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FOP



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JUNE 2020

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TABLE OF CONTENTS 

Legal Plan Participants:

This issue contains the Summary Annual Report (page 25). Please read and save insert for important ERISA information.

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FEATURES



14

FOP Lake Erie Lodge #17



18



16

13 // Member Spotlight

Meet Alabama State President Everette Johnson

14 // Saluting the Fallen

2020 Police Week

16 // Staying Resilient During COVID-19

Maintaining Physical and Psychological Health Amid the Pandemic

18 // Illuminating Gear

What's New in Flashlights for Law Enforcement

DEPARTMENTS

6 // President's Message

Social Distancing and the "New Normal"

7 // Vice President's Message

National FOP Launches Free Mobile App

8 // Secretary's Message

Serving the Order During the COVID-19 Pandemic

9 // Treasurer's Message

Getting a Handle on Your Lodge's Finances

10 // Second Vice President's Message

Benefits, Protections and COVID-19

11 // Sergeant at Arms' Message

Job Two: Be the Cop

12 // National Trustees Chairman's Message

Weathering the Storm Together

20 // Washington Report

Senate Returns to Session; House Remains in Recess

26 // Labor News

Workplace Privacy and COVID-19

27 // FOP History

In Memory of Joe Perkins

28 // Legal Counsel

U.S. Supreme Court Issues Decision in *Kansas v. Glover*

29 // FOP Associates

Local Associate Lodges: We Need Your Contact Information

30 // FOP Auxiliary

Communicating in the New Age

On the cover: Ohio law enforcement officers and supporters gather at the Greater Cleveland Peace Officers Memorial to honor the fallen during Police Week. From left: Sgt. Vincent Montague, PO Nicholas Fogliano, PO Carlos Guerra, Chief Calvin D. Williams, Greater Cleveland Peace Officers Memorial Society President Joe Manning, PO Bo Roschorsky, PO Richard Jones and Cleveland Police Chaplain Fr. Doug Brown. Photo courtesy of Cleveland Police Department.



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Social Distancing and the "New Normal"



// **WRITE TO US!** If you have further questions, contact Patrick Yoes at (504) 234-6300, or pyoes@fop.net.

During these unprecedented events impacting the entire world, Americans can all find comfort in knowing there are 800,000 police officers across the country who have a sense of community so strong that they leave the safety of their homes each day in the service of others.

Since the first case of the novel coronavirus, now known as COVID-19, was reported in January, the country has experienced extraordinary changes that have had a profound effect on our daily lives and are likely to be long-lasting. Many of the changes are to things that have been taken for granted for decades, such as blowing out candles on a birthday cake, shaking hands at a business meeting, caring for the elderly and visiting loved ones in the hospital. Social gatherings celebrating momentous life events or seeking comfort during difficult times no longer feels safe.

There has been a significant impact on how we do business, educate our children and shop. Families are now facing new challenges to care and provide for their families while working and schooling from home. For many, leaving the house to shop for much-needed essentials like food and medicine now causes anxiety due to the fear of coming in contact with the invisible enemy and bringing it home to their loved ones. Some job sectors will disappear, while others will thrive. Unemployment has soared, while others who are still employed are fearful of being laid off. The economy is uncertain at best.

Despite these rapidly changing times, as a society, we must not become complacent about this new norm while we quarantine and practice social distancing. America must unite to protect the future; we must reinvent ourselves to emerge from this pandemic and restore daily life, just as those before us did after the

1918 Spanish flu pandemic and the Great Depression and in the aftermath of the events of 9/11. **We are all in this together!**

The COVID-19 pandemic is not unlike a natural disaster that comes in the night and changes life when we are most vulnerable. When disaster strikes, people become overwhelmed and emotionally broken by the devastation. Inaction

FROM DEMANDS FOR GREATER ACCESS TO PPE AND FUNDING TO POLICY AND RULE CHANGES, WE HAVE LED THE WAY FOR OUR NATION'S LAW ENFORCEMENT PROFESSION.

creates a path to deeper despair. This pandemic, with stay-at-home orders and social distancing, only widened the dark path for many. To rebuild, strong leaders must begin by assigning meaningful tasks to transform people from victims to empowered individuals who put into practice their new norm and take control of their future.

As I approach my 10th month as your National president, it is not lost on me that your needs before the arrival of COVID-19 are still extremely important, but the events of the day have presented new challenges. As the nation's largest and oldest rank-and-file police organization, our mission and purpose haven't changed. However, our priorities and immediate needs certainly have redirected our energies onto two paths — finding new ways to continue our pre-COVID-19 objectives, while at the same time amplifying your voice and the needs of our members in harm's way as they serve

communities across America during this national crisis.

Every day since the start of this crisis, we have had daily contact with the White House, DOJ, DHS, DOI, and both houses of Congress. From demands for greater access to PPE and funding to policy and rule changes, we have led the way for our nation's law enforcement profession. Case in point: presumptive line-of-duty illness for COVID-19. Previous rules for police and fire who contract and lose their battle to COVID-19 made it challenging for their families to receive PSOB benefits. Working with the DOJ, we were successful in obtaining a rule change that makes it easier for the more than 100 families of officers who died while working this pandemic to secure benefits. We will continue to press the fight for your rights during this pandemic while inventing ways to adapt to this ever-changing environment and defining a positive "new normal" for our members and America alike.

Our members and the people we serve are all uneasy right now. Many had their lives turned upside down and their futures made uncertain. Each of us is in a position to calm fears and light a path forward for others to follow. We are all in this together, and together we will emerge stronger. Thank you for doing your selfless service during this world-altering pandemic. Stay safe and FOP strong! **FOP**

National FOP Launches Free Mobile App



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

With the COVID-19 pandemic seemingly dominating the news cycle and encompassing the law enforcement world, I thought it important to highlight an exciting new development from the Fraternal Order of Police. The National FOP is thrilled to announce the launch of our free mobile app for our over 351,000 brothers and sisters across the country. The National FOP mobile app became available on May 18, and by now you have likely seen an email from the National Lodge or your State and local lodges announcing its availability. If not, I am here to share how you can download it, along with all the exciting features available to you!

Downloading the National FOP app is very simple. Search "NFOP" in the Apple App Store (for iPhone) or Google Play (for Android), download the app and then register. Once we have confirmed that you are a member of the FOP, we will approve your app registration and you will receive a confirmation email. Once approved, you can log in and have access to all the wonderful features and information inside. Please make sure to allow push notifications from the app on your phone; this way, when we send you breaking FOP news, you will receive it immediately with a message to your lock screen or banner at the top. I also encourage everyone upon logging in to add a profile photo to their account. Simply click on "more," then "settings," then "account details" to set your personalized photo.

There is no shortage of features on this app — and all are designed to improve communication and get you information quickly on all things happening within the Order. There is a newsfeed, just like Facebook and Twitter, and you can scroll through videos, notifications, resources and information we send out. There are links and banner ads that you can click

on that will take you directly to our one-of-a-kind COVID-19 website, our current website and our merchandise partners. There is a messaging feature on the app (much like Facebook Messenger) that allows you to send text messages within the app to other members in the country who have downloaded it. There is an events tab loaded and continuously updated with all upcoming FOP conferences, meetings, summits, trainings, etc., so that you can plan ahead. The resource folders, located under the "more" button, are bursting with information. You will be able to find legislative and labor updates, past issues of the *Journal*, COVID-19 resources, Aetna Medicare Advantage plan information, FOP Newsroom and much more. The mobile app is a hub for information on all issues impacting law enforcement across the country.

Developing the mobile app was an exhaustive process, but certainly well worth all the work put into it. I would be remiss if I did not thank my fellow committee members, Brother Rob Pride,

Brother Steve James, the entire FOP staff (special thanks to Andrew Bitner and Mark McDonald) and our app developer, Clowder. The decision in choosing a vendor was not taken lightly by the Board of Trustees, and based on our work with Clowder, we chose wisely. They are extremely responsive to our needs and delivered an excellent product, one worthy of the FOP.

I am sure by now you are convinced and have already downloaded the app, but if not, please download it now. Please talk to other FOP members and encourage them to download it. The effectiveness of the National FOP app is based on everyone using it so that all 351,000 of our members are plugged into this wonderful information and communication tool. Did I mention it's free? Just another benefit of being a part of the greatest law enforcement organization in the world.

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

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Serving the Order During the COVID-19 Pandemic



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

Brothers and Sisters, it has been a challenging six months for our world, our nation and especially our communities. Who would have thought that a virus, COVID-19, would change our lives the way it has? Simple things like grocery shopping, worshipping and children's birthday parties all came to a screeching halt. My prayer is that this pandemic will somehow bring us closer together in spirit and cooperation as we face the next challenges in our lives.

Traditionally, the Summer edition of the *FOP Journal* is devoted to honoring our fallen brothers and sisters and sharing photos of the events of Police Week leading up to the Memorial Service on May 15. However, for the first time ever, Police Week and the Memorial Service had to be canceled. Though the services in Washington, D.C., were not physically held, President Yoes, National Auxiliary President Linda Hennie and our National Memorial Committee upheld our core value to "Never Let Them Walk Alone." Together, they commissioned a Memorial video that was played on May 15 at 11 a.m. EST honoring our fallen brothers and sisters. Memorial services were held in homes and offices across our great country at that time as we paid tribute to those taken from us and honored our survivors.

Your National Office handled your business as usual during the work-from-home orders. However, it was anything other than business as usual. I commend our staff for the sacrifices they made in keeping everything running smoothly while working remotely. Other than the printing of membership cards and taking deposits to the bank, most functions of the National secretary's office were carried out with ease and performed remotely. We learned two valuable lessons from this mandate. We can function efficiently and effectively in adverse conditions and working from home could be the new norm.

Your National Executive Board was in front of the coronavirus outbreak and made the difficult decision of canceling the spring National Board of Trustees and State Presidents' Meetings slated for March 18-21 in Kansas City, Missouri. This was done in advance of the federal, state and local orders restricting gatherings of people and ordering people to work from home. The only time in the National FOP's 105-year history that a meeting was canceled was during WWII. The meeting was held via webinar on March 22 and was very successful. Many State lodges have held their respective meetings via webinars or teleconferences, and each is to be commended for going the extra mile to make sure the Order's business was handled. Additionally, President Yoes challenged Sergeant at Arms Keith Turney, Legislative Liaison Mark McDonald, 911MEDIA CEO Mark Deitch, 911MEDIA Production Manager Natasha Carleton and myself to develop a web page specifically for COVID-19 information. We did it in one week! A special thanks goes to Deitch and 911MEDIA (the publisher of this *Journal*) for designing, developing and updating the new webpage for free.

State and local lodge FOP leaders were busy protecting their members by securing "COVID-19 presumptive exposure" orders and legislation. Law enforcement officers, more so than any other group of first responders, are among the highest at risk of contracting this deadly virus. Politicians used law enforcement to enforce social distancing rules, yet in many areas, failed to provide officers with the proper personal protective equipment (PPE). It's infuriating that many of these same politicians failed to recognize the presumption of an officer getting the virus as a line-of-duty incident. As of this writing, over 110 law enforcement

officers have died in the line of duty due to COVID-19. Still, in some areas, law enforcement officers were faced with suspended collective bargaining agreements, layoffs, furloughs, loss of benefits and early retirements. Again, these politicians were quick to pat our brothers and sisters on the back when the pandemic started, but as our nation started to get back to order and business, there was no longer the same need for them. We should remember this when election time rolls around and actively support those political leaders who had our backs during this crisis and do all we can to defeat those who did not.

Labor and benefits are two of my favorite topics, and it is fitting to give a shout-out to our General Counsel Larry James, our Labor Director Tim Mullaney and our Legal Defense Chairman Steve James. During these trying times, James, through his network of FOP attorneys from around the nation, conducted daily information sharing on issues arising in their locations. Issues discussed ranged from the lack of PPE to overtime compensation and from disciplinary issues to workers' compensation. It was amazing to read the information and see some of the greatest law enforcement labor minds in action. I share this with you because now is the time for you to sign up for the National FOP's labor and legal services if you have not already done so. The costs are very reasonable, and as a member of the plans, you are a part of a network of labor and legal experts that do one thing only — protect you and your family. Our founding FOP fathers had a vision to better the law enforcement profession through enhanced wages and better terms and conditions of employment. The same is true today.

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

Getting a Handle on Your Lodge's Finances



// WRITE TO US! If you have further questions, contact Tom Perriza at tomfop@aol.com.

After over 20 years as your National treasurer, it saddens me, but no longer surprises me, that I get calls from lodges stating that there has been mismanagement of lodge funds and that they are trying to determine the extent of it so they can put policies in place to prevent it from happening again.

During my time as your National treasurer, I have written many articles about the importance of having procedures for how your lodge handles its finances. Having and following these procedures is important for protecting your lodge funds from theft and misuse. Unfortunately, we still see cases of lodge funds being misused and sometimes stolen.

The National FOP has been providing our lodges with the information they need to help them run their lodges properly for years now. I believe that the administration of our lodges has improved, in part because of the information we have been getting out to them. Local lodge officers contact me all the time to ask questions, because they want to be sure they are operating their lodges properly and so they won't have any problems with the IRS.

The issue of how your lodge handles its finances is important to all of our lodges, no matter how large or small the lodge is. I have assisted many lodges in setting up procedures to properly handle and account for lodge funds. I have also investigated many lodges on behalf of the National Lodge because of the misuse of lodge funds. Every lodge should have procedures in place for handling their finances and every board member is responsible to make sure these procedures are followed. In almost every case of misuse of funds I have been involved in, there was no regular financial reporting to the members of the lodge and if there were financial procedures, they were not being followed. The National FOP has a publication

entitled "Corporate and Tax Affairs of a Lodge" that will help you set up financial procedures that your lodge should follow. Until our new database is completed and you are able to download a copy, you can request a copy of "Corporate and Tax Affairs of a Lodge" by sending an email to lharris@fop.net.

Your lodge should:

- Be incorporated as a nonprofit 501(c)(8) corporation
- Have a Federal Employer Identification Number (EIN)
- File a 990 with the IRS every year
- Have a budget passed by the board every year

- Have a voucher procedure for lodge expenses
 - Provide financial reports to the board and membership monthly or quarterly
 - Have an accountant or another board member check the work of the treasurer each month to ensure all payments are proper and properly authorized
 - Have a record retention policy
- I encourage you to make sure your lodge has proper financial procedures in place and that the lodge officers follow those procedures. Please contact me if I can be of assistance to you. I can be reached at tomfop@aol.com.

NEED SOMEONE TO TALK TO?



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

Benefits, Protections and COVID-19



// **WRITE TO US!** If you have further questions, contact Les Meri at lesmeri@afop.com.

Law enforcement officers throughout the country are dutifully reporting to work and doing their jobs in the face of the COVID-19 crisis. Many questions have arisen about best practices in the event of an officer's exposure to COVID-19 while performing job duties. Based on the current situation, you may want to consider the following:

- For locations where exposure to COVID-19 is not presumed as a line-of-duty (LOD) event, it is considered the same as any other work-related injury. That means that if an officer can prove exposure to COVID-19 while working and needs medical treatment or disability caused by that exposure, the officer should be entitled to the statutory and contractual LOD injury or disability benefits available to them. Those benefits usually provide for payment of salary and medical bills by the employer, as well as its workers' compensation carrier.

- Some states, municipalities and police departments have already agreed to pay full salary and medical bills if an officer: (1) is quarantined at the direction of the employer due to confirmed or suspected COVID-19 exposure; (2) receives a presumptive positive COVID-19 test; (3) receives a COVID-19 diagnosis from a physician; or (4) receives a laboratory-confirmed COVID-19 diagnosis. Those locations and employers are ahead of the curve and are providing benefits without requiring that the officer prove exposure and its work-related nature.
- All officers should remember that if an employer is not going to recognize exposure and lost workdays as compensable, then it is imperative that the officer record and report any event that could possibly result in exposure. It is incumbent on the officer to prove

exposure, and disability resulting from that exposure, to be eligible for benefits. Recording and reporting exposure events, no matter how seemingly trivial, is vital. Remember, as the law stands, and if you are not employed by one of those described in the previous bullet, just because an officer has COVID-19 does not mean they are going to be provided with LOD injury or disability benefits. Officers have to prove it is due to work-related exposure.

- When recording and reporting, if your employer has a designated person to whom work injuries are to be reported, then report exposure to that person, even if you have already included the exposure in your usual report. If there is no designated person, report exposure to a supervisor, not just your fellow officers. Report at the time of exposure, if possible, but not later than the end of your shift. When reporting, give the time, date, location and description of the event. The worst that can happen is your exposure did not cause COVID-19, and you spent some extra time reporting.
- Events indicating possible exposure to COVID-19 are not limited to contact with known infected individuals. Any interaction with the public or surfaces during your tour of duty may result in work-related exposure. Even contact with fellow officers who had these types of interactions during your shift could result in an infection. When in doubt ... **report, report, report!**

These suggestions are general in nature to account for the differing laws and policies applicable in your specific location. You are strongly encouraged to consult with your local and/or state legal counsel for further guidance. **FOF**

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Job Two: Be the Cop



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

I'm often asked if the sergeant at arms is actually the cop's cop. I would say, in most cases, yes. Traditionally, the role of sergeant at arms has been to ensure a proper decorum at meetings. This is best done by ensuring that only members in good standing are permitted in our meetings.

So now that we have accomplished this feat, what do we do about the unruly member? A good president can usually keep the meeting flowing, allow members to voice their opinions and often, by her or his sheer presence, keep a meeting orderly. However, as we all know, issues can be controversial and tempers can flare. It is all the members' obligation to the good of the order to keep debate courteous

and professional. But what about that one member whose passions are just over the top — to the point that their behavior is disruptive to the group's interest?

This is when the sergeant at arms becomes the cop's cop. Sometimes, just a subtle comment, delivered either privately or very low-key, can solve the problem. The member knows your role, and if you have gone out of your way to approach this member, he or she should get the subtle hint. But, just like on the street, sometimes your approach has to be more direct. A courteous and factual observation of their behavior presented to them in a straightforward manner sometimes gets the member to realize that their behavior is uncalled for.

Last case resort, and with the support of the body, sometimes a member is asked to excuse themselves from a meeting. Sometimes official administrative charges are rendered. The sergeant at arms may have to coordinate an official police response to have a member removed. All very drastic actions. A good sergeant at arms, just like any good cop, has to build up a reputation and rapport that far overshadows their role and responsibility. In doing so, the dirty jobs become easy, because everyone knows you're the cop's cop.

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

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Weathering the Storm Together



// **WRITE TO US!** If you have further questions, contact Rob Pride at lodges2pride@gmail.com.

Well, Brothers and Sisters, 2020 has not gone anything like we expected. Since our last *Journal* was published, our world has changed dramatically! The COVID-19 pandemic has changed the way we do business as law enforcement professionals and within the FOP. Virtual meetings and teleconferences have become the new norm. In many cases, we are mandated to wear face masks both on and off duty. With various states allowing businesses to slowly reopen again, hope is on the horizon of getting back to some sense of normalcy. But there is little doubt COVID-19 will have long-lasting impacts on our society and how we conduct day-to-day activities for quite some time.

I hope each of you knows and has seen your National FOP continuing to get the work done for our members during this time! I know many of you through your local

and state FOP leaders have received updates from President Yoes and have attended the virtual "State of the FOP" meetings to hear the ongoing efforts on behalf of our members through this crisis. It has been nonstop, and each member of the Executive Board has played a part. I am truly honored to serve with each of them and to be part of such a great team that has prioritized each one of you during this difficult time. We've even seen some new lodges being chartered and sworn in virtually, which is further proof that nothing — not even a pandemic — will stop the good work of the FOP.

You probably noticed that although some services may have been slightly delayed, they did not cease due to our awesome office and labor staff at the National FOP Headquarters in Nashville. Although required to work from home, their

work for all of us has been seamless while continuing to provide member services, conduct administrative duties and do all the other work they regularly do behind the scenes. I encourage each of you to send them a note and thank them for their work during this difficult time. It has not been easy for them, and I know they are rating to get back in the office and serve you the way they normally do. Let's welcome them back to the office with some thank you cards, emails or whatever format you have time to do. They've earned it!

Through all this craziness, please think about this: whether you are an elected or informal leader within your lodge, there truly has been no time like the current to work for and be there for your members! I can't stop applauding all the stories I've heard over the past few weeks about lodges and members stepping up for each other, raising money and getting donations of hand sanitizer and masks for members working on the streets or in our jails ... the list goes on and on. We all know how amazing our organization is, but it has truly been humbling to see the FOP elevate even higher during this time of crisis. And it is because of each one of you that we have done so. **Thank you!**

One of the most difficult changes for me personally has been the inability to come see you at your conferences and meetings. One of my favorite duties in serving you in this position is being able to fellowship with you and the National trustees, have face-to-face dialogue and problem-solve together. We can still get that done, but it will be in a different way for a while longer. In the meantime, I'd be honored to attend your meetings virtually. Please don't hesitate to reach out to me if I can help you in any way. No pandemic will stop the work we do in our communities as law enforcement professionals, and it certainly will not stop the work of the mighty FOP! Stay healthy and be safe. **We are FOP strong! #FOP**

FOP'S COVID-19 WEBSITE IS LIVE



Thanks to the web development and design team at 911MEDIA, the Fraternal Order of Police has launched a website dedicated to COVID-19 information as it pertains to the men and women of law enforcement. The website contains comprehensive information on the National FOP's activity in response to COVID-19, the most up-to-date federal guidelines for law enforcement, officer wellness resources, and model practices and policies. All of this is to ensure that officers are equipped with the most accurate and timely information to help them protect and serve their communities amid the national pandemic. Visit the FOP's COVID-19 website at FOPcovid19.org.

MEMBER SPOTLIGHT

Everette Johnson

When Everette Johnson became an FOP member in 1997, he was just a few years into what would be a long and accomplished law enforcement career in Alabama. He admits being first drawn to the organization because of the invaluable benefits it offers. However, as he got more involved with the Order, he saw that it also provides a powerful platform for law enforcement to have a voice, support one another and give back to the communities they serve.

Johnson began his career as a patrol officer with the Montgomery Police Department, rising to the rank of lieutenant before retiring after 20 years of service in 2014. He went on to help establish a new police department at Faulkner University, also in Montgomery, and worked there for four years as a deputy chief and chief. It was during his time on both departments that he got involved in local lodge leadership, serving for many years as the secretary for Capitol City Lodge #11 before eventually taking the helm as president, a position he still holds today.

In 2015, he was elected second vice president of the Alabama State Lodge. "This was a great opportunity to see the state leadership in action and learn what the organization needed to grow and be successful," Johnson recalls. Two years later, he was approached by fellow members during the National Conference in Nashville and asked if he would consider running for State Lodge president. He did, and was elected in April 2018.

Since then, "it has been an exciting time with tremendous growth and more opportunities to promote this great organization," says Johnson, who is currently a criminal justice compliance specialist with the Alabama Law Enforcement Agency. "I enjoy working with the great members of this organization; they are dedicated and want to see us grow and make a difference in the lives of our law enforcement brothers and sisters."

One of Johnson's favorite things about his role has been supporting various charitable organizations. Most notably, he enjoys representing the State Lodge in its partnership with the Children's Hospital of Alabama. "We



work with this organization to provide services for children who have been victims of both physical and mental abuse," he says. The lodge recently presented the hospital with a \$25,000 check, and during the hospital's "wagon campaign," the lodge, working together with local lodges, overwhelmed the hospital with over 100 wagons.

In addition to helping the community, the State Lodge has been able to come together to help many of its members during their time of need. "Part of being in the FOP is caring for each other, and we in the Alabama State Lodge go above and beyond," Johnson says.

Along with increasing the lodge's community involvement, Johnson has brought it into the internet age. Since his time in office, the lodge has embraced social media and digital promotion with active Facebook and Twitter pages, a mobile app and a new website, allowing the lodge's over 8,100 members to access information and stay up to date on multiple platforms whenever they are. He says that the lodge will continue leveraging its digital communications in the future.

As state president, Johnson has also worked hard to uphold the mission of the FOP and

ensure that officers are "protected, promoted and praised," and that means speaking up for officers facing injustices. He cites one instance where he took a stand against an Alabama city council that took away pay from its officers. After he addressed the city council, the pay was returned to the officers and all issues were resolved. In another instance, Johnson spoke against a mayor who wrongfully cast a police department's officers in a negative light and caused a national backlash against them. After he intervened, the issue was dropped and the officers were not wrongfully disciplined.

"I have seen this organization stand up and fight against legislation and legal actions against law enforcement officers," he says. "For some time now, a small but loud portion of our society has painted a bad picture of police. The FOP is changing that narrative, and I am glad to be a part of that."

In the future, Johnson has his sights set on effecting change in mental health in Alabama. "I believe this is a public safety issue that needs to be addressed and dealt with," he explains. "This would reduce the number of violent encounters by law enforcement as well as reduce the abuse of narcotics in our communities." In addition, he says he will continue promoting mental health resources for law enforcement officers. The State Lodge currently supports the Alabama Law Enforcement Alliance for Peer Support (ALEAPS), which provides services and peer support training for officers in need of emotional counseling. "Together, ALEAPS and the State Lodge have testified in front of the Alabama State Legislature to pass a PTSD bill for first responders," he says. "We will continue to push this legislation until it passes." **#FOP**



Photos courtesy of FOP, Lake Erie Lodge #17, and FOP D. C. Lodge #1

SALUTING THE FALLEN

POLICE WEEK 2020

Honoring Our Nation's Fallen Heroes Virtually

Historically, the National Peace Officers' Memorial Service is hosted on the West Front Lawn of the U.S. Capitol and is the capstone event of National Police Week. For the first time in more than 39 years, the National Fraternal Order of Police, families and colleagues of the nation's fallen peace officers could not come together in Washington, D.C., to honor the memory of our heroes due to the COVID-19 pandemic.

Undeterred by the challenges presented by COVID-19, the National FOP and its Auxiliary assembled virtually on May 15 with a special video production that paid tribute to the 185 law enforcement officers who gave their lives in the line of duty.

The National FOP collaborated with music video producer Chase Lauer and country music star and Grammy Award winner Lee Brice to create an outstanding tribute

to our fallen officers. The video included a performance from Brice, along with a special message from President Donald Trump. We are extremely grateful for their involvement in putting together such a fitting tribute, along with the generous support and help from our corporate sponsors, particularly

Gavin Hattersley and the Molson Coors Beverage Company.

The sacrifice of these fallen officers and their families will never be forgotten, and as has been done for four decades, next year the FOP will return to honor these brave men and women at its Memorial Service on the lawn of the U.S. Capitol.

"May our heroes rest in peace, may God bless the families they leave behind, may God watch over the officers protecting the streets and community today, and may God bless the United States of America," said National FOP President Patrick Yoes. **FOP**



Alabama

William R. Buechner Jr.
WyTasha L. Carter
Billy F. Clardy III
Dornell Cousette
Julius J. Dailey
Levy Peltway*
Sean P. Tudor
John A. Williams Sr.

Arizona

Gene W. Lee
Paul T. Rutherford
Clayton J. Townsend

Arkansas

Stephen P. Carr
Michael D. Stephen Sr.

California

Carlos J. Cammon
Natalie B. Corona
Elmer J. Diaz
Juan J. Diaz
Brian D. Ishmael
Steven L. Licon
Andre M. Moye Jr.
Tara C. O'Sullivan
Esmeralda P. Ramirez

Colorado

Daniel H. Groves
William J. Modén
Joshua E. Voth

Connecticut

Stephen A. Ketchum*
Matthew B. Mainieri*

Florida

Steven J. Brown
Steven J. Dodson*
Steven G. Greco
Daniel D. Hinton
Anthony Neri
Benjamin R. Nimitz
Tracy L. Vickers

Georgia

Kelvin B. Ansari
James J. Biello
Nicolas B. Dixon
Spencer A. Englett

Cecil D. Ridley
Michaela E. Smith
Joshua B. Ryer Jr.

Illinois

Troy P. Chlsum
Gerald W. Ellis
Nicholas J. Hopkins
Brooke E. Jones-Story
Jacob H. Keltner
Christopher J. Lambert

Indiana

David P. Hewitt
Peter R. Stephan

Iowa

Stephanie J. Schreurs

Kentucky

Christopher M. Hulsey
Bobby W. Jacobs

Louisiana

Vincent N. Liberto Jr.
Chateri A. Payne
Byron S. Romero*
Shane M. Totty
Steven D. Whitstine

Maine

Benjamin J. Campbell

Maryland

Kyle D. Olinger

Michigan

William D. McCabe*
Rasheen P. McClain

Minnesota

Shannon L. Barron
Eugene H. Wynn Jr.

Mississippi

E. Raye Hawkins
Robert S. McKeithen
Jeremy A. Voyles
Willie H. West

Missouri

Michael V. Langsdorf
Wayne M. Neldenberg

Montana

Jacob O.
Allmendinger

Nebraska

Randy Z. Haddix*
Jerry L. Smith Jr.

New Jersey

Charles Barzydio*
April E. Bird
James W. Kennelly*
William S. Leaty
Bryan U. McCoy
Mark J. Meier*
Vincent J. Oliva*
Pavlos D. Pallas*
Joseph A. Seals
Michael E. Teel

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Luis G. Alvarez
Scott R. Blackshaw*
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Audrey P. Capra*
Yolanda Cawley*
Jeffrey M. Cicora
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Keith A. Ferrara
John P. Ferrar*
Edward J. Fitzgerald*
Gary M. Franklin*
Sean P. Franklin*
Thomas J. Gallagher*
Anthony R. Hanlon*
Joseph F. Heid*
Nathaniel Holland Jr.*
Charles J. Humphry
Paul J. Johnson*
Mark Lawler*
Jeffrey A. Lee*
Thomas J. Lyons*
Walter L. Mallinson*
Peter Martino*
Robert P. Masci*
Paul J. McCabe*
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Stephen B. McCloud
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Dale J. Woods

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Monty T. Johnson
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Brewster
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Mateo
Alfred Sanyet-Perez

*The officer's death occurred in a previous year but the story of the officer's sacrifice was unknown until now.

**STAYING
RESILIENT
DURING
COVID-19**

BY SHERRI MARTIN, M.A., LPCA
NATIONAL DIRECTOR
OF WELLNESS SERVICES

On MARCH 29, I was standing in my kitchen, elbows deep in whatever I was preparing for dinner. I had gotten used to the flow of being home after many weeks of traveling around the country to meetings with other FOP members. I had only been home from my most recent trip for about a week when COVID-19 stopped nearly everything. My phone alerted me that I had a text. It was from President Yoer: "Keep Darrin in your prayers, he's in ICU with the coronavirus."

"Oh no!" The words came out of my mouth with such emotion that my husband came from the next room to see if I was alright. I was OK, but my friend was in trouble.

Even before he contracted COVID-19, I referred to Darrin Bouriet as "my hero." A veteran of the Chicago Police Department with over 30 years on the job, I had recently gotten to know Darrin when he became a member of the National Officer Wellness Committee. One of the most genuine and kind people I have ever met, Darrin quickly earned the respect of other members of the committee as he stepped right in and started using his training and experience in peer support to make important and useful contributions to the work of the committee. And at 53 years old, Darrin was still a working cop. Patrolling the streets of downtown Chicago by bicycle, he was out doing the job — the job that he loves, but that also made him a COVID-19 patient.

Now out of ICU and back at home recovering, Darrin is able to talk about how frightening it was for him to fight for his life and health, even after years working on the streets of one of the toughest cities in our nation. I, too,



was scared for Darrin because of the uncertainty about who's susceptible and who recovers from the virus. I knew Darrin was in good shape due to being active and taking care of his physical health, but healthy and active people seemed to be getting sick and dying also.

There are still many uncertainties for Darrin. **Are my lungs damaged? Did it affect any other organs?** As these questions remain for Darrin, most of us have been touched by the uncertainty presented by the virus and the changing world as we navigate the pandemic.

We have heard from many members about the various effects that working through these times has had on them and the way they do their jobs. Like other times of uncertainty in our profession, there has been a heightened awareness of the fragility of life. In a way, law enforcement work during the pandemic has borne some similarities to being a law enforcement officer during unsettling times of increased ambush killings of officers. Characterized by a heightened sense and awareness of danger, this need to be constantly "on guard" takes a toll even on those officers who are able to remain free of the virus.

Then there are other worries. The patrol officer heads out for his shift, unsure of whether he will become one of the officers spat upon while trying to effect a lawful arrest of a suspect who claims to be infected with COVID-19. The shift sergeant who supervised the death scene of someone who had symptoms of COVID-19 before their unexpected passing worries that she may have contaminated her boots or uniform while responding to the scene, so she strips in the garage before going in the house

where her children are sleeping. Even with appropriate protective gear, these are so many uncertainties about how the virus travels that first responders must be concerned that they may be at greater risk, which unfortunately may also place additional stress on their families.

Research tells us that mental health is closely tied to physical health. Specifically, those who enjoy strong social connections and maintain a degree of mental wellness live longer lives. In these times

of uncertainty and in the face of a multitude of changes in our work and home lives, it is important to take proactive steps to maintain wellness, both physically and psychologically. Studies of the habits of people who are resilient in times of stress and adversity tell us that these certain habits are key:

- **Perspective:** People view life's obstacles as challenges to maintain and build skills and reject viewing themselves as victims. They maintain a realistic understanding of what is within their realm of control and act positively within their capabilities.
- **Perseverance:** Resilient people are action-oriented. They simply do not wait around worrying about what may come. They move forward, focusing on what they can do to control their circumstances. They look for and apply solutions that will increase their control over their circumstances.
- **Emotional consciousness:** Resilient people are aware of their emotions and are not fearful of expressing them

**IN THESE TIMES OF UNCERTAINTY,
IT IS IMPORTANT TO TAKE
PROACTIVE STEPS TO MAINTAIN
WELLNESS, BOTH PHYSICALLY
AND PSYCHOLOGICALLY.**

appropriately. Although, as law enforcement officers, we often must be the face of calm, it is normal to be uneasy and sad during this time. Being able to use this shared human experience of emotion can actually build social connectedness.

- **Social support:** Resilient people understand the value of close personal relationships with people who understand and care for them, and they work to nurture these relationships. This has been especially challenging for some during this period of social distancing. However, resilience sometimes demands creativity, and we have seen many creative ways that friends have connected during these past months.

As restrictions slowly begin to relax around the world, we should all take care to monitor our wellness. Research tells us that the negative effects of traumatic or life-threatening experiences sometimes creep up on us weeks, months or even years after the actual event. Be mindful that feeling uneasy about social contact as our world starts to return to some normalcy may seem unreasonable, but it isn't. If you find yourself slipping into sadness due to the changes this pandemic has caused in our world, you are not alone. Use those common experiences to broaden and build your skills. Talk with others about your experiences and support others through them. Together, we will always remain #FOPstrong! **WOW**

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Illuminating Gear

SHINING THE SPOTLIGHT ON WHAT'S NEW IN FLASHLIGHTS FOR LAW ENFORCEMENT.

From flashlights to weapon lights, cops rely on a variety of illuminating sources to brighten scenes, spotlight subjects or simply highlight paperwork. Because officers depend so much on lighting gear, designers strive to continually improve devices to accommodate the job's specific needs and uses. This year's updates include greater battery life, laser focus and lightweight materials. Keep reading to see what other features could help law enforcement professionals expose crime and stay safe while serving communities.



WIN IT!

Fenix TK30 BRIGHT BEAM

The Fenix TK30 flashlight may look like other tactical torches, but its white laser light is a key differentiator. The laser simulates a fluorescent crystal that projects a crisper, more focused beam. The 500 lumens scan more than 3,900 feet on high brightness mode. Even on the low brightness setting, the beam travels nearly 2,000 feet. The flashlight is fashioned with two switches: a tail switch powers on and off, while a side switch changes mode, including strobe. A battery indicator serves as a convenient reminder to recharge the lithium-ion battery so you're never left in the dark. **MSRP \$269.95.**



SureFire Fury Dual-Fuel Tactical LED Flashlight FUELED FOR DUTY

Dependable and durable can be as important characteristics for a flashlight as are lumens and battery life. The SureFire Fury Dual-Fuel Tactical LED Flashlight boasts a body of high-strength aerospace aluminum, which, along with its tailcap, is knurled for a secure grip. It's also mil-spec hard anodized for high resistance to abrasions and corrosion. In addition to traditional operations, this updated flashlight model can also be used as a searchlight. A micro-textured reflector shapes a beam with a bright central area focus that reaches up to 315 meters. **MSRP \$199.**

Pelican 7620 (Gen 1) Tactical Flashlight

CHARGED UP

Rechargeable batteries have long been a mainstay in flashlight features, so of course, the Pelican 7620 (Gen 1) Tactical Flashlight can run off a 18650 lithium-ion rechargeable power source. But it's also compatible with AA and CR123 batteries, so with a quick swap, the illuminator is fully powered and ready to work. Cops also will appreciate the four modes — high, medium, low and strobe — which can be configured into five different combinations. The body is crafted from aluminum with type III anodized accompanied by a high-carbon steel clip. **MSRP \$80.95.**

WIN IT!



Streamlight TLR-7 and TLR-7A SMALL AND MIGHTY

Add a powerful light source without adding weight to your handgun. At a mere 2.4 ounces, the TLR-7 and TLR-7A (pictured) compact rail-mounted tactical light barely adds any extra weight to your grip. But the 500 lumens and 5,000 candela peak beam is a powerful weapon to highlight a scene up to 140 meters. The single lithium battery can last up to 90 minutes of nonstop runtime. Streamlight engineers also designed a one-handed snap-on system with a side attach/detach mechanism for quick action and officer safety. Both models accommodate ambidextrous operation: TLR-7 has left/right power side switches and TLR-7A features a rear on/off engagement. The mount is cut from machined aircraft aluminum with a black anodized finish. **MSRP \$225.75. FOP**



WIN IT!

Enter for your chance to win! See page 3 for more info.

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Patrick Yoes
National President
Fraternal Order of Police

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Senate Returns to Session; House Remains in Recess

As of this writing, the country is still struggling with the COVID-19 pandemic, though some states are moving to loosen the extraordinary restrictions that were imposed to prevent the spread of this novel coronavirus. Congress was set to return from recess in the beginning of May; however, on the advice of the Office of Attending Physician, the House has opted to remain in recess and continues to explore its options for voting and legislating remotely. The Senate has returned to work and will continue to focus on nominations.

The leadership of the House has announced it is working on "Phase 4" legislation to respond to the health and economic impact of the pandemic, but at this writing there is no legislative text or written proposals as to what it would look like. Nonetheless, the FOP is working very hard to ensure that our priorities related to pandemic response — like changes to the federal workers' compensation program, the Public Safety Officers' Benefits (PSOB) Program, the Law Enforcement Officers Safety Act (LEOSA) and the Family and Medical Leave Act (FMLA), as well as aid to state and local governments and the enactment of H.R. 141/S. 521, the Social Security Fairness Act — receive full consideration.

Recently Enacted Legislation in Response to the COVID-19 Pandemic

Congress has passed three major pieces of legislation and one legislative enhancement since early March. The legislation is as follows:

H.R. 6074/PL 116-123, the Coronavirus Preparedness and Response Supplemental Appropriations Act, 2020 ("Phase 1"): This legislation, which was signed into law on March 6, provided \$8.3 billion in emergency funding for federal agencies to respond to the coronavirus outbreak.

H.R. 6201/PL 116-127, the Families First Coronavirus Response Act ("Phase 2"): This legislation, which was signed into law on March 18, provided tax credits and free COVID-19 testing, expanded food assistance and unemployment benefits and increased Medicaid funding. The measure also expanded the Family and Medical Leave Act, but certain health care providers or emergency responders — including law enforcement officers — may be excluded from the definition of eligible employees. The FOP will be working to correct this oversight in any "Phase 4" legislation.

H.R. 748/PL 116-136, the Coronavirus Aid, Relief and Economic Security (CARES) Act ("Phase 3"): This legislation, which was signed into law on March 27, established the Paycheck Protection Program (PPP) to provide eight weeks of cash-flow assistance to small businesses through federally guaranteed loans to employees who maintain their payroll and authorized the Small Business Administration (SBA) to provide advances on SBA emergency disaster loans for small businesses that have applied for such loans due to the COVID-19 pandemic. The SBA is also required to pay all principal, interest and fees on certain new and existing SBA loans for a period of six months.

The legislation also authorized individual taxpayers a refundable income tax credit of \$1,200 or \$2,400 for married couples, plus \$500 for each qualifying child.

This legislation provides over \$2 trillion for the relief efforts, including:

- \$45 billion for the Federal Emergency Management Agency's (FEMA) Disaster Relief Fund
- \$400 million for FEMA grants
- \$850 million for grants (using the Edward Byrne Memorial Justice Assistance Grant program model) to assist state, local and tribal officers in responding to the coronavirus. These funds will go directly to state and local

governments, with no match required, and will support criminal justice needs related to the coronavirus, including personal protective equipment (PPE) and supplies.

- \$100 million for the Federal Bureau of Prisons (BOP) for correctional officer overtime, PPE and supplies related to the coronavirus, clean work and living environments, and inmate medical care and supplies related to the coronavirus.

The CARES Act also includes several provisions designed to help employers and employees contend with a scaled-back workforce and other economic fallout. The provisions described below apply to "qualified individuals" consisting of persons who (1) are diagnosed with COVID-19, (2) have a spouse or tax dependent who is diagnosed with COVID-19 or (3) experience adverse financial consequences as a result of being quarantined, furloughed or laid off, or having work hours reduced due to COVID-19; being unable to work due to lack of childcare due to COVID-19; the closing or reduction in hours of a business owned or operated by the participant due to COVID-19; or other factors as determined by the U.S. Treasury secretary.

- **Special Rules for Use of Retirement Funds:** The 10% early withdrawal tax penalty that generally is imposed on early distributions from qualified retirement plans — including 401(a), 401(k), 403(a), 403(b) and 457(b) plans and IRAs — is waived for distributions up to \$100,000 made during the 2020 calendar year to qualified individuals. Qualified individuals are allowed to retribute the funds to an eligible retirement plan during the three-year period commencing on the day after the date on which the coronavirus-related distribution was received without having the amount recognized as income, as if it were a rollover back into the retirement plan or IRA. The provision relaxes some



of the existing qualified retirement plan loan rules that permit loans from 401(a), 401(k), 403(a), 403(b) and government plans by qualified individuals for 180 days following enactment. Specifically, it increases the maximum loan amount from \$50,000 to \$100,000. Individuals with less than \$100,000 in their plans will be able to take a loan of up to the present value of their accrued benefit. The provision also delays the repayment of existing loan obligations by one year.

- **Temporary Waiver of Required Minimum Distribution Rules for Certain Retirement Plans and Individual Retirement Accounts:** All required minimum distribution rules will be waived for calendar year 2020 with respect to tax-qualified defined contribution plans under Code Section 401(a) (including 401(k) plans), 403(a) and 403(b), government-sponsored Section 457(b) plans and IRAs. Any individual who attained age 70 ½ prior to January 1, 2020, is not required to receive a required minimum distribution, as well as certain death beneficiaries.
- **Exclusion for Certain Employer Payments of Student Loans:** Employees are permitted to exclude up to \$5,250 from their gross income, under Code Section 127(c), amounts received from an employer for the payment of qualified education loans relating to educational assistance (e.g., tuition, fees, books). This provision is limited to such loan repayments in 2020 only.
- **Single-Employer Pension Plan Funding Rules:** The Employee Retirement Income Security Act (ERISA) imposes strict funding requirements on defined benefit (DB) pension plans. This provision gives sponsors of single-employer pension plans additional time to meet their 2020 funding obligations, including obligations made to quarterly plan contributions. The due date for any contributions otherwise due during 2020 is delayed until January 1, 2021. At that time, contributions due earlier in the year must be paid with interest. This provision does not apply to multiemployer defined benefit plans.

On April 24, the U.S. Department of the Treasury issued new guidance for the use of the funds provided by the CARES Act. These funds may be used by state and local governments for certain public safety costs as follows:

- If they are "necessary" and incurred "due to" the current pandemic response.
- If they were not accounted for in the most recent local or state budget as of March 27, 2020.
- If they were incurred between March 1 and December 30, 2020.
- Funds may not be used to cover budgetary shortfalls.

Non-exclusive examples of permissible expenditures under the new guidance:

- Expenses for acquisition and distribution of medical and protective supplies, including sanitizing products and PPE for police officers.
- Expenses for public safety measures undertaken in response to COVID-19.
- Payroll expenses for public safety, public health, health care, human services and similar employees whose services are substantially dedicated to mitigating or responding to the COVID-19 public health emergency.
- COVID-19-related expenses of maintaining state prisons and county jails, including as relates to sanitation and improvement of social-distancing measures, to enable compliance with COVID-19 public health precautions.

Continued on page 22 >

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On April 28, Congress passed H.R. 266/PL 116-139, the Paycheck Protection Program and Health Care Enhancement Act, providing additional funding for PPP, small business loans, health care providers and COVID-19 testing.

FOP Wins Changes to PSOB Program for COVID-19 Death Benefit Claims

Current law recognizes "infectious diseases" as a potential line-of-duty injury, but to file a claim for such an injury required substantial documentation to definitively link exposure and contraction of the disease to a line-of-duty action. Frustrated by the initial lack of conclusive guidance from the Bureau of Justice Assistance (BJA) and the Public Safety Officers' Benefits (PSOB) Program staff, the FOP took this matter directly to the White House and to Attorney General William P. Barr.

With the help of President Donald J. Trump and Attorney General Barr, the BJA announced on April 9 that a death benefit claim for a COVID-19-related death will be found by the BJA to have contracted the disease in the line of duty in most cases. The new guidance from the Justice Department provides:

"In general, BJA will find that the evidence shows a public safety officer with COVID-19 contracted it in the line duty, when (1) the officer had engaged in line of duty action or activity under circumstances that indicate that it was medically possible that the officer was exposed to the virus, SARS-CoV-2, while so engaged; and (2) the officer did contract the disease, COVID-19, within a time-frame where it was medically possible to contract the disease from that exposure. In addition, in the absence of evidence showing a different cause of death, BJA generally will find that the evidence shows a public safety officer who died while suffering from COVID-19 died as the direct and proximate result of COVID-19."

This was a vitally important issue for our members on the front lines during this pandemic, but it is only part of the FOP's efforts with respect to how PSOB will treat death and disability claims for officers who are exposed and contract COVID-19. The FOP is working on legislation that will

Top Priorities in Brief

H.R. 147/S. 521, the Social Security Fairness Act

House: 245 co-sponsors
Senate: 38 co-sponsors

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

House: 58 co-sponsors
Senate: 6 co-sponsors

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

House: 225 co-sponsors
Senate: 19 co-sponsors

establish a clear statutory presumption in COVID-19-related death claims and establish new standards for disability claims related to COVID-19. We are pressing for these statutory changes to be included in any "Phase 4" legislation.

Workers' Compensation — Officers Cannot "Stay at Home"

At the federal level, the Occupational Safety and Health Administration (OSHA) considers an **injury** or **illness** to be work-related if an event or exposure in the work environment either caused or contributed to the resulting condition or significantly aggravated a pre-existing condition. In talks with officials from the U.S. Department of Labor, we have asked that they establish a presumption for law enforcement officers who contract COVID-19 as an occupational illness and be covered under workers' compensation.

In response to our letter to Eugene Scalia, secretary for the U.S. Department of Labor (DOL), the Office of Workers' Compensation Programs (OWCP) changed its procedures to specific COVID-19 claims:

"If a COVID-19 claim is filed by a person in high-risk employment (including law enforcement officers), the Office of Workers' Compensation Programs (OWCP) will accept that the exposure to COVID-19 was proximately caused by the nature of the employment. If the employer supports the claim and that the exposure occurred, and the claim is filed within 30 days, the employee is eligible to receive Continuation of Pay for up to 45 days."

The FOP has also taken a lead role in getting presumptions adopted at the state and local level, because more than 90% of officers responding to this public health and public safety crisis are employed by local or state governments. National President Yves sent two open letters to our nation's governors — one on March 31 and another on April 10 — urging them to amend their state and local workers' compensation laws through executive or legislative action and establish a presumption that law enforcement officers who contract COVID-19 did so in the line of duty. We know that they will be exposed to the illness at a higher rate than the public due to their day-to-day work, especially considering very few have been issued adequate (if any) PPE.

At this writing, the following states have taken action to create a presumption that a public safety officer's contraction of COVID-19 should be covered by workers' compensation: Alaska, Arkansas, Illinois, Kentucky, Michigan, Minnesota, Missouri, New Mexico, North Dakota, Utah, Washington and Wisconsin. In some states, there is a full presumption and in others, the claimant may have to provide additional information of evidence of exposure as part of the claim. This is an ongoing effort and members should visit our website for the latest information.

FOP to Keep Pushing LEOSA Fix

The FOP is doing everything it can to address an issue raised by many retired law enforcement officers under the Law Enforcement Officers Safety Act (LEOSA). The requirement that retired officers qualify annually with their firearm is statutory — it cannot, unfortunately, be waived by local sheriffs and chiefs, governors or the president of the United States.

Due to the COVID-19 pandemic, social-distancing requirements and strains on local resources, local and state agencies are not qualifying active or retired officers as they normally would. Active-duty officers can still carry under the LEOSA provisions, but retired officers who have not qualified in the past 12 months cannot do so lawfully. This clearly limits the ability of retired officers to assist their local agencies during the pandemic crisis, should those local agencies need additional officers to maintain public safety and, of course, protect themselves and their families.

We have draft language developed with

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WASHINGTON REPORT

Continued from page 22

Senators Lindsey O. Graham (R-S.C.) and Dianne G. Feinstein (D-Calif.), the chairman and ranking member of the Committee on the Judiciary, respectively, as well as Senators John Cornyn III (R-Texas) and Patrick J. Leahy (D-Vt.), the latter of whom is the author of the original statute. We are working to include this language in any "Phase 4" legislation.

FOP Seeks Federal Support to Help Local and State Governments

Local and state governments are expected to experience severe revenue shortages that will impact the ability of these governments to deliver services, including vital public safety services. And we are urging Congress to make federal aid to state and local governments a part of any "Phase 4" legislation. The FOP wrote to President Trump and Congress in early March, prior to the declaration of the national emergency, to alert them that law enforcement would need federal resources in order to maintain public safety. At this writing, some local governments are considering reducing the number of law enforcement officers serving their communities — which we would view as an abrogation of state and municipal officials' threshold responsibility, which is to provide for the safety of the public they were elected to represent.

While we are deeply grateful to the president and the administration's recent revisions to the guidelines for the expenditure of the funding provided by the CARES Act (see above) that allows greater flexibility to these local governments, more resources are needed. Our nation cannot afford to reduce the numbers of law enforcement officers during this time, especially as our nation begins to reopen. This aid needs to be part of any "Phase 4" legislation.

FOP to Congress: Enact Social Security Fairness to Boost Economy and Help Older, Vulnerable Retirees

The FOP is continuing to call on Congress to take up and pass H.R. 141/S. 521, the Social Security Fairness Act, which would repeal the Windfall Elimination Provision (WEP) and the Government Pension Offset (GPO) provisions in current law. National President Yoos has requested that Senate and House leadership, as well as appropriators, consider including the

Social Security Fairness Act in any "Phase 4" legislation.

The repeal of the WEP and GPO would simultaneously end a gross unfairness against retired public employees and help to stimulate the economy by eliminating a reduction in the Social Security benefits for these Americans. It would also have an immediate, positive impact on public employees by putting additional cash in their pocket as they and their families struggle in these trying times. These penalties are a drag on the economy struggling to recover from the impact of the pandemic and they hurt those employees least able to afford it. Repealing the WEP and GPO is the right thing to do and would provide additional economic stimulus our nation desperately needs.

FOP Scores Important Supreme Court Victory

The FOP was pleased with the decision of the Supreme Court of the United States in *Kansas v. Glover*, which held that running a license plate check on a vehicle is not an infringement under the Fourth Amendment of the U.S. Constitution. Our highly trained and committed officers use technologies like license plate checks and their best judgment when stopping vehicles whose owners have had their driver's license suspended.

In this case, a Kansas deputy sheriff ran a license plate check on a vehicle and discovered that the owner of the vehicle had his license to drive revoked. The deputy made the reasonable assumption that the vehicle's owner was likely driving, pulled the vehicle over and discovered that he was in fact driving his own vehicle without a valid license and was charged as a "habitual violator." The defendant argued that the stop was a violation of his Fourth Amendment right because the deputy witnessed no traffic violations.

In an 8-1 opinion, the court ruled that the deputy's decision to make the traffic stop was not an infringement of the Fourth Amendment and was based on reasonable suspicion. We believed this was clearly the right decision — when the Supreme Court originally decided to take the case, the FOP filed an *amicus curiae* in support of the deputy's actions.

FOP Continues to Work With the National Law Enforcement Commission

At this writing, the Presidential Commission on Law Enforcement and the Administration of Justice, which was established by President Trump via executive

order, has become entirely virtual. The FOP has been working in support of our three members who are serving as commissioners and regularly participate in virtual site visits, meetings, panel discussions and the other work of the commission. We are confident that the commission's work will continue to benefit the profession of law enforcement and the American criminal justice system.

Speak Up, Be Loud, Make Your Voice Heard!

Social media is a powerful tool that enables us to have direct, personal conversations with thousands, if not millions, of members and potential members, supporters and opponents — allowing us to take back our narrative. We are proud to report that we have increased our social media efforts on Facebook, Twitter and Instagram, which has resulted in FOP-published content being viewed by over 24 million people within the last four months.

Fallen Officers Due to COVID-19: The FOP has been monitoring stories from around the country and began collecting data from the start of the COVID-19 pandemic to ensure that every officer who makes the ultimate sacrifice is accounted for. To view a state-by-state breakdown of officers who have died in the line of duty due to COVID-19, please visit FOPcovid19.org.

FOP Weekly Updates: If you have not done so yet, please be sure to sign up for the FOP's *Washington Watch: Legislative Update*, which is sent out every Friday on social media and distributed via email. To sign up, please contact the National Legislative Office or email Mark McDonald at mmcdonald@fop.net.

FOP Strong: It is important that we take an instrumental role in shaping the narrative around the men and women who wear the badge. We are sharing numerous articles, stories and pictures on a daily basis to highlight the tremendous work of our members in their communities. When doing so, make sure to use the hashtag #FOPstrong.

FOP on Facebook (@GLFOP): Over the past few months, we have gained over 12,000 new followers (96,800 total followers), and our Facebook content has reached nearly 8 million people.

FOP on Twitter (@GLFOP): Similarly, we have gained over 1,500 new followers (22,600 total followers) and have reached nearly 4.5 million people.

FOP on Instagram (@FOPnational): Since the last issue of the *Journal*, we have

gained over 2,000 new followers (5,100+ followers) and have posted nearly 343 times.

Support the PAC!

The National Fraternal Order of Police Political Action Committee (NFOP PAC) is an essential part of our National Legislative Program. The NFOP PAC is an effective way to represent our members on Capitol Hill by supporting candidates who support our members and our profession. The FOP is the oldest and largest law enforcement labor organization, so it is crucial we keep our PAC strong.

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

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

support not only our members, but the entire law enforcement community.

To donate, please make a check 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 Michelle Mason at mmason@fop.net or in the National Legislative Office at (202) 547-8189. We thank you for your support! **FOP**

INSERT

FRATERNAL ORDER OF POLICE LEGAL PLAN, INC.

SUMMARY ANNUAL REPORT FOR THE 2018—2019 PLAN YEAR

This is a summary of the annual report for the FRATERNAL ORDER OF POLICE LEGAL PLAN, INC. (Employer Identification No. 31-1439914, Plan No. 501), for the period May 1, 2018, to April 30, 2019. The annual report has been filed with the Employee Benefits Security Administration, as required under the Employee Retirement Income Security Act of 1974 (ERISA).

Basic Financial Statement

The value of plan assets, after subtracting liabilities of the plan, was \$6,376,258 as of April 30, 2019, compared to \$5,876,814 as of May 1, 2018.

During the plan year, the plan experienced an increase in its net assets of \$499,444. This increase includes unrealized depreciation of the value of plan assets; that is, the difference between the value of the plan's assets at the end of the year and the value of the assets at the beginning of the year, or the cost of assets acquired during the year. During the plan year, the plan had total income of \$12,512,923. This income included participant contributions of \$11,561,711 and a total investment income of \$902,017 (consisting of interest and dividends — \$700,618, realized gains on sales of investments — \$296,454, net depreciation of investments — \$45,860 and investment management fees of \$49,195).

Plan expenses were \$12,013,479. These expenses included \$2,080,716 in administrative expenses, \$7,057,763 in benefits paid on behalf of participants and a \$2,875,000 increase in the benefit obligations.

Your Rights to Additional Information

You have the right to receive a copy of the full annual report, or any part thereof, on request. The items listed below are included in that report:

(1) An independent auditors' report; (2) Assets held for investment; (3) Transactions in excess of 5% of the plan assets; and (4) Insurance information including sales commissions paid by insurance carriers.

To obtain a copy of the full annual report, or any part thereof, write or call the office of:

FRATERNAL ORDER OF POLICE LEGAL PLAN, INC. OR PLAN ADMINISTRATOR
STEVE JAMES, PRESIDENT, BOARD OF TRUSTEES
701 MARRIOTT DRIVE, NASHVILLE, TN 37214
(615) 399-0900
31-1439914 (Employer Identification Number)

You also have the right to receive from the plan administrator, on request and at no charge, a statement of the assets and liabilities of the plan and accompanying notes, or a statement of income and expenses of the plan and accompanying notes, or both. If you request a copy of the full annual report from the plan administrator, this statement and accompanying notes will be included as part of that report. These portions of the report are furnished without charge.

You also have the legally protected right to examine the annual report at the Plan's Main Office:

FRATERNAL ORDER OF POLICE LEGAL PLAN, INC., 701 MARRIOTT DRIVE, NASHVILLE, TN 37214

and at the U.S. Department of Labor in Washington, D.C., or to obtain a copy from the U.S. Department of Labor upon payment of copying costs. Requests to the Department should be addressed to: U.S. Department of Labor, Employee Benefits Security Administration, Public Disclosure Room, 200 Constitution Avenue NW, Suite N-1513, Washington, D.C., 20210.



Workplace Privacy and COVID-19

There is no doubt that COVID-19 has created ripple effects. For law enforcement, those effects are blurring the lines between public workplace obligations and private health concerns. From mandated testing to exposure disclosure, there seems to be an unending stream of information coming at us at high speed. Whether already in existence or recently passed, there are numerous laws impacting health, safety and privacy.

Equal Employment Opportunity (EEO) laws, including the Americans with Disabilities Act (ADA), require employers to safeguard the privacy of employees' health information. In addition, the Centers for Disease Control and Prevention (CDC) and state and local officials have issued guidelines for distancing in the workplace and for how to deal with suspected COVID-19 cases. The ADA allows employers to make sensitive medical inquiries of an employee who potentially poses a "direct threat" to themselves or others in the workplace. If an employee

Just the Facts:

▶▶ If an employer discovers that an employee has tested positive for COVID-19, the employer should inform all other direct-contact employees for their protection and testing; however, when doing so, no identifying information of the infected employee is allowed to be disclosed. Equal Employment Opportunity laws require employers to safeguard the privacy of employees' health information.

exhibits or discloses the existence of symptoms (fever, chills, cough, shortness of breath or sore throat), the employee may be sent home and may be legally required to undergo testing before returning to work. If the employer discovers that an employee has tested positive for COVID-19, the employer, according to the CDC, should inform all other direct-contact employees for their protection and testing. Supervisors and other essential employees with a "need to know" based on "business necessity" may also be informed. No identifying information is allowed to be disclosed, only that "someone" has tested positive in the workplace.

Many people mistakenly believe that the Health Insurance Portability and Accountability Act (HIPAA) makes it illegal for an employer to disclose an employee's medical information; however, it does not. HIPAA prevents medical providers, insurance companies and self-insured businesses from relaying personal health information to others and rarely extends to employers. It is important to note that any personal health information acquired by your employer must be kept confidential and separate from all other personnel files and is exempt from public information disclosures in most states.

Another health and safety issue regarding COVID-19 and law enforcement is an officer getting infected on the job. Though HIPAA may not prevent your employer from disclosing

certain things about your personal health information, it does allow qualifying health authorities to disclose personal health information to first responders who may be at risk of infection. For example, if a new inmate tests positive for COVID-19 upon booking, the medical personnel of the facility (if qualified under HIPAA) are permitted to contact the arresting officer and inform him or her of the diagnosis as long as minimal information is given to accomplish the purpose of the disclosure: quarantine, testing and treatment. Based on agency policy, the officer may be required to inform a supervisor as well.

It is clear that COVID-19 has the world in unprecedented territory. There have been other outbreaks, yet this outbreak has brought with it new concerns of government obligations, services and overreach. We encourage you to stay informed of all changes in the law as well as all changes in department policies and procedures regarding COVID-19. As always, please contact us immediately of any changes, however insignificant or even as beneficial as they may seem, especially where discipline or loss of pay may be involved, so that we can advise you of the best way to protect not only your health, but your employment security as well. **FOF**

// WRITE TO US! You can reach the Division of Labor Services at 201 Marriott Drive, Nashville, Tennessee 37214; (800) 451-2711; or labor@fop.net.

In Memory of Joe Perkins

The Fraternal Order of Police in Oklahoma and throughout the United States lost a devoted comrade on April 12. Joe Perkins' sudden death made us remember how things can change at a moment's notice. Brother Perkins represented many years of FOP service.

Joe Perkins, who was 69 years old at the time of his death, played a vital role in the FOP at his local (Tulsa Lodge #93) and State lodges and at the national Grand Lodge. At Lodge #93, he was elected president, vice president and State trustee and was a vital part of the Negotiations Team. His first elected position was as State trustee in 1997. Joe served as Oklahoma's National trustee for 19 years and was elected by his fellow National trustees to represent them on the National Executive Board in 2009. He held that title for eight years.

"Joe Perkins was a friend, a mentor and a brother to so many generations of FOP leaders in Oklahoma and throughout the nation. Joe's calm, persistent demeanor served this organization with honor and integrity," says Oklahoma State President Jason Smith. "We will miss Joe, we will miss his smile, we will miss his advice, we will miss his cooking, but most of all, we will miss his friendship. Rest easy, Brother. I look forward to seeing you again someday and sharing time in heaven."

Joe served 32 years with the Tulsa Police Department, beginning his career in 1976 and retiring at the rank of major in 2008. Major Perkins was assigned to various divisions and units during his time on the job.

Aside from family, the FOP and law enforcement in general, his hobbies included fishing and preparing great barbecue. Joe was also on the Board of Directors of the FOP Federal Credit Union, and had been for nine years until his passing.

"Joe was a mentor to me during my entire career with the Tulsa Police Department, 1988 to the present. He also mentored me in



Joe Perkins
EOW: April 12, 2020

the FOP during that time and long after his retirement," recalls Tulsa Lodge #93 President Mark Secrist. "I can remember numerous 'Bubba, that dog don't hunt' speeches when I needed my butt kicked. Then he would tell me the way he would suggest it be done, which was the way it should have been done in the first place. I will miss Joe. RIP: Brother Joe."

FOP members nationwide are indebted to Brother Joe Perkins for all his decades of hard work for the betterment of our great organization at all levels.

Joe's son, Ryan, followed in his footsteps and is also a major with the Tulsa Police Department. Ryan has also been a leader at Lodge #93, to include work on the Negotiations Team.

Joe leaves behind wife, Louann, and sons, Travis and Ryan.

Services for Brother Perkins will be held at a later date due to the COVID-19 pandemic.

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



EXCELLENCE IN LEARNING

The National Fraternal Order of Police University (NFOPU) has successfully paved the way for hundreds of FOP members to pursue higher or continued education.

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U.S. Supreme Court Issues Decision in *Kansas v. Glover*

On April 6, the U.S. Supreme Court, in an 8-1 opinion delivered by Justice Thomas, sided with law enforcement and the State of Kansas and held that when an officer lacks information negating an inference that the owner is the driver of a vehicle, an investigative traffic stop made after running a vehicle's license plate and learning that the registered owner's driver's license has been revoked is reasonable under the Fourth Amendment. The decision is a major victory for law enforcement in Fourth Amendment jurisprudence. The National FOP filed an amicus brief in support of all law enforcement and the State of Kansas.

The case stems from an April 28, 2016, traffic stop initiated by Kansas Deputy Mark Mehrer after he ran the license plate of a 1995 Chevrolet 1500 pickup truck. The license plate report confirmed that the registered owner of the truck, Charles Glover, had a revoked Kansas driver's license. Mehrer inferred that

Just the Facts:

23 In *Kansas v. Glover*, the Supreme Court ruled that it is reasonable under the Fourth Amendment for an officer to make a traffic stop after running the license plate of a vehicle and learning that the owner's driver's license has been revoked, even if the officer is unsure whether the owner is driving.

Glover, being the owner, was also the driver of the truck at the time. With no other facts present, Mehrer initiated a traffic stop.

The trial court in Kansas granted *Glover's* motion to suppress all evidence from the traffic stop. The Court of Appeals reversed in favor of the state. The Kansas Supreme Court reversed, holding that the police officer violated the driver's Fourth Amendment rights by stopping the driver without reasonable suspicion. The U.S. Supreme Court heard oral argument on the case on November 4, 2019.

The Supreme Court's majority opinion held that when an officer lacks information negating an inference that the owner of a vehicle is the driver of the vehicle, the traffic stop is reasonable. The court reasoned that the facts before the officer at the time of the traffic stop in this case gave rise to reasonable suspicion to conduct a stop as required under the Fourth Amendment. The court found, under the totality of the circumstances, the officer drew an entirely reasonable inference that *Glover* was driving while his license was revoked.

Glover's principal argument was that Mehrer's inference was unreasonable because it was not grounded in his law enforcement training or experience. The court disagreed, holding that police officers are able to rely not just on training materials or experience as a police officer, but on common sense obtained outside of their work duties.

The court emphasized the narrow scope of its holding by noting that additional facts might dispel reasonable suspicion. By way of example, the court stated that if an officer

knows that the registered owner of the vehicle is in his mid-60s but observes that the driver is a female in her mid-20s, then the totality of the circumstances would not raise a suspicion that the particular individual being stopped is engaged in wrongdoing. In this case, however, Mehrer possessed no such exculpatory information to rebut the reasonable inference that *Glover* was driving his own truck.

Justice Kagan authored a concurring opinion, which was joined by Justice Ginsburg. Justice Sotomayor was the only dissenting justice.

In its amicus brief, the National FOP argued that law enforcement must be permitted to conduct brief, investigatory traffic stops such as the one before the court in this matter, in order to protect the safety of both the public and the police officer. Brief, investigatory stops will remove unlicensed and uninsured drivers and drivers with warrants off the roadways, thereby promoting public safety. Furthermore, traffic stops are one of the most dangerous encounters with the public for law enforcement. Reasonable suspicion to make a traffic stop exists if, based on the totality of the circumstances, the officer has a particularized and objective basis for suspecting legal wrongdoing. The facts before the officer in this case provided the officer with reasonable suspicion and no "more evidence" to initiate a lawful traffic stop is required. To require an officer to gather more evidence in the context of a traffic stop may put the officer in extreme and unnecessary danger. The Supreme Court ultimately agreed with the National FOP, the State of Kansas and law enforcement. **FOP**

CALLING FOR MEMBER OF THE YEAR NOMINATIONS!

Now's your chance to submit nominations for the 2020 Jack Dudok Member of the Year Award! The deadline for submissions is July 24. The award will be presented at the fall Board of Trustees meeting on September 3-5 in Jacksonville, Florida. For nomination guidelines, visit <http://bit.ly/25qETZP>.

Please submit all applications to: Ed Brannigan, Chairperson Awards and Recognition Committee 701 Marriott Drive Nashville, TN 37214



LOCAL ASSOCIATE LODGES:

WE NEED YOUR CONTACT INFORMATION

First, I hope everyone is staying safe during this fight against COVID-19.

The National Associate Lodge has been working with several local lodges on joining and even starting up new local lodges. We received numerous inquiries on how to join the National Associate Lodge at the National Conference in New Orleans. We would like to thank those people for their inquiries. We are looking forward to assisting them in joining.

The National Associate Lodge

is in the process of creating a database of local associate lodges — and we need your help. I'm asking all local associate lodges to assist us in this effort by submitting their associate's contact name, email address and lodge number by state. Having this database will allow us to contact local associate lodges regarding programs that are being formulated by the National FOP Grand Lodge. The National FOP Grand Lodge has started rolling out programs on health care. Brother Rob Pride, National

Trustees chairman, is heading up this program. The National Associates will be initiating this program in the near future. But first, we need the information for contacting the local associate lodges. If we do not receive this information, we will need to obtain the contact information directly from the local FOP parent lodges. This information is needed to make this program a success. Please send your information to me at presidentg1fopa@gmail.com or (586) 855-8986. **FOP**

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Communicating in the New Age

Currently, our world is in an atmosphere of instability and turmoil. Our everyday lives have been extensively altered: no longer can we go wherever we wish at any given time. Our face-to-face communication has now converted to electronic and social media. Gatherings of persons for meetings are now an assembly of participants over various apps on the computer or your smartphone. While we look forward to the ability to move through life as we once did, we must recognize that some of us have learned to appreciate the communication tools provided by the internet.

The beautiful memorial tribute presented by the Fraternal Order of Police and the Fraternal Order of Police Auxiliary

on May 15 was made possible by social media. We each videoed our contribution to the tribute and a very talented crew of producers made the final presentation possible. Other organizations televised programs during National Police Week as well. The National Law Enforcement Officers Memorial Fund and Museum produced a virtual Candlelight Vigil, which aired on the evening of May 13. Concerns of Police Survivors offered a program centering around survivors on May 14. All of these broadcasts were provided to the survivors, co-workers and friends of the fallen to assure them that their law enforcement officer will never be forgotten

and that the law enforcement community will Never Let Them Walk Alone.

On September 4-5, the National officers and Board of Trustees of the Auxiliary will be meeting in Jacksonville, Florida, provided restrictions of such a gathering are lifted. Our meeting will be the same time and location as the National Board of the Fraternal Order of Police meeting. All officers and National trustees will meet to carry out the business of the Auxiliary. Auxiliary programs will be reviewed to assure they continue to be current and of interest to law enforcement families. Special interest programs will be assessed for timely utilization and pertinent issues will be evaluated to ascertain if a new project is appropriate for the Auxiliary. All Auxiliary members are welcome to attend the National Board meeting. If you wish further information, please contact me.

The Fraternal Order of Police Auxiliary is the family branch of the Fraternal Order of Police. Our members have a vested interest in the Fraternal Order of Police and its families. We work diligently to assure that the families of law enforcement are supported with information and materials to assist them and to provide safety tools and programs to law enforcement officers to encourage safety within their families.

If you wish to become involved in an organization that supports law enforcement and their families, an organization whose mission is to promote and create projects and events to offer positive support of law enforcement, an organization that works to provide the families of law enforcement with education, friendship and support, contact us to talk about joining the Auxiliary. The Auxiliary wants you to know that we will never let you or your family members walk alone. **FOP**

// WRITE TO US! Contact the National Auxiliary at lahenrie@fop.com to learn more about opportunities to support law enforcement families.

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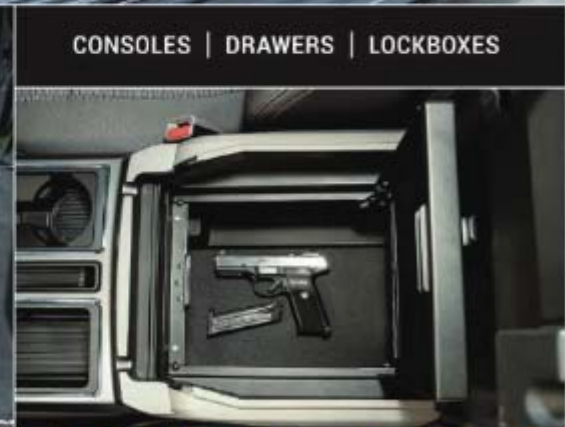
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