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THANK YOU HEROES!



16 // FOP Attends ICPR Conference

Executive Board members headed to Glasgow, Scotland, in June for the International Council of Police Representative Associations (ICPRA) Conference.

EXECUTIVE BOARD

12 // President's Message

Call to Action: We're Just 10 Co-Sponsors Away From a WEP/GPO Repeal Vote in the House

16 // Secretary's Message

New State Lodge Leadership; FOP Attends ICPR Conference

20 // Sergeant at Arms' Message

From De-Policing to Re-Policing

22 // National Trustees Chairman's Message

May We Never Forget

DEPARTMENTS

24 // Member Spotlight

Marco Monteblanco

28 // Local Lodge News

An update from Georgia

32 // Wellness

Mental Health in the Aftermath of Violence

Peace of Mind: Resources for Living Is Here to Help

36 // NFOPU Spotlight

University of San Diego

38 // Washington Report

President Biden Signs Policing Executive Order; Updates on FOP's Priority Legislation

48 // Legal Counsel

Sixth Circuit Affirms Qualified Immunity for Officers in *Novak v. City of Parma*

50 // FOP Legal Defense Plan

New Retired Law Enforcement Concealed Carry Legal Defense Coverage



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Call to Action: We're Just 10 Co-Sponsors Away From a WEP/GPO Repeal Vote in the House



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

Since 1997, the National FOP had listed the repeal of Social Security Windfall Elimination Provision (WEP) and Government Pension Offset (GPO) as one of our top priorities. During that time, we gained enough support to suggest an easy passage in the House of Representatives. Unfortunately, even with a majority of House members signing on as co-sponsors, we have had little success in moving this bill. Over the past two decades, leadership from both parties never allowed the bill to advance to a hearing or vote. This deprives our members of benefits afforded to every other American — benefits we have contributed to.

As I travel around our country meeting and speaking with our members, there is one common question: When will the FOP succeed in repealing the WEP and GPO? It is a frustrating topic that seems to defy logic and equity.

The WEP and GPO in current Social Security law cuts or eliminates the earned benefits of more than two million retirees. When the WEP was enacted in 1983, its stated purpose was to remove a “windfall” for persons who spent some time in jobs not covered by Social Security and who also worked other jobs where they paid Social Security taxes long enough to qualify for retirement benefits.

This provision has created a very real inequity for many public employees, particularly law enforcement officers who retire earlier than other government employees and often begin second careers. This results in cutting as much as 60% from the Social Security benefit honestly and fairly earned during a second career. Similarly, the GPO offsets the Social Security benefit to which a surviving

THE SOCIAL SECURITY FAIRNESS ACT

AS OF 22 JUNE 2022

H.R. 82	COSPONSORS 280	77	203
S. 1302	COSPONSORS 40	4	36

THIS IS THE MOST SUPPORT WE'VE HAD IN THE HOUSE. IF THE BILL GETS TO 290 COSPONSORS, IT TRIGGERS A HOUSE RULE AND WOULD GO TO THE FLOOR FOR CONSIDERATION.

spouse is entitled by two-thirds of the monthly amount of any government pension that they might receive.

Keeping what you earned and deserving nothing if it isn't earned — that's “fair.” The Social Security Fairness Act would repeal both the WEP and GPO. We regard this as an issue of fairness, as these public employees are unfairly penalized under current law.

I am happy to report to you that we have a **historic** high in terms of support for the House bill, H.R. 82. At this writing, we have 280 co-sponsors, more than a House majority and just a little short of the 290 co-sponsors, that, under House rules, would force the bill to a floor vote.

Since last spring, the FOP has been focusing our efforts on a targeted lobbying campaign by going after members of the House one at a time, building support, educating staff and ultimately getting us to this point. In October 2020, I worked with the bill's sponsor, Representative Rodney L. Davis (R-Ill.) and my representative, Garret N. Graves (R-La.) to launch the Public Safety Working Group on Social Security Fairness. Uniting with other public safety groups, we have

been closely coordinating a vigorous lobbying effort — combining the efforts of our Washington, D.C., staff with our grassroots activists and, with the help of Representatives Davis and Graves, member-to-member contact.

COVID-19 brought the world to a screeching halt. Our efforts were sidelined as Congress shifted its attention to the pandemic challenges — though we repeatedly urged Congress and the administration to repeal these provisions for the immediate economic benefits it would offer our members. Now that COVID restrictions are lifting, our coordinated efforts are back on track. We have reached the highest number of co-sponsors ever in the House of Representatives. We are only 11 co-sponsors away from getting a vote on repealing this travesty perpetrated on the backs of hardworking public servants who are cheated out of earned benefits enjoyed by every other American.

This is where we need your help in getting across the 290-co-sponsor mark. The House members who have not signed onto this bill are listed

Continued on page 14 >



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PRESIDENT'S MESSAGE

Continued from page 12 >

in the chart on this page. If your representative is listed here, get in touch with their office in your district and their Washington, D.C., office and ask them to support H.R. 82. Regardless of where you live, please reach out to your members of Congress and ask for their support of this bill. It is critical to have strong allies in Congress, especially those who are working to address the most pressing issues facing America's law enforcement community.

Visit the National FOP Voter Voice at tinyurl.com/428vr4rm to contact your members of Congress and **urge them to co-sponsor and pass the Social Security Fairness Act!**

For more information on the Social Security WEP/GPO, check out these episodes of the *Blue View* podcast where I sat down with Representative Abigail Spanberger (tinyurl.com/5n94fhts) and Representative Rodney Davis (tinyurl.com/376psx7) to discuss the repeal of WEP/GPO and other issues most important to the men and women of law enforcement. **FOP**

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SOCIAL SECURITY FAIRNESS REPEAL OF THE WEP/GPO



Check out the latest episodes of the Blue View where I sat down with Congresswoman Abigail Spanberger and Congressman Rodney Davis to discuss the repeal of WEP/GPO and other issues most important to the men and women of law enforcement.



CONGRESSMAN RODNEY DAVIS

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New State Lodge Leadership; FOP Attends ICPRA Conference



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

Brothers and sisters, I hope you and your families are doing well. It has been a busy spring and summer for your National FOP Executive Board. With the restrictions on COVID being lifted in most areas, states are returning to normalcy and State conferences are in full swing. Your Executive Board has made it a priority to visit those State conferences and report on the Order.

Several State Lodges have changed leadership on their governing boards. To date, Georgia has a new president, Jeff Wiggs, and a new National trustee, Jamy Steinberg; West Virginia has a new president, Daren McNeil; and my home state of Florida has a new president, Steve Zona. Congratulations goes out to all these new presidents and our new National trustee. A special salute goes out to Immediate Past Presidents Stephen Walker (WV), Jamy Steinberg (GA) and Robert "Bobby" Jenkins (FL) and Past Georgia National Trustee Carlton Stallings for the awesome work they have performed for their respective states and us all.

President Yoes, Treasurer Smallwood, Chairman Pride and I were fortunate to attend and represent each of you at the International Council of Police Representative Associations (ICPRA) Conference in Glasgow, Scotland, on June 5-8. ICPRA is an international law enforcement labor association that meets biennially to discuss international trends in law enforcement, exchange best practice ideas focusing on terms and conditions of employment, and network and have follow-up discussions. Due to COVID, this was the first meeting of the ICPRA since 2018.

Member nations in attendance included the United States, Canada,



Arkansas State Lodge officers and President Bart Simpson being sworn in by National Trustee Allen Hamby



Florida State Lodge officers and President Steve Zona take their oath from National President Yoes.



Tennessee State Board and President Scottie DeLashmit being sworn in by National Trustee Johnny Crumby

Continued on page 18 >

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SECRETARY'S MESSAGE

Continued from page 16 >

England, Scotland, Ireland, Austria, New Zealand, South Africa, Denmark and Portugal. Each country reported on issues affecting them and their policing abilities. Of interest, all countries are faced with the same issues of civil unrest, the hiring, training and retention of officers, and an unpredictable political climate.

President Yoes, assisted by Chairman Pride, made an informative presentation on law enforcement in America since George Floyd and the COVID pandemic. He stressed the changes that have occurred affecting law enforcement in various states and how we have countered the negativity using social media. He was proud to report that we still have qualified immunity in place and that our membership has grown by over 14,000 members. He also stressed the problems we are facing with officers leaving our noble profession and the difficulties in recruiting and retention in our various agencies. He accentuated the demands on law enforcement and, on a positive note, shared a recent poll that the citizens of the United States hold law enforcement officers in much higher esteem than Congress.

We listened to presentations from experts and scholars on a range of topics



West Virginia State Lodge officers and newly sworn in President Daren McNeil give a "thumbs up" to their membership.

that currently impact or will have an impact in the future on how we do our jobs. The first presentation was "Islamic Theology of Counter Terrorism." The presenter discussed three distinct models: military, criminal justice and community-based. Just like here in America, the criminal justice model is the best, but due to political influence and issues of civil rights, most countries bow to the

community-based model, which generally fails and then leads to a military model being enacted.

We received a presentation titled the "Impact on Law Enforcement and the Ukraine War." The primary focus was the vulnerable children and the sex-trade traffic. The next presentation was "Weaponizing Video Against the Police." We watched numerous videos of body-camera footage that did not show what actually happened during the event. The expert on this presentation showed



Newly elected ICPRA officers



National President Yoes presenting at the ICPRA Conference.



ICPRA Conference attendees

that due to departments trying to cut costs on video storage, milliseconds of recordings are not captured, which make the appearance that the officer(s) acted inappropriately. The presenter is a video forensic expert and has saved numerous officers from being wrongly criminally convicted and losing their jobs. President Yoes is exploring bringing him to a National Board meeting or Conference to make this presentation.

The next presentation was "Climate Change and Its Implications on Law Enforcement." Obviously, climate change affects storms and water levels, which in turn results in flooding, power outages and rescue operations. These issues pose special problems for law enforcement in responding to calls for help, especially from the elderly, special needs citizens, and children. The last presentation was a hands-on demonstration of new and emerging technology, specifically the use of hologram headsets to see within buildings and other structures at or near the location of a major event. Through

this technology, preloaded images of sections of a city can be used by incident commanders to see virtually the doors, windows, rooms, hallways, etc., of buildings where an active shooter may

be and enable them to deploy officers to contain or eliminate the threat.

This was an outstanding conference with much information and ideas exchanged. I must also note that our National president was re-elected (unanimously) as the ICPRA treasurer. Please know, too, that the FOP is known to our brothers and sisters around the world as the "voice of American law enforcement." I am honored that you allowed me to attend and represent you all.

In closing, many landmark decisions have been recently released by the U.S. Supreme Court. Most of us agree with these decisions; however, there is the propensity of major civil unrest by those who will use their disagreement as an excuse to create havoc on our communities. Please be cautious and careful. Don't let an agitator draw you into an unnecessary confrontation. Do your job, but take the high road. Be safe out there.

See you soon. **FOP**

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From De-Policing to Re-Policing

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

It's pretty clear that the recent social experiment was a complete failure. We could have all predicted such, but nobody was listening. De-policing has resulted in chaos across our country. Homicide rates are through the roof! Crime in general has increased in all categories. Good, dedicated women and men have left our profession in droves. Recruitment is terribly difficult because of the vilification of our profession. And citizens are now demanding that something be done in relation to crime.

It would all be funny, if it wasn't so tragic. We all know that there is no way that we can turn the current situation around overnight. If we had all the recruits that were needed, we know it will take years to get an experienced workforce out on our streets. Of course, that's not happening and experienced officers are still leaving in droves. The law enforcement profession as we know it has forever changed.

How do we dig ourselves out of this hole? It won't be by doing the same old, same old. Policing of the past is gone forever, and we must convince ourselves and the public that the profession that they were so very comfortable with is no longer possible. In fact, it's impossible to go back to the ways of the past. There are simply not enough of us to go around.

I propose a re-policing strategy. What does re-policing look like? I'm not all that sure that I know, but I have a few ideas. First and foremost, compensation and benefits will have to increase. It is no longer permissible to expect people to enter this profession or stay in it at the current wages and benefits. Potential young recruits have witnessed the vilification and violent attacks on law enforcement officers. Being well educated, they are weighing the options and the odds. They are not interested in



the altruistic aspects of the profession; they are demanding high pay and benefits in trade for their labor and the risks. Seasoned officers are also becoming increasingly disillusioned with the profession. They, too, will need greater incentives to remain employed.

Perhaps the length of one's career will be shorter as well. Thirty years pushing a patrol car or walking a beat is no longer sustainable. Physical and mental health simply won't allow it. Perhaps one's career will mirror more that of a military career where one serves for a shorter length of time, is rewarded for their service and is permitted to pursue another, less stressful career.

The shortening of careers will adversely affect pension systems, so alterations will be required there as well. Pension portability and defined contribution are much more attractive to younger people who don't anticipate remaining in the profession for extended lengths of time. Of course, this option could drastically affect current traditional pension investees. Subsequently, more

money will need to be invested during the transition.

Speaking of transitions, the public will have to come to terms with a different sort of service delivery as well. Perhaps there will be differing levels of police service. We are seeing experiments with mental health professionals being embedded in police response tactics. We are seeing traffic enforcement being taken over by civilian elements. We are seeing communities forsaking enforcement of certain laws altogether.

Perhaps the future law enforcement officer will be less of a public relations expert and more of a specialist, responding to only high-risk/low-frequency occurrences in a community. Whatever the future holds, it's clear we will never go back to the days of before. The math simply doesn't add up. So while the activists continue their mantra of de-policing, we need to start considering our options on re-policing, whatever that new form may take. It's time to think outside of the box.

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

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May We Never Forget

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

The summer months always find us busier than usual both at work and in our off time — spending time with family, getting those to-do lists done and, of course, all of the State Lodge conferences that occur during the “off” years of our National Conference to further the work of the Order.

This summer has been no different for me. In fact, since we were all together in Washington, D.C., on May 15 for the National Peace Officers’ Memorial Service, it has felt non-stop. But as I take a few minutes to write this article, I reflect on that day, the families and how we must continue to

truly “never forget” the sacrifices of our brothers and sisters who have left us.

Due to the devastating impact of COVID and the rising attacks on officers in recent history, our ceremony this year was sadly the largest ever. A total of 563 names were read, as family after family rose from their white chairs to place a flower on the wreath and receive the National FOP Supreme Sacrifice Medal of Honor in memory of their fallen hero. There are no words to describe watching this repeat for hours and knowing each of those families will forever have the pain of never again seeing their officer come home.

Not only was this year’s ceremony the largest we’ve held, with more families to assist than ever before, but it was also done with only a six-month turnaround from our 2021 ceremony, which was postponed until October due to COVID restrictions. This amazing accomplishment does not happen without the tireless, dedicated and passionate work of the National FOP Memorial Committee, National FOP Auxiliary and the many volunteers and National trustees from all over the country. These brothers and sisters work year-round, putting in thousands of hours of planning to ensure we, the FOP, “Never Let Them Walk Alone.” I am constantly in awe of the accomplishments of this small army and their dedication to this worthy and passionate cause. Thank you!

At the end of the ceremony, honor guards are dismissed and these amazing families return home. We must remember our promise to them that they are never alone, and we will never forget. As the FOP, we will always work hard in the legislative, labor and other realms to better the lives of our members. But in so doing, we must never forget the fraternalism part of what we do.

We must continue to remember our fallen, reflect on their sacrifice and never let our communities or this country forget their names. Take time today to remember those in your community or state who selflessly gave the ultimate sacrifice in service to all of us. Let’s not wait until the next ceremony to remember them and their families. Let’s never let the world forget either.

“It is not how these officers died that made them heroes, it’s how they lived.”

— Vivian Cross, survivor

May we never forget. **FOP**

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MEMBER SPOTLIGHT

Marco Monteblanco

JIMMY HOLDERFIELD / NATIONAL SECRETARY
MARCO MONTEBLANCO / WASHINGTON STATE
LODGE PRESIDENT

Being a State president is a tough job, but this month's spotlighted member, Marco Monteblanco of the Washington State FOP, makes it look easy. He has boundless energy, and it is exhibited through his involvement at the local, state and national levels. Annually, in Washington, D.C., at the National Peace Officers' Memorial Service (as a sustaining member of the National FOP Memorial Honor Guard Exhibition Committee), you are sure to see him coordinating the various Honor Guards from around the nation. He is also active with the National FOP Marketing Committee, which is responsible for connecting our members with their communities, promoting services and benefits, and attracting new members.

We asked Brother Marco to share his story with us. He faced a major life-changing challenge, but overcame it with the love and support of his family and sisters and brothers of the FOP. Today, his focus is on helping others and giving back to his community and fellow officers. Here is his story, told in his own words:

It has been an honor serving with so many law enforcement leaders throughout this country, and I'm proud to call all of you my brothers and sisters, who have



worn or currently wear the badge every day serving your communities.

My law enforcement career began almost 20 years ago for the City of Kennewick. During my career, I have had the fortune of serving as a field training officer, defensive tactics instructor, street crimes detective and my current role as a detective in the Criminal Investigation Division.

I have three wonderful and talented children who keep me busy. They have grown up to be fantastic young men and women. My wife, Kelly, has been my rock and has been my biggest advocate throughout the years. She has been amazing and supportive during my service with the FOP.

The Fraternal Order of Police in Washington State was chartered over 25 years ago. When I was hired with the Kennewick Police Department, membership was automatic. For several years, I had no idea the strength and purpose of the FOP. I knew they provided benefits, but as a young cop, this was furthest from my mind.



In 2008, everything changed for me when I was diagnosed with a rare form of cancer. Because of the severity, I was sent to specialists four hours from my home. During this time of uncertainty, the mission of the FOP was in full display. The State and local lodges immediately responded and sent my family to be by my side during a very painful and exhausting recovery.

The support the FOP provided to my family made me realize that there are organizations out there that truly care, and my family and I will always be indebted to this fantastic organization.

Because of my personal experience, I felt the calling to give back to the men and women who proudly serve. Upon my successful recovery, I became the local lodge president for Tri-Cities Lodge #7 and, four years later, was elected State Lodge secretary. After serving as secretary for four years, I was honored by being elected Washington's third State president. I have served in this role for six years.

The role of president has many challenges, but I have enjoyed being able to work with local, state and



Continued on page 26 >

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MEMBER SPOTLIGHT

Continued from page 24 >

national law enforcement leaders, legislators and media outlets as a voice for public safety. In Washington State, we have had our challenges within the political climate the past few years and had to navigate through these challenging times to make sure our profession has the tools and support to serve the public adequately. Through these challenges, the Washington State FOP has been at the forefront as the “one true voice” for law enforcement. Washington State FOP has become the leading voice for law enforcement issues within Washington State. We often hear that when there are discussions about law enforcement in the State Legislature, nothing will be considered without first contacting the FOP.

Even during the most turbulent times we have faced in the past four years, the FOP in Washington State has continued to grow. Since becoming president, we have seen membership double to well over 3,300 members statewide. We have started a successful state labor program

that has driven much of our growth as well as our insurance plans. Our success is due to many Washington State FOP leaders who embraced the vision. It has

been a team effort. We may not be the largest State Lodge, but we have a very large voice for our profession and the membership of the FOP. I am confident that this growth will continue in Washington and throughout this country as younger members start to step up and take on these roles within the most respected law enforcement organization in the world.

To our younger members, true growth and change requires selfless service and a willingness to be a voice for others — service that I believe in. I will continue to work hard to make sure that our brothers and sisters have the support they need to have a rewarding career. **FOP**





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GEORGIA 16th Biennial Georgia State Lodge Conference

The Georgia State Lodge celebrated its 16th Biennial Conference at the Sea Palms Resort in St. Simons Island, Georgia, on June 13–16. President Jamy Steinberg and his team did a stellar job hosting the delegates from Georgia. National Trustee Carlton Stallings chose to retire from his trustee position, and Brother Steinberg was elected Georgia National trustee. Brother Steinberg also retired as State president, and Vice President Jeff Wiggs was installed as the new president. Brother Steve Gaynor was re-elected State secretary.

Special presentations were made by National President Pat Yoes, National Secretary Jimmy Holderfield and Georgia Attorney General Chris Carr. A very special visit was made by U.S. Senate candidate and Heisman Trophy winner Herschel Walker. Numerous awards and honors were presented at the annual banquet.

Congratulations to the new board and the award recipients. **FOP**



National President Pat Yoes



Georgia Attorney General Chris Carr



National Secretary Jimmy Holderfield



Tim Cole accepts the Heroic Action Award on behalf of Cpl. Jamison Trout



Major Lodge of the Year award winner, Lodge #13



Medium Lodge of the Year award winner, Lodge #66



Large Lodge of the Year award winner, Lodge #41

LOCAL LODGE NEWS: GEORGIA
Continued from page 29 >



Herschel Walker signs a football for the Auxiliary auction



National Trustee Carlton Stallings with incoming Georgia State President Jeff Wiggs



Small Lodge of the Year award winner, Lodge #86



National Trustee Carlton Stallings receives a Special Recognition Award

NEW NATIONAL FRATERNAL ORDER OF POLICE RECRUITMENT BROCHURE

The National FOP Recruitment Committee has designed a new recruitment brochure to aid State and local lodges and individual members in recruiting new members into the FOP. This beautiful color brochure contains various QR codes that let the reader see the FOP website, the history of the FOP, the

Legal Defense Plan, the free college program and much, much more. It also contains a pocket for a membership application, business card or other information to be inserted.

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The brochures are sold in lots of 100 for only \$20 with free ground shipping.



Lodges can order this wonderful recruitment tool by contacting the National Secretary's Office via Stephanie Simpson at ssimpson@fop.net.



Mental Health in the Aftermath of Violence

SHERRI MARTIN / DIRECTOR OF WELLNESS

A few days after the tragedy at Robb Elementary School in Uvalde, Texas, I was contacted by a major national print news media outlet and asked if I would be willing to write a column about the mental health struggles that officers who did not enter the school during the shooting may be facing.

As I considered what I would write, it seemed apparent to me that what was being requested was a generalized and neat little package describing prospective mental health diagnoses and possible related symptoms. It seemed that we were being asked to speculate about what officers might be experiencing, what they might be feeling or thinking, and to take a guess at how they might be coping.

What wasn't being asked was how the experiences of the men and women who responded might be different from one another. Or how the ensuing scrutiny and criticism might have been affecting them. I wondered why the officers themselves weren't being asked about their experiences. Realizing that due to the fact that it was only days after the incident, the officers may have been unable or unwilling to speak about their experiences, but I also knew that it was too important to be left to speculation.

I wrote about how mental health is a personal issue, unique to each individual. While we can refer to previous

traumatic incidents to examine patterns of behavior, symptoms and coping in other officers, it would be an absolute fallacy to make assumptions about what each of the men and women who responded might be experiencing. To do so would be speaking out of turn, as while it is highly likely that some experienced some of the same things, it is also very likely that no two officers experienced the incident in exactly the same way, just as experiences in the aftermath will vary widely. This is the nature of the human experience.

Ultimately, the media outlet opted not to use the column. So I will share it here.

The tragedy at Robb Elementary School has undoubtedly forever changed lives. Police officers and other first responders are trained to respond to crises, to chaos, and on many levels become conditioned to the reality of bearing witness to loss of human life. They train to run toward gunfire, presumably the most equipped to put a stop to violence that would claim lives and innocence. As we mourn the precious lives lost in Uvalde, I hope that we would also consider those left living, including our first responders.

Asked about the potential effects felt by responding officers who were not inside the school as violence took lives, I think of many things that most might. Certainly, those officers share in their community's anguish. Police officers generally consider



themselves problem solvers, taking pride in the work of serving others and keeping the vulnerable safe. But what happens when they aren't able to fulfill this calling?

While we don't yet know all the facts about the police response to Robb Elementary, it is a fact that law enforcement responded that day. It can be anticipated that officers may have felt helpless, hampered by lack of effective equipment, conflicting orders or even improper training. For those personnel who then witnessed firsthand the aftermath — grief-stricken families, physical devastation to the shooting victims and a graphic crime scene — they certainly experienced horror unknown to many who have not borne witness to such graphic violence. These are images that will remain in their memories to be dealt with at a later time, after they have cared for others who are suffering.

In the days and months that lie ahead, those who responded will likely face a range of emotions. From the helplessness and horror of that day to frustration, sadness and potentially guilt or shame in the knowledge that despite their efforts, they were not able to change the outcome. Many will feel responsible, even those who were able to rescue children, with a second wave of sadness and anger that they weren't able to save more lives. Some will likely feel that even though they gave their all, it wasn't enough. For some, this may lead to depression and despair.

We must also realize that the mental health effects felt by officers will also likely be exacerbated by public scrutiny and suppositions about law enforcement response to that horrible incident. Based on data reflected in the **2021 FOP Critical Issues in Policing Survey**, which gathered information from nearly 6,000 officers across the United States, 85% of officers already feel that citizens' views of law enforcement are negative. More than 3 in 4 officers nationwide report that it is more

It is necessary that we thoroughly examine the law enforcement response to the tragedy in Uvalde. Such an evaluation is imperative if we hope to advance healing.

difficult than ever to do their job, and over 90% feel that the job of a police officer is more dangerous than it has ever been. Rates of police retirement and resignations are at an all-time high. Yet most officers around the country still express a desire and a commitment to go out each day and work with their communities to improve lives and maintain public safety.

It is necessary that we thoroughly examine the law enforcement

response to the tragedy in Uvalde. Such an evaluation is imperative if we hope to advance healing. Law enforcement has a stake in this evaluation as well, from the individual officer to the entire profession, as we are all committed to improving service to our communities. As we identify any breakdowns in law enforcement performance and response, it is important to balance our evaluation by acknowledging any positive results and efforts made by responding officers to save lives. Most critically, we should remember that officers are part of our communities as well, that there are human hearts behind those badges and they, too, are in need of support. **FOP**



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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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University of San Diego



University of San Diego, a Top 100 private Catholic university, is home to what has become one of the most highly regarded graduate degrees for current and future law enforcement leaders. The online Master of Science in Law Enforcement and Public Safety Leadership (LEPSL) degree launched in 2015 after comprehensive input from law enforcement associations and agency leaders, who emphasized the need for practical leadership training and tangible skill building in areas ranging from communication to community relations and technology. The goal was to create a program that reached far beyond what a traditional criminal justice degree offered, with a unique focus on preparing students to excel in leadership positions.

The innovative program is offered 100% online, and is consistently recognized by

U.S. News & World Report as one of the very best online criminal justice master's degrees in the country. Enrollment is strictly limited to experienced law enforcement professionals, allowing students from diverse agencies and departments to collaborate, share ideas and collectively tackle some of today's most urgent law enforcement challenges. More than 1,000 law enforcement professionals from across the country have enrolled since 2015.

One of those students, Captain Lance Vitter of the St. Tammany Parish Sheriff's Office, explained his experience in the program like this: "The program learning outcomes of LEPSL have equipped me with the tools needed to advance not only in my career, but also in my personal life. The program critically addresses the challenges facing law enforcement in modern times. It is highly recommended for all law enforcement leaders, both current and

aspiring ones, who care about the profession and are committed to the improvements needed as we face today's challenges."

The LEPSL program's "family-first" approach to student support provides students the flexibility they need to succeed in the program while prioritizing their professional and personal commitments. Investigator Kenneth Ehrman, a program alumnus and vice president of California FOP Lodge #77, said, "During the course of my studies, I traveled across the United States on multiple occasions without having a single issue completing work or submitting assignments. The flexibility built into LEPSL makes it possible to succeed regardless of your schedule. I couldn't be prouder of being an alumnus of the University of San Diego's LEPSL program."

Students in University of San Diego's online M.S. in Law Enforcement and Public Safety Leadership (LEPSL) program

explore solutions to current issues while learning practical management and leadership skills, including:

- Organizational leadership frameworks, and how to influence others for the common good
- Constitutional law and how it shapes law enforcement policy
- Budget, finance and resource allocation
- Collective bargaining and contract negotiation
- Communication techniques, including interpersonal dialogue, written/ electronic communications, report and grant writing, media relations and communicating to large audiences
- Techniques for successful community engagement
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- **Earn a degree you'll be proud of from a top-rated university.** USD is a Top 100 private university founded in 1949. The MS-LEPSL program is also ranked among the best in the nation.
- **Affordable tuition in a veteran-friendly environment.** LEPSL students commonly express surprise at being able to earn a top-tier private university graduate degree at a police-friendly tuition. FOP members save \$50 per unit off of the already discounted tuition rate. Students can apply to the M.S. in Law Enforcement and Public Safety Leadership program year-round, with new classes starting in May, September and January. The full program length is 20 months. **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.



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President Biden Signs Policing Executive Order; Updates on FOP's Priority Legislation



FOP and IACP Issue Statement in Support of Policing Executive Order

For months, the FOP and IACP held joint discussions with top-level officials within the White House and U.S. Departments of Justice and Homeland Security to provide our perspective and to help shape the recently announced executive order on “Advancing Effective, Accountable Policing and Criminal Justice Practices to Enhance Public Trust and Public Safety,” which we hope will serve as a blueprint for future legislation.

From the joint statement:

“[T]he IACP and FOP remained focused on communicating the challenges facing the policing profession and making clear that our profession is comprised of dedicated individuals who are committed to the preservation of human life, maintaining the highest ethical standards, and treating all individuals with dignity and respect, while holding themselves and others accountable for their actions.”

Specifically, the executive order:

- Directs the U.S. Justice Department to consult with state and local law enforcement to develop guidance and leading practices on recruitment and retention to address the shortage of officers nationwide.
- Supports officer wellness and takes affirmative steps to prevent suicides among law enforcement officers.
- Urges the development of standards for law enforcement accrediting bodies and encourages state and local law enforcement agencies to become accredited.
- Establishes a consistent use-of-force policy for federal agencies that follows the “National Consensus Use of Force Policy,” the development of which was led by the FOP and IACP.

Just the Facts:

» The FOP is supportive of President Biden's executive order on police reform, which it, along with IACP, provided input on, and is hopeful that it will serve as a blueprint for future criminal justice legislation. On the legislative front, the FOP informed Congress and the administration of its willingness to help develop a bill to address the criminal misuse of firearms, and has insisted to the Senate Committee on Homeland Security and Governmental Affairs that federal workmen's compensation reform include federal law enforcement. Further, the FOP continues to work diligently on its top priorities: the Social Security Fairness Act and the Law Enforcement Officers' Equity Act.

- Promotes development of an accurate officer accountability database that preserves and protects the due process rights of officers.
- Preserves state and local law enforcement access to needed equipment for mission-based public safety objectives from the 1033 and other surplus equipment programs and improves oversight and accountability.
- Promotes broad data collection efforts to better improve policing practices at all levels of government.
- Directs federal departments and their components to use their grantmaking authority to support and promote state and local law enforcement's improved policing practices, to gain access to better equipment and technology, to enhance accountability and transparency and to make communities safer.

As is often the case, issues that were excluded from the executive order are just as important as those that are in it. The executive order does **not** make any changes to the existing qualified immunity doctrine or to Section 242 with respect to deprivation of rights. The “objectively reasonable” standard was also left fully intact.

The executive order's direct impact is limited to federal law enforcement agencies, but the FOP and IACP see many components of the order as reflective of policies and practices already in place in many jurisdictions.

The FOP-IACP statement closes with the following:

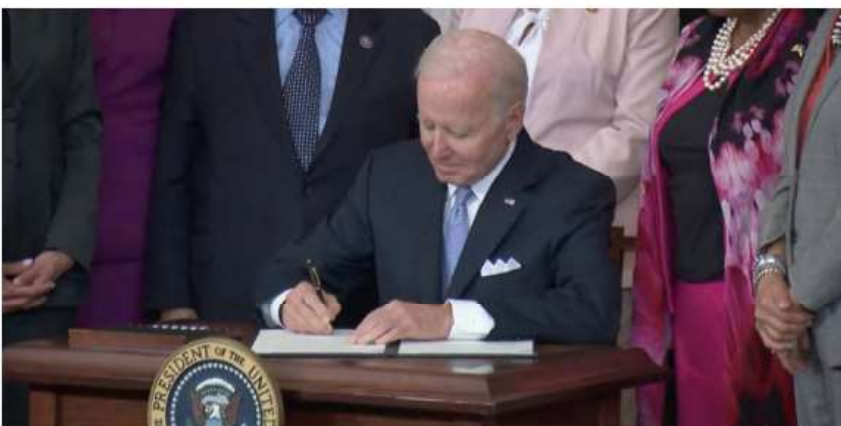
“Much work remains to be done, as this executive order only touches upon one element of the criminal justice system — policing. It represents, however, a good faith effort by all involved to reach accord without compromising any core values or issues. A broader approach to overall systemic issues needs to be a priority of all elected officials and, just as our organizations have done from the start, stand ready to work together to make the entirety of our criminal justice system fairer and more equitable for all.”

FOP Engaged With the Senate's Bipartisan Working Group Developing a Bill on Firearms

At the end of May, the FOP-IACP issued letters to President Biden and congressional leadership to advise them of our willingness to engage with the administration and Congress to develop legislation to address the criminal misuse of firearms.

A few weeks ago, a bipartisan working group of senators announced an “agreement in principle” on a framework that will hopefully result in legislation that can pass the Senate. The text of this legislation was just released, and the FOP is still reviewing its contents. Essentially, the draft bill would:

- Establish a \$750 million grant program to help states implement and run crisis intervention programs. These federal resources can also be used to implement and manage so-called “red flag” laws and for other crisis intervention programs like mental health courts, drug courts and veteran courts.
- Close the so-called “boyfriend loophole” and prohibit anyone who is convicted of a domestic violence crime against someone they have a “continuing serious relationship of a romantic or intimate nature” with from possessing a firearm. The law is not retroactive and allows those convicted of misdemeanor domestic violence crimes to restore their gun rights after five years, provided that they have not committed any



The White House/YouTube.com

- additional criminal offenses.
- Expand the number of people required to register as federally licensed firearm dealers and who would be required to administer a background check before the sale could take place.
- Provide for an enhanced review of individuals aged 18–21 and incentive for states to include juvenile records to the National Instant Criminal Background Check system.
- Amend federal law to specifically prohibit “straw purchases.”

- Increase federal funding for mental health programs and school security. At this writing, the Senate is expected to bring the bill to the Senate floor and will attempt to pass the measure before the Fourth of July recess.

FOP Insists Federal Workmen’s Compensation Reform Include Federal Law Enforcement

The FOP has engaged with the Senate Committee on Homeland Security and

Continued on page 40 >





BLUE VIEW

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Top Priorities in Brief

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

House: 280 co-sponsors (203 D, 77 R)

Senate: 40 co-sponsors (34 D, 4 R, 2 I)

Urge Congress to pass it:

<http://tinyurl.com/yc84zf3m>

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

House: 102 co-sponsors (77 D, 25 R)

Senate: 4 co-sponsors (3 D, 1 R)

Urge Congress to pass it:

<http://tinyurl.com/37afz34h>

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

House: 32 co-sponsors (22 D, 10 R)

Urge Congress to pass it:

<http://tinyurl.com/5h6mtmvt>

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

House: 59 co-sponsors (1 D, 58 R)

Senate: 2 co-sponsors (2 R)

Urge Congress to pass it:

<http://tinyurl.com/5e4m94rj>

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

House: 86 co-sponsors (6 D, 80 R)

Senate: 23 co-sponsors (23 R)

Urge Congress to pass it:

<http://tinyurl.com/mvursja>

To see a full list of legislation supported by the FOP, please visit tinyurl.com/ycy5k5rv. 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 votervoicenet.com/FOP/home.

WASHINGTON REPORT

Continued from page 39 >

Governmental Affairs regarding S. 1116, the Federal Firefighters Fairness Act, which they considered and favorably reported in late May.

As introduced, the bill would create a series of presumptions within the federal workmen's compensation program for certain diseases and cancers linked to exposure to toxic substances or environments to federal firefighters. This is unlike similar programs like the World Trade Center Health Program (WTCHP) and many state workmen's compensation programs, which cover all public safety officers — police and fire alike. The FOP supports establishing a definitive line-of-duty connection between the enumerated diseases and cancers, but this line-of-duty connection should not be exclusive to firefighters. Law enforcement officers are also exposed to these same cancer-causing hazards.

To address this issue, the FOP worked with staff in the office of Senator Jacklyn S. Rosen (D-Nev.) to develop and file an amendment that would include federal law enforcement officers in the legislation. Current federal benefit programs — including the federal workmen's compensation program and the death and disability benefit administered by the Public Safety Officers' Benefits Program — treat all public safety officers the same because they recognize that all public safety officers face the same hazards in the line of duty. Once the Rosen amendment is adopted, the legislation will help address the difficulty federal public safety face when filing workmen's compensation claims related to toxic exposures.

The FOP has been given assurances from Senators Gary C. Peters Sr., the Committee's chairman, and Thomas R. Carper, the bill's sponsor, that they will work with us and Senator Rosen to ensure that these reforms be fair, equitable and available to all public safety disciplines.

Legislative Update: Bill Repealing "Direct Pay" Requirement for HELPS Retirees Act Introduced in the Senate

In April, H.R. 7203, the Wally Bunker Healthcare Enhancement for Local Public Safety (HELPS) Retirees

Act, was introduced by Representatives Steven J. Chabot (R-Ohio) and Abigail B. Spanberger (D-Va.). The FOP played a critical role on the development of this bill.

In June, we worked with the offices of Senators Sherrod C. Brown (D-Ohio), John R. Thune (R-S.D.), Mark R. Warner (D-Va.) and Charles E. Grassley (R-Iowa) to develop the Senate companion measure, S. 4312, the Police and Fire Health Care Protection Act.

In 2006, Congress enacted the Healthcare Enhancement for Local Public Safety (HELPS) Retirees Act with the strong support of the FOP, which provided a modest tax benefit to help retired public safety officers afford health insurance by allowing the use, on a pre-tax basis, of up to \$3,000 annually from their pension funds (including defined benefit plans and defined contribution plans) to pay for premiums on health care and long-term-care insurance. However, too many public safety officers are ineligible or lost their eligibility for this benefit because of the law's "direct pay" requirement. This means that the public pension system must pay the health or long-term-care insurance company in order to exclude these payments from the employee's gross income. This legislation, as well as the House companion, would remove this requirement and allow all retired public safety officers to take advantage of this benefit and withdraw from their retirement without being penalized. Additionally, this bill would revise the program by changing the state and local direct payment requirement from mandatory to optional. This would allow the retirement system to make the distribution to the retired public safety officer. The retiree would then be able to make the premium payment while remaining eligible for the tax exclusion.

We are working with our allies on the Senate Committee on Finance to amend the Enhancing American Retirement Now (EARN) Act, with our proposed changes to the HELPS Retirees Act, as well as H.R. 3060, the Putting Our First Responders First Act. This legislation would codify an existing Internal Revenue Service (IRS) ruling that treats service-connected disability compensation as being tax-exempt.

Continued on page 42 >

FOP JOURNAL // JULY 2022



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WASHINGTON REPORT

Continued from page 40 >

The amendment was adopted on a 23-5 vote at a recent markup.

House Committee Advances Two FOP-Backed Bills

The House Committee on the Judiciary favorably reported two bills supported by the National FOP:

- H.R. 5768, the Violent Incident Clearance and Technological Investigative Methods (VICTIM) Act
- H.R. 6538, the Active Shooter Alert Act

The VICTIM Act would establish a grant program administered by the U.S. Department of Justice (DOJ) to help state, tribal and local law enforcement agencies train or hire detectives, investigators or other police personnel who can investigate, solve and respond to homicides and non-fatal shootings.

The Active Shooter Alert Act would establish a national coordinator within the U.S. Department of Justice (DOJ) to set up and administer an Active Shooter Alert

Communications Network. The Active Shooter Alert coordinator, in coordination with other federal components, would develop best practices and training on the use of a secure communications system during an active shooter event. The House attempted to pass the bill under a suspension of the rules, which requires a two-thirds majority to pass, but fell short on a 259-162 vote. The bill will be reconsidered under a closed rule after the recess.

The FOP will be working to support both bills for passage in the House.

Top Priority Update: Social Security Fairness Act

We have added 12 co-sponsors to H.R. 82 since April 1, bringing our current total to 280 — 10 shy of our goal of 290 co-sponsors. As our members know, if we do get 290 co-sponsors, it triggers a House rule, and the bill would go to the floor for consideration.

The FOP has been targeting members of the House who had previously co-sponsored this measure and, of the more than 100 members on our initial list, we have five remaining:

- Oklahoma: Representative Kevin R. Hern (R-1)
- Texas:
 - Representative Lance C. Gooden (R-5)
 - Representative Elizabeth A. Fletcher (D-7)
 - Representative J. Roger Williams (R-25)
 - Representative Marc A. Veasey (D-33)

We urge all our members from these states to contact these representatives and ask that they once again co-sponsor this top legislative priority.

The staff in the Government and Media Affairs Center (GMAC) is also developing a revised target list and will be reaching out to specific offices to help us get to 290 co-sponsors. In addition, National President Yoes reissued the FOP's call to bring the bill to the House floor for a vote. You can read that letter at tinyurl.com/2pvvj3n.

We also continue our work with Representatives Davis, Spanberger and Garret N. Graves (R-La.) and the Public Safety Working Group on Social Security

Continued on page 44 >

THE NATIONAL LAW ENFORCEMENT MUSEUM IS NOW OPEN!



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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/hazwfmldr.

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WASHINGTON REPORT

Continued from page 42 >

Fairness to reach our goal.

In the Senate, the bill was introduced as S. 1302 by Senators Sherrod D. Brown (D-Ohio) and Susan M. Collins (R-Maine). The bill has 40 co-sponsors — two more than we had at the end of the 116th Congress.

Top Priority Update: Law Enforcement Equity Act

The FOP Government and Media Affairs Center has continued our outreach campaign for H.R. 962/S. 1888, the Law Enforcement Officers Equity Act. This bill, which is a top legislative priority for FOP members, would expand the definition of “law enforcement officer” 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 102 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 have asked the House Committee on Oversight and Reform to consider and favorably report it to the House floor. You can read that letter at tinyurl.com/ycxaruph.

For additional information, please visit tinyurl.com/3nsnpeca for a detailed one-pager on the bill.

Get Engaged!

We encourage all FOP members to regularly check out our social media pages, as the daily posts inform not only our members on the current issues facing law enforcement, but the general public as well. With our social media outreach, we hope to better educate them on the current state of affairs for the brave men and women who suit up and show up every day to serve and protect. We ask every lodge, every member and every citizen who supports law enforcement officers to follow the National FOP on:

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

Do your part! We need your help — please **share, comment** and **like** the content that we are posting.

Finally, the National FOP’s weekly update is a valuable tool for members and local lodges to keep them informed on the legislation important 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/24aecm93.

Tune in to the Blue View Podcast!

More than 17 episodes of the FOP’s weekly podcast, the *Blue View*, are now available on the FOP’s YouTube channel! Hosted by National President Patrick Yoes, the podcast features guests from Capitol Hill and within the FOP, as well as law enforcement experts and leaders from around the country, to gain insight into the issues and current events in the law enforcement community. Be sure to check it out!

The *Blue View* podcast can be found on **Apple Podcasts, Spotify, Amazon Music** and **YouTube**.

2022 Model Questionnaire Is Now Available!

The GMAC staff developed a model questionnaire (see tinyurl.com/3mhbb8tc) to assist State and local lodges in evaluating federal candidates

Continued on page 46 >

Your Help Is Needed Now!

There are three ways to give:

1. Visit fopfoundation.com.
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.



BENEFITS OF FOP MEMBERSHIP

The Fraternal Order of Police is the world's largest organization of sworn law enforcement officers, with over 325,000 members in more than 2,100 lodges. We are committed to improving the working conditions of officers and the safety of those we serve through education, legislation, information, community involvement and employee representation. Here's a quick overview of the wide variety of services and benefits that the FOP offers to its members.

Legislative Office

The office on Capitol Hill lobbies on issues important to rank and file law enforcement officers. The National Legislative Program is the most active and comprehensive of any law enforcement organization in Washington.

Legal Defense Plan

This self-funded plan is available to eligible FOP groups and individual members to cover law enforcement exposures, including administrative, civil and criminal legal coverage; H.R. 218 coverage; and the Moonlighting Liability Insurance Program.

Labor Services Division

Comprehensive resources and services designed to ensure that no officer goes to the bargaining table alone. Labor Services stands ready to provide the people and resources you need for contract information, experienced legal experts, training seminars, personalized labor research and more.

National Peace Officers' Memorial Service

This solemn event is held every year during National Police Week to honor those who have given their lives in the line of duty. Open to the public, it brings together the expanded law enforcement family and national leaders, pays tribute to the fallen and offers words of comfort to their surviving family members.

FOP Journal

Published digitally 12 times a year, the *FOP Journal* is the official publication of the Grand Lodge. Each issue contains reports from the Executive Board, updates on law enforcement legal and labor issues and so much more!

Disaster Relief

As part of the NFOP Foundation, the Fraternal Order of Police Disaster Relief Fund (a nonprofit 501(c)(3) organization) relies on the generosity of individuals, organizations and corporations and is always prepared to assist our members in distress.

Charity Partnerships

- **Easter Seals:** Helping children and adults with disabilities live better lives is at the heart of Easter Seals' mission, and the FOP, as a long-standing Easter Seals National Corporate Partner, has helped raise more than \$15 million. Donate online at www.easterseals.com and be sure to indicate your FOP affiliation when donating!
- **Law Enforcement Torch Run for Special Olympics:** The FOP is committed to helping people with intellectual disabilities learn to become self-reliant and contributing members of our communities.

Service Providers

The National FOP list of Service Providers currently includes Liberty Mutual insurance, Avis and Enterprise car rentals and a variety of licensed products from HALO, the official FOP merchandiser.

Education Services

The Education Services Committee develops and implements professional law enforcement training programs and events to equip members with the skills needed to enhance their careers, and has established a training schedule covering a wide spectrum of leadership, labor and legal issues. The Grand Lodge also provides scholarships to eligible applicants.

National Fraternal Order of Police University (NFOPU)

Recognizing that four-year and graduate degrees are increasingly important for law enforcement career advancement, the FOP collaborates with a select consortium of universities willing to offer members the education they need with a flexible schedule and reasonable cost. **FOP**



For more information on all of these programs, visit www.fop.net.

WASHINGTON REPORT

Continued from page 44 >

for the United States Congress in the 2022 election cycle. The questions draw from issues being actively lobbied by the National FOP in Washington, D.C., and includes all of our top legislative priorities.

It is particularly important for the State and local lodges to endorse candidates who support our top priority items and to publicly oppose those candidates who do not. The success of the National Legislative Program depends on having an active grassroots base and on electing lawmakers who support our pro-law-enforcement agenda.

The PAC Needs Your Support!

The FOP's Government and Media Affairs Center 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.

As the midterm elections draw closer, the National Fraternal Order of Police Political Action Committee (NFOP PAC) will play an important role in our advocacy program. By supporting candidates who support our members and our profession, we are effectively representing our members on Capitol Hill. Given the importance of the PAC, it is vital that the PAC is as well-funded as possible. Our PAC is very much depleted from the previous election cycle, and we really need our members to step up and contribute to help us ensure that the next Congress will continue to have members who will fight for them. One lodge in particular, the Long Beach Police Officers Association, raises over \$1,000 per month for the PAC. And this is just one lodge! If lodges nationwide were to follow their lead, the NFOP PAC would have the resources it needs to make a nationwide impact.

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 tinyurl.com/2p8ec7xf. 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**

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Sixth Circuit Affirms Qualified Immunity for Officers in *Novak v. City of Parma*

On April 29, the Sixth Circuit affirmed the district court's granting of qualified immunity to Officers Riley and Connor from the City of Parma Police Department. The decision was not a surprise. The matter arose from a criminal prosecution of a citizen who created and posted from a fake Facebook account that mirrored the City of Parma Police Department's official Facebook page. The citizen (Novak) was eventually arrested and charged for a violation of Ohio Rev. Code § 2909.04(B) (Ohio's disrupting public services statute). While the Sixth Circuit affirmed that the officers were entitled to qualified immunity, the panel did so somewhat begrudgingly. Future prosecutions may heed their warning: "[G]ranting the officers qualified immunity does not mean their actions were justified or should be condoned." The court questioned whether the Facebook page was worth an entire criminal prosecution and countless appeals. However, "[b]ecause the law compel[led] it," the court affirmed.

On March 1, 2016, Anthony Novak, a citizen of Parma, Ohio, created "The City of Parma Police Department" Facebook account — which was identical to the City of Parma Police Department's actual Facebook account — as a parody. The page had the same name, cover photo and profile photo.

In less than one day, he used the fake Facebook account to mock the Parma Police Department by "advertising" the department's efforts. He made several posts, including creating a "pedophile reform event," offering free abortions in a police van, announcing openings for Parma Police but discouraging minorities from applying, prioritizing a search for an African American loitering suspect over a search for a white armed

Just the Facts:

» In 2016, a Parma, Ohio, man created a parody Parma Police Department Facebook page, which had the same name, cover photo and profile photo as the real Parma P.D. page. The man made several posts, including announcing department openings that discouraged minorities from applying. Officers obtained an arrest warrant from a magistrate, who agreed that there was probable cause to arrest the man. The man was indicted and later acquitted at the criminal trial. Thereafter, he filed a civil suit, alleging First and Fourth Amendment violations. The National FOP advocated for the continued importance of the qualified immunity doctrine and argued that the actions of the officer defendants were objectively reasonable because police increasingly rely on official websites and social media to enhance public safety.

robbery suspect and more. The fake Facebook page generated around 50,000 views and numerous posts. Novak deleted comments that claimed the page was a hoax. Several citizens called the police department's non-emergency dispatch line to alert the city and verify that Novak's page was not official.

Officers Riley and Connor (officer defendants) were assigned to investigate the page. The officer defendants consulted and reviewed relevant statutes with the law director and prosecutor for the City of Parma, Timothy Dobek. They obtained a search warrant from a judge for Facebook records. They obtained an arrest warrant from a magistrate, who agreed that there was probable cause to arrest Novak with a violation of Ohio law.

A grand jury was convened, and Novak was indicted. He was later acquitted at the criminal trial. Thereafter, Novak filed a civil suit against the officer defendants and City of Parma, asserting 30 claims against the various defendants, alleging in part, First and Fourth Amendment violations.

The trial court analyzed qualified immunity on the defendant's motion

for summary judgment by framing the issue as **whether the plaintiff was free from an arrest that was supported by probable cause. And that question was already clearly decided (clearly established) prior to the plaintiff's arrest.** In other words, if officer defendants had probable cause to make the arrest, Novak cannot show any constitutional violation (even if he had a First Amendment right to make the parody Facebook account), and therefore, qualified immunity is appropriate. The Fourth Amendment claims would also fail if the officer defendants had probable cause to arrest Novak.

There were a number of factors that the trial court considered in order to determine whether or not the officer defendants had probable cause to arrest Novak. For example, Officer Connor became aware that someone had posted a Facebook page that appeared almost identical to the Parma Police Department's official page. Members of the public began calling the police department to report the page. Officer Connor sought legal advice from Parma's law director, who suggested that

the investigation was reasonable and that he had probable cause.

Officer Connor methodically discussed the facts of the case with several judicial officers and sought the appropriate search warrants for his investigation. None of the judicial officers found a lack of probable cause. The magistrate reviewing the request for the arrest warrant thought that people calling into the police station was enough of a disruption in police operations to issue the warrant. Officer Connor did not make any false statements to the magistrate in order to obtain the warrant. Thus, the trial court found that Novak failed to show a lack of probable cause. He appealed this decision to the Sixth Circuit.

The National FOP filed an amicus brief in support of the officer defendants. The National FOP argued, in part, that where a validly enacted statute has never been declared unconstitutional by any court and the officers received no directive, standard operating procedure or memorandum from their department instructing them not to enforce a law, they are objectively reasonable in enforcing that law. Where officers have no notice that a particular law cannot or should not be enforced, qualified immunity gives them breathing room to do their job and enforce the law — **even if they end up mistaken.**

The National FOP further argued that the actions of the officers were objectively reasonable because law enforcement increasingly relies on official websites and social media to enhance public safety. Law enforcement officers utilize social media to conduct investigations by discovering criminal activity, collecting evidence and identifying names, locations and networks of criminals. Social media is also used to inform the public about volatile situations, issue warnings, detail crime in the area and to ask the community for assistance in identifying suspects. Thus, when social media accounts and official websites are misappropriated, it causes widespread confusion, which can be dangerous and decrease public trust in the department.

Finally, the National FOP advocated for the continued importance of the qualified immunity doctrine. Qualified

immunity is available to many public officials, not just police officers (i.e., mayors, firefighters, teachers, etc.). States and local governments want to attract the most talented individuals to work for them, which would be difficult if qualified immunity is no longer available.

Lastly, qualified immunity does not give officers unfettered discretion to take inappropriate action or knowingly violate the law. In those most egregious

**Where officers
have no notice
that a particular
law cannot or
should not be
enforced, qualified
immunity gives
them breathing
room to do their
job and enforce
the law.**

cases, qualified immunity will not be available. It is only intended to give public servants relief to execute their duties in good faith.

On appeal, the Sixth Circuit declined to decide the First Amendment issue. To prevail on the First Amendment retaliation claims, Novak needed to show that it was clearly established at the time of his arrest that the officers lacked probable cause to arrest him. However, Novak did not identify a case that clearly established deleting comments or copying the official warning is protected speech. Thus, the officer defendants reasonably believed that some of Novak's Facebook activity was not a parody, not protected speech and fair grounds for probable cause.

The court also found that the officer defendants had good reason to believe that they had probable cause because they spoke to the city's law director and judges, who issued warrants, and all agreed with them. Thus, the court did not decide whether Novak's actions were protected by the First Amendment — but it did not need to in order to grant qualified immunity.

Novak also argued that the officers lacked probable cause for his arrest, the search of his apartment and seizure of his phone and laptop. However, in the Sixth Circuit, there is a complete defense when officers rely upon a judge's warrant — like the officers did here — unless the officers knowingly or recklessly made false statements that were material or necessary to the finding of probable cause in order to obtain the warrant or the warrant is so lacking in indicia of probable cause that official belief in the existence of probable cause is unreasonable. Here, there was no evidence that is the case.

Novak further alleged malicious prosecution. To demonstrate malicious prosecution, Novak needed to show that the officers aided in the decision to prosecute. The officer defendants did not do so. Here, the prosecutor independently decided to charge Novak. Novak did not argue that the police report reviewed by the prosecutor contained any false statements.

This case further bolsters the well-known proposition that absent clearly established law, which would give the officers fair notice that their actions were unconstitutional — or, in this case, that they lacked probable cause to make an arrest — qualified immunity will be available as a complete defense. **FOP**

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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 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**



FOP LEGAL DEFENSE PLAN

ADMINISTRATIVE * CIVIL * CRIMINAL

Protecting Your Future TODAY

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.

FOP LEGAL DEFENSE PLAN PRICING			
Full Coverage Group Rate	Full Coverage Individual Rate	Two-Coverage Group Rate	Two-Coverage Individual Rate
\$300	\$310	\$64	\$68
Administrative	Administrative		
Criminal	Criminal	Criminal	Criminal
Civil	Civil	Civil	Civil

For enrollment and marketing information, please call **1.800.341.6038**

foplegal.com

FOP VETTED AND APPROVED WELLNESS PROVIDERS AND PROGRAMS

Wellness Facilities

Chateau Recovery Midway, UT

chateaurecovery.com/programs/first-responders

FHE Health: Shatterproof Program Deerfield Beach, FL

fherehab.com/services/first-responders

First Responder Wellness by Simple Recovery Costa Mesa, CA

firstresponder-wellness.com

Harbor of Grace First Responder Program

Havre de Grace, MD

harborofgracerecovery.com/first-responders

Transformations Treatment Center: Help for Our Heroes Program

Delray Beach, FL

helpforourheroes.com

Warrior's Heart

Bandera, TX

warriorsheart.com

Wellness Products

CordicoShield

cordico.com/shield

TIAG mResilience

tiag.net/innovations/mresilience

Lighthouse Health & Wellness

lighthousehw.org

Wellness Training Programs

HEART 9/11 SMART Program

heart911.org/programs/smart-program

Warrior PATHH

bouldercrest.org/warrior-pathh

Show Your Support for the FOP Foundation



Mini DART Truck/Trailer

\$100 donation plus shipping
(determined by location)

Foundation Challenge Coin

\$20 donation plus shipping
(determined by location)

To order, contact the
National Office at
(615) 399-0900

Proceeds benefit the
FOP Foundation.

front



back



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.





Join Our Team & Make A Difference!

Now Offering An Accelerated Academy

To be eligible:

- Applicants must have a Missouri Class A POST license or be able to obtain one prior to training.
- Must have served three consecutive years as police officer, military police officer, or out-of-state police officer in a traffic, patrol, or investigations capacity.
- Must successfully complete the trooper selection process.

Benefits to the accelerated process:

- Applicants will know their assignment prior to start of training.
- Recruits complete 15 weeks of academy training.
- Recruits will be eligible to receive 46 college credit hours upon graduation.
- Starting salary of \$54,216 begins first day of training, benefits include retirement plan and medical, life, dental, and vision plan.
- Troopers earn 15 annual leave days, 15 sick leave days, and 12 paid holidays per year.

**Application deadline:
July 10, 2022**

Apply at www.motrooper.com

The Missouri State Highway Patrol is an equal opportunity employer.

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Search, Detect, Defend.

The next evolution in high-performance, duty-ready flashlights produces 2,000 lumens and features an advanced ergonomic design and intuitive mode selector switch for ease of use. Trusted by all and equaled by none.

2,000 LUMENS | HIGH, MEDIUM, LOW MODE SWITCH | MULTIPLE CHARGING OPTIONS | DUAL POWER SWITCHES



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