Activity During Holiday Break

Since our last report, both the House and Senate were in recess until after New Year's Day and then was further delayed by winter storms.

Upon their return to session, the Senate began debate on H.R. 4, the John R. Lewis Voting Rights Advancement Act. This legislation, which has passed the House, did not have enough votes to overcome a filibuster, and the Senate leadership's attempt to change the Senate rules on the filibuster in an effort to pass the bill also fell short. At this writing, the Senate is expected to go into a week-long recess.

The House has only reconvened this week and has not considered

any new business related to law enforcement or criminal justice issues. The FOP is monitoring talks between the House and Senate appropriations committees as they work to put together the FY 2022 spending bills. The current continuing resolution expires on February 18.

### FOP Working With Senate Partners to Develop Bill on PSOB and Police Suicides

In the previous Congress, the FOP played a critical role in developing legislation entitled the Public Safety Officer Support Act, with Representatives David J. Trone (D-Md.) and Guy L. Reschenthaler (R-Pa.). The bill would establish a presumption that an officer who either commits suicide or attempts to commit suicide with the result being death or "permanent and total disability" would be eligible for the death and disability benefits administered by the Public Safety Officers' Benefits (PSOB) program.

The bill has been reintroduced in this Congress as H.R. 3071, but the FOP

felt strongly that the legislation was too restrictive. The FOP has been working with those offices as well as Senators L. Tammy Duckworth (D-Ill.) and Timothy M. Kaine (D-Va.) to improve the language and the scope of the bill. We are close to having the final text of a more comprehensive Senate companion bill.

### Social Security Fairness Act: Contact These Representatives!

Increasing support for H.R. 82/S. 1302 will be a major focus for **Day on the Hill** and for the rest of the 117th Congress. We have a majority of House members on as co-sponsors — an impressive achievement, but to ensure action on the legislation, we need to get to 290. If we have 290 co-sponsors, it triggers a House rule that would send the bill to the floor for a vote.

As of this writing, we have 245 co-sponsors — including 186 Democrats, a majority of that caucus, and 59 Republicans! We need 45 additional co-sponsors and are

Continued on page 36 >

## There Is ALWAYS Another Option



[FOP.net/officer-wellness/crisis-hotlines](https://FOP.net/officer-wellness/crisis-hotlines)

## Top Priorities in Brief

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

**House:** 245 co-sponsors (186 D, 59 R)  
**Senate:** 37 co-sponsors (31 D, 4 R, 2 I)  
Urge Congress to pass it:  
<https://tinyurl.com/jc84zf3m>

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

**House:** 86 co-sponsors (64 D, 22 R)  
**Senate:** 2 co-sponsors (1 D, 1 R)  
Urge Congress to pass it:  
<https://tinyurl.com/37afz34h>

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

**House:** 29 co-sponsors (20 D, 9 R)  
Urge Congress to pass it:  
<https://tinyurl.com/sh6mtvmt>

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

**House:** 54 co-sponsors (1 D, 53 R)  
**Senate:** 2 co-sponsors (2 R)  
Urge Congress to pass it:  
<https://tinyurl.com/Se4m94j>

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

**House:** 50 co-sponsors (5 D, 45 R)  
**Senate:** 23 co-sponsors (23 R)  
Urge Congress to pass it:  
<https://tinyurl.com/mvursja>

To see a full list of legislation supported by the FOP, please visit [tinyurl.com/jc5k5rv](https://tinyurl.com/jc5k5rv). 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 the FOP Action Center at [votervoice.net/FOP/home](https://votervoice.net/FOP/home).

## WASHINGTON REPORT

Continued from page 35 >

focused on 16 members of Congress who previously co-sponsored the bill but have not yet signed on in this Congress. The GMAC staff continues our outreach to these offices, but we are asking our members to review the list below and, if any of these representatives are yours, to please contact them and ask them to co-sponsor H.R. 82:

- Tony Cardenas (D-Calif.-29)
- Bill Posey (R-Fla.-8)
- Lucy McBeth (D-Ga.-6)
- Jamie Raskin (D-Md.-8)
- Haley M. Stevens (D-Mich.-11)
- Jim Hagedorn (R-Minn.-1)
- Emanuel Cleaver (D-Mo.-5)
- Macey Kaprur (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-35)
- Marc A. Veasey (D-Texas-33)

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.

Urge Congress to pass the Social Security Fairness Act by sending a message via [votervoice.net/FOP/Campaigns/80564/Respond!](https://votervoice.net/FOP/Campaigns/80564/Respond)

### Law Enforcement Equity Act — FOP Legislative Priority Update!

Early last year, the FOP worked with staff in the offices of Representatives William J. Pascrell Jr. (D-N.J.), Andrew R. Garbarino (R-N.Y.), Gerald E. Connolly (D-Va.) and Brian K. Fitzpatrick (R-Pa.)

to reintroduce H.R. 962, the Law Enforcement Officers' Equity Act. Senators Corey A. Booker (D-N.J.) and Robert J. Portman (R-Ohio) introduced the Senate companion bill as S. 1888.

This bill is a top legislative priority for the FOP and expands the definition of "law enforcement officers" for retirement benefits to include all GS-0083 officers — which will benefit the nearly 30,000 federal law enforcement officers who are not currently eligible for this benefit. This would provide these officers with 6(c) retirement benefits and the ability to retire after 20 years of service at the age of 50, or after 25 years of service at any age.

As of this writing, we have 86 co-sponsors in the House! This is more than three times the co-sponsorship total in the previous Congress, and the support is bipartisan. Our sustained campaign to build support for this measure is working, and we believe that if we can get to 100 or more co-sponsors, we can credibly seek committee action on the bill.

Urge Congress to pass the Law Enforcement Officers' Equity Act by sending a message via [votervoice.net/FOP/Campaigns/80568/Respond!](https://votervoice.net/FOP/Campaigns/80568/Respond)

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

In 2021, 346 officers were shot in the line of duty, 63 of whom were killed. These numbers include 130 officers who were shot in 103 separate ambush-style attacks, resulting in the deaths of 30 officers. There was an increase of 115% in 2021 of these kinds of targeted attacks on law

enforcement officers. Without the improvements in medical trauma science and the efficacy of anti-ballistic soft body armor, we would have lost many more officers to this kind of violence.

You can read the National FOP's report on officers shot and killed in the line of duty in 2021 by visiting [tinyurl.com/2p9b4ht8](https://tinyurl.com/2p9b4ht8).

As our members know, the FOP worked to develop H.R. 3079/S. 774, the Protect and Serve Act, which would impose federal penalties on individuals who deliberately target law enforcement officers with violence in specific circumstances. While support for the bill is growing — we have 50 co-sponsors in the House and 23 in the Senate — Congress has held no hearings or undertaken other actions to protect the law enforcement officers who are in harm's way, even though this same bill was adopted by the House in 2018 on a lopsided 382-35 vote.

We believe Congress has a responsibility to act, and 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.

Urge Congress to pass the Protect and Serve Act by sending a message via [votervoice.net/FOP/Campaigns/82562/Respond!](https://votervoice.net/FOP/Campaigns/82562/Respond)

### FOP is the #1 Voice for Law Enforcement

The FOP is the premier voice for law enforcement in Congress, in the press and on social media. We have been very successful in spreading our message, especially on social media, and have been able to have direct, personal conversations with our members, potential members, supporters and opponents across our social media platforms. No other law enforcement organization can match the FOP's social media presence and reach.

FOP members should regularly check in and visit our social media pages and see for themselves 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 officers to follow the National FOP:

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

### Making our voice heard is critical!

It allows us to better shape 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 and use the following hashtags: #FOP #FOPstrong #BackTheBlue #DefendThePolice

**Do your part!** 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/24accm93](https://tinyurl.com/24accm93).

### Please Support the PAC!

Our National Legislative Program is the most reliable, effective and impactful law enforcement 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. We are known and trusted to fight for the interests of our members, which makes the FOP a vital ally on policing and criminal justice issues.

The National Fraternal Order of Police Political Action Committee (NFOP PAC) is just one of the tools used by our National Legislative

Program and Grassroots Action Network, but it is also the one most in need of your support. 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. As we move into this election year, the PAC will become all the more critical to supporting candidates who support law enforcement. At this writing, our PAC is very much depleted from the previous election cycle, and we need our members to step up and contribute to help us ensure that the next Congress will have members who will fight for them.

**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.

These contributions need not be for hundreds or thousands of dollars (though these are also very much appreciated) — but 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 for the next election cycle. We can and need to do better raising funds for our PAC!

To donate online, please visit [nfop-pac.firstresponderprocessing.com](https://nfop-pac.firstresponderprocessing.com). 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 Avenue 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 GMAC at (202) 547-8189 or David Taboh at [dtaboh@fop.net](mailto:dtaboh@fop.net).

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



## FOP Files Amicus Brief in Support of Alabama Officer William Darby



The National Fraternal Order of Police filed an amicus brief in support of Officer William Darby's criminal appeal in the Alabama Criminal Court of Appeals. The case is styled *Darby v. Alabama*, CR-20-0919. This case is significant for law enforcement, considering the increasing number of officers who are being criminally indicted for their use of force while in the line of duty. Following a jury trial, the Alabama trial court found Officer Darby guilty of murder for his involvement in the shooting of Jeffrey Parker.

This case arises from a distress call that led to Alabama officers encountering a man in his home with a gun. The man — Jeffrey Parker — was threatening suicide. Prior to Officer Darby's arrival on scene, a fellow officer was located inside the home with Mr. Parker. The fellow officer relayed that Mr. Parker was "strung out on drugs." During Officer Darby's trial, the fellow officer testified that Mr. Parker was holding a gun and that she walked into the "fatal funnel" with her gun down. Indeed, Officer Darby confronted his fellow officer on scene, standing directly in front of a man holding a gun with her weapon in her right hand pointed at the ground, contrary to training. As a result, Officer Darby feared for his fellow officer's life.

Officer Darby moved into the house and ordered Mr. Parker to drop the gun in his hands. In response, additional testimony during the trial revealed that Mr. Parker "battered his shoulders and shook his head, like he was calling a bluff, no emotion." Officer Darby told Mr. Parker to drop the gun in his hand three times. On the third time, when Mr. Parker disobeyed the order, Officer Darby saw the gun move and

### Just the Facts:

**32. After a suicidal man refused to put down his weapon after several warnings, Officer William Darby shot and killed the man after the officer saw the gun in his hand move. Darby was criminally indicted for his actions and tried for murder. The trial court refused to give the jury important instructions related to his use of deadly force, effectively placing Darby in the position of a civilian rather than a law enforcement officer. The FOP argued that it is a reversible error for a trial court not to instruct the jury on the proper use-of-force standard as set forth in *Graham v. Connor* and *Tennessee v. Garner*.**

fired one shotgun round at Mr. Parker, eliminating the threat and killing him. Between all officers on scene, Mr. Parker was ordered to drop the gun in his hand a total of seven times before Officer Darby fired.

**Officer Darby's case has weighty implications for law enforcement officers criminally indicted for using force in the line of duty.**

All of these events occurred in a matter of seconds. Officer Darby was criminally indicted for his actions and tried for murder. He requested — and the trial court refused — the following jury instructions related to his use of deadly force:

*34. Excitation into deadly force is justified by a person's refusal to comply with officer's commands to drop his gun if the officers reasonable (sic) reacted to what they perceived as an imminent threat to themselves. An officer's use of deadly force must be objectively reasonable given the circumstances of a tense, uncertain and rapidly evolving crisis.*

*35. The reasonableness of an officer's actions in using deadly force must be objectively reasonable judged from the perspective of a reasonable officer on the scene, the fact that officers are forced to make split-second decisions, a[n]d in light of the facts and circumstances confronting them at the (sic) time.*

On appeal, Officer Darby contends in part that the trial court erred by refusing to give the jury these instructions. The trial court effectively placed Officer Darby in the position of a civilian — rather than a law enforcement officer — when it refused to instruct the jury as Officer Darby requested above.

In its amicus brief in support of Officer Darby's appeal, the FOP argued that it is a reversible error for a trial court not to instruct the jury on the proper use-of-force standard as set forth in *Graham v. Connor* and *Tennessee v. Garner* in a criminal trial

for a police officer's use of force in the line of duty. In *Graham v. Connor*, the Supreme Court held that all claims that law enforcement officers have used excessive force — deadly or not — are governed by the Fourth Amendment's "reasonableness" standard (*Graham v. Connor*, 490 U.S. 386, 395-96 [1989]). Under this test, courts are required to balance "the nature and quality of the intrusion on the individual's Fourth Amendment interests against the countervailing governmental interests at stake." *Id.* at 396.

Application of this test requires consideration of the totality of the circumstances in each case, including (1) the severity of the crime at issue; (2) whether the suspect posed an immediate threat to the safety of the officers or others; and (3) whether the suspect is actively resisting arrest or attempting to evade arrest by flight. *Id.* Further, the "reasonableness" of a particular use of force is objective and "must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight." *Id.* Likewise, the officer's use of force must be considered "in light of the facts and circumstances confronting [the officers], without regard to their underlying intent or motivation." *Id.* at 397 (citations omitted). The Supreme Court has also noted that any reasonableness analysis "must embody allowance for the fact that police officers are often forced to make split-second judgments — in circumstances that are tense, uncertain and rapidly evolving — about the amount of force that is necessary in a particular situation." *Id.* at 396-97.

Specifically, with regard to the constitutionality of the use of deadly force, the Supreme Court has held that the use of deadly force is reasonable only if "the officer has probable cause to believe that the suspect poses a threat of serious physical harm, either to the officer or others" (*Tennessee v. Garner*, 471 U.S. 1, 12 [1985]). Nothing in *Graham* modifies the Court's holding and more stringent standard found in *Garner*.

Officer Darby's case has weighty implications for law enforcement officers criminally indicted for using force in the line of duty. In its amicus brief, the National FOP submits that *Graham*

and *Garner* set forth the appropriate standards to determine an officer's culpability for using force while on duty in both civil and criminal matters. The Supreme Court's decisions in *Graham* and *Garner* provide the applicable reference points to articulate the circumstances in which a police officer — rather than a civilian — is permitted to use force.

Accordingly, failing to instruct the jury on the *Graham* and *Garner* standards in the criminal trial of an officer improperly eliminates any consideration of the perspective of the officer on the scene. Although Alabama has never addressed this issue, several state and federal courts do apply *Garner* and *Graham* in reviewing criminal convictions arising from a police officer's use of deadly force. Officers are forced to make split-second decisions where their own safety or the safety of others — including fellow officers — may be at risk. Further, fatal felony attacks on law enforcement officers increased 31.6% in 2021. Thus, today's officers are hyperaware of the significant risks to their own lives and

to those of other individuals that they may encounter on every call, and officers must take these risks into account when approaching a scene.

Officer Darby encountered such a risk. His response — and that of other officers who are forced to make similar split-second decisions in life-threatening situations — must be judged from the perspective of an officer rather than a civilian. To ensure that this happens, the trial court in the criminal trial of an officer for using force in the line of duty should instruct the jury on the appropriate standard for when an officer is permitted to use such force. **FOP**

### FOP GENERAL COUNSEL

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2. Visit [fop.giveback.org](http://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.

## New Retired Law Enforcement Concealed Carry Legal Defense Coverage



The 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](http://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](http://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](mailto:info@foplegal.com). **FOP**

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