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JOURNAL



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JUNE 2018

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POLICE WEEK A Salute to the Fallen

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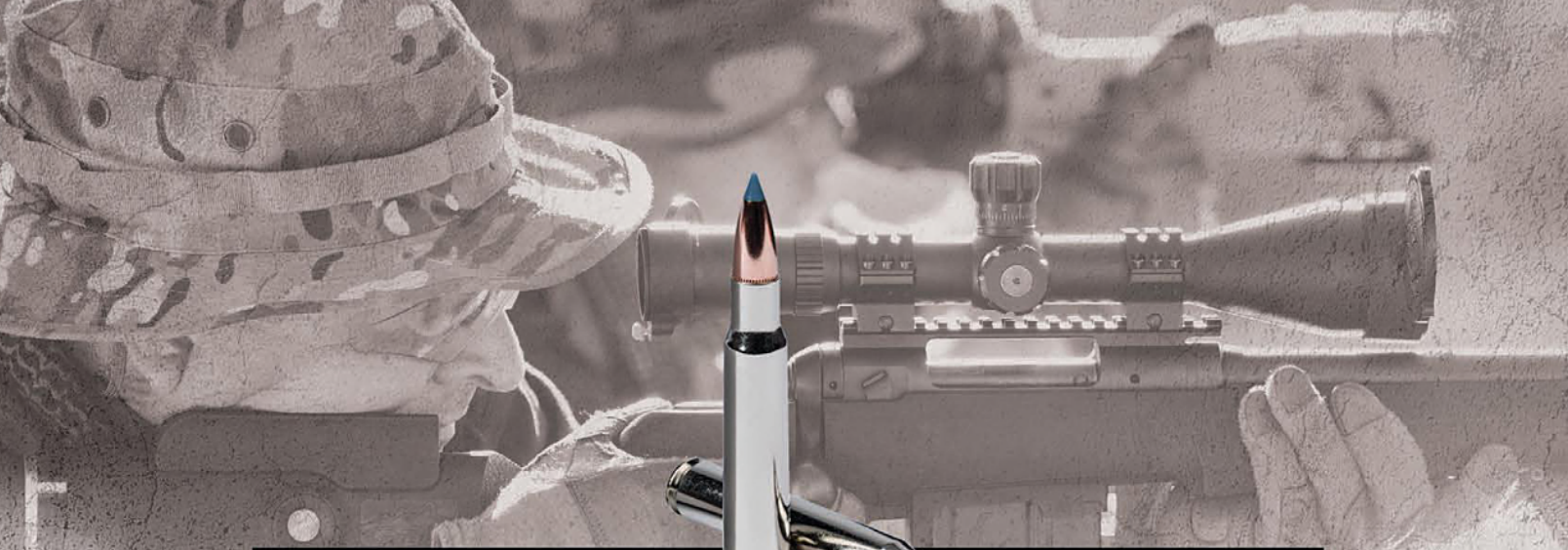
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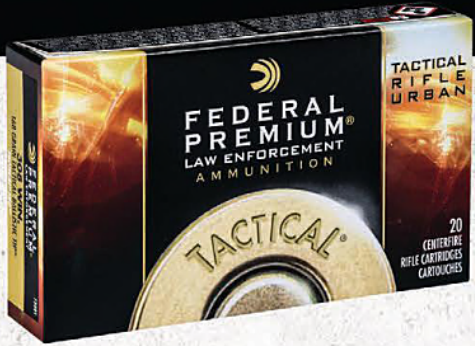
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Making a Difference Together



// **WRITE TO US!** If you have further questions, contact Chuck Canterbury at fopchuck@outlook.com.

Police Week has come and gone, and the National Fraternal Order of Police has again demonstrated that we are second to none in honoring law enforcement heroes lost in the line of duty. This 37th annual tribute featured the president of the United States as the keynote speaker, as well as remarks from Vice President Pence.

2017 was the first time we had the honor of having both the president and the vice president at our service, and it appears that this administration is committed to making sure our survivor families know that they care about them. In his speech, President Trump called for the death penalty for cop killers, which, as you can imagine, received a warm welcome from the survivors and law enforcement officers in attendance. This is a sentiment we all feel, but for the families to hear this from the leader of our country makes it obvious this administration understands that violence against police is a symptom of bigger problems in our society.

Last year during Police Week Congress passed the PTSD mental health bill, and the work has already begun in the Department of Justice. This year, I am proud to say that the House passed the Protect and Serve Act, H.R. 5698, by a huge margin. This law, sponsored by John Rutherford (R-Fla.) and Val Demmings (D-Fla.), will allow for federal penalties for offenders who target law enforcement officers. Our sponsors, both former law enforcement officers, authored this bill because of the strong lobbying effort by our D.C.-based team. Our Legislative Office has been working very hard to get movement on legislation to protect law enforcement officers, and they deserve a thank-you from every member of the profession.

This is a bipartisan-supported bill, and the vote count was 382–35. The 35 who voted no did so for a variety of reasons, but the sheer margin is very indicative of the fact that the House of Representatives supports this effort. A full list of those who voted no is

on our Facebook page.

In his speech at the Memorial Service, President Trump said: “We must stand up for our police. We must confront and condemn dangerous anti-police prejudice. So, we must show appreciation, gratitude and respect for those who police our streets and patrol our communities.”

These remarks mirror what we have been saying for the past four years — enough is enough. We now move to the Senate, where the measure will be more difficult to pass due to the makeup of this body, so we are asking our senators to adopt the House version and pass this legislation. Please support our efforts by letting your senators know this is an important piece of legislation.

The FOP has notified Congress that we will be scoring this vote in our Legislative Office and it not supporting this bill will hurt the score we assign to every member of Congress. It is the right thing to do and we are urging quick passage.

The argument that this creates a protected class of people is ludicrous because any crime that occurs based on the bias of the offender is prima facie evidence of a hate crime, and the fact is that we are being targeted just because of the badge or star that we wear.

The FOP, along with our friends at IAFF, is also pleased to announce the introduction of a national collective bargaining act by Senator Tammy Baldwin (D-Wisc.). The Public Safety Employer-Employee Cooperation Act will recognize the right of public safety employees to form and join unions and bargain collectively with their employers. The bill, S. 2845, is a priority of the FOP. We are asking all members to push their senators to support this bill and vote to do the right thing by at least allowing our members to engage with management in the areas of our salary and benefits.

During this election cycle, lodges



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Police Officers Rarely Use Force



// **WRITE TO US!** If you have further questions, contact Jay McDonald at jmcdonald@fopohio.org.

Our country has been inundated over the past several years with stories of police uses of force that have been called into question. Sadly, this narrative has led to a situation where too many of these incidents, even those where the need for force was obvious, are argued in the court of public opinion.

In such instances, police everywhere become targets for criticism and, sometimes, for violence and retribution. It could make our communities less safe if police hesitate before taking necessary action because they don't want to be the next wrongly accused cop.

It's time to correct the record.

The public has the wrong impression about police use of force and, unless the

record is corrected, the effectiveness of law enforcement is at risk.

Police don't look for opportunities to use force. We aren't racists targeting specific populations, and we're not gunslingers looking for a shootout. And we don't shoot first and ask questions later. I know this because I'm a career police officer and I've literally talked to thousands of fellow officers around the nation. But you don't have to take my word for it.

A study was published in March in the *Journal of Trauma and Acute Care Surgery* by Dr. William Bozeman of the Wake Forest Baptist Medical Center. His goal was to look at how often police use force. Researchers reviewed over 1 million calls from three

different police departments during a two-year period. Of those calls, 114,064 resulted in criminal arrests. That's about 11%. The study reported just 893 use-of-force incidents. That's less than .1% of the total calls and less than 1% of the calls that resulted in criminal arrests. That means one in 1,100 calls results in a use of force. And only one in 120 arrests requires force.

Simply put, police aren't looking for opportunities to use a Taser, gun or other physical force. Police must survey a scene and determine what is necessary, and in less than .1% of situations do they decide

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WEEK SESSIONS

Shining Your Own Light Brightens the Path for Others



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

Most Americans understand that law enforcement is a dangerous and necessary job but do not truly appreciate just how dangerous the public safety profession has become. Attending the National Peace Officers' Memorial Services on May 15 served as a stark reminder of the dangers we all face, yet a highly vocal few characterize us as public enemies.

Forty-six officers were killed by gunfire last year and 64 the year before, with many of these being by ambush. As I write

this, there have already been 27 gunfire deaths in 2018 — up 42% from the same period last year.

The public cries out for answers and immediately blames guns, followed quickly by a demand for gun control. We in law enforcement are not really surprised at this escalation of violence.

We as a nation are losing our moral compass, and technology is helping to push us along at lightning speed. We have become a society teeming with hostile, antagonistic right-fighters who arm themselves with half-facts and outright fabrications. They use social media to build support for their misguided beliefs. Hollywood makes murder seem prestigious, exciting and cool, while law enforcement is demonized by the media and liberal politicians. There is a growing generation immersed in a dark online fantasy world, using social media to expound hate. Add constant access to video gaming and online violence and all of this makes for a toxic mix of anonymity, isolation and desensitization to humanity.

What are the consequences of this desensitization and reckless, extreme rhetoric? Assaults on police officers are rapidly increasing, making an already dangerous job deadly. What it's doing is ripping apart the very fabric of America ... one peace officer at a time.

We are ordinary people who accepted a higher calling of public service. And at times, we are called upon to do extraordinary things. Holding this nation together are some 800,000 peace officers across the country who have a strong commitment and sense of community. We show up to work each day for far too little pay and subject ourselves and our families to danger and hardship. We finish our shifts, go home and hug our kids just like everyone else. We try to shield our loved ones from the pain and raging storm of

emotions deep inside us. When we close our eyes, we are haunted by sights that cannot be unseen and we try to rationalize the unspeakable evil we witness almost daily. Even after our worst days we pull ourselves out of bed and suit up, strap on a badge, a gun and a vest, and do it all over again. We carry a burden so great that every 57 hours in America a police officer takes their own life. For all of this, we are portrayed as public enemies.

So go ahead and blame the police. Go ahead and make it harder for law-abiding citizens to obtain guns legally. It will mean nothing because it still does not solve the underlying problems: a culture of contempt, failing schools, fractured family units, poverty and failed social programs. These are the underlying factors no one wants to acknowledge.

If those who blame law enforcement truly want to make a difference, stop cursing the darkness and light a path for others. Get off the internet; step down from the soapbox; get off your knees; put down the remote and get out of your armchair. Go into your communities and work toward solutions rather than continuing to promote hate.

What can we do as community leaders? Give a voice to all, engage in meaningful conversation and actively listen to those voices in our communities. Invite all groups to have a seat at the table and give them the capacity to have a real impact and to be part of real solutions. For those who are marginalized, being heard is empowering. We can do our part through positive dialogue, ethical policing and neutralizing the hate that has crept into virtually every aspect of society.

As community leaders, we have never had a greater opportunity to make a meaningful difference in the lives of those we serve. Let's set the example by lighting a candle rather than cursing the darkness. **FOP**

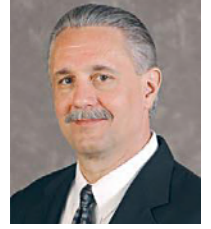
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Is Your Lodge Covered?

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

In the last issue of the *Journal*, I wrote about what your lodge should do to keep itself financially sound. Having and following these procedures protects both your members and your lodge's assets. Unfortunately, we still see cases where lodge funds are misused and, sadly, sometimes stolen. That is why the National By-Laws require each lodge to have a bond or insurance to cover members who handle your lodge funds.

The National By-Laws, Article 19, State and Subordinate Lodges, Section 1, states: "Each state lodge of the Order shall maintain a bond or insurance in respect to the fidelity of those officers or

members having access to or control over the funds of the lodge. Each subordinate lodge shall provide proof of such bond or insurance to the state lodge with which it is affiliated and each state lodge shall provide proof of such bond or insurance to the Grand Lodge. No state or subordinate lodge shall be eligible for financial aid or assistance from another lodge or the Grand Lodge except upon proof of maintenance of such bond or insurance."

In order to get a bond or insurance for those officers, the lodge will have to meet certain criteria. This will require your lodge to implement and follow procedures for handling lodge funds. The insurance

company will supply a list of requirements for the lodge to implement and follow. The National Lodge Fidelity Insurance Program is through Hylant, and details can be found at www.fop.net. Go to Member Services, Insurance and Banking, then Lodge Fidelity Insurance to see what the coverage is and access an online application.

Having coverage is required by the National Lodge. It also will make your lodge implement and follow procedures that protect its finances. Please take the time to find out if your lodge is insured and, if not, obtain the coverage you need. **FOP**

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When Is the Right Time to Collect Social Security?

// **WRITE TO US!** If you have further questions, contact Les Neri at Ineri@pafop.com.

While many officers are affected by the Windfall Elimination Tax and receive a lesser benefit, almost all are entitled to receive some retirement benefit from the Social Security Administration (SSA). Officers are eligible because of their own earnings record in law enforcement, earnings from non-law enforcement work, a combination of both, or from their spouse's earnings record. A common question is when to start collecting that benefit.

Social Security retirement benefits are based upon the worker's primary insurance amount (PIA). The PIA is the monthly amount that would be paid to a worker who receives benefits at normal retirement age. The normal retirement age differs, depending upon the worker's year of birth. Social Security retirement benefits can begin as early as age 62, but the benefit amount you receive will be less than your full retirement benefit amount. If you start your benefits early, they will be permanently reduced based on the number of months you receive benefits before you reach your full retirement.

Let's take a look at an example that may assist you in better understanding some issues you should consider before determining when to begin receiving your Social Security retirement benefit. Say an officer turns 62 in January, the age at

YEAR OF BIRTH	FULL RETIREMENT AGE
1937 or earlier	65
1938	65 and 2 months
1939	65 and 4 months
1940	65 and 6 months
1941	65 and 8 months
1942	65 and 10 months
1943–1954	66
1955	66 and 2 months
1956	66 and 4 months
1957	66 and 6 months
1958	66 and 8 months
1959	66 and 10 months
1960 and later	67

which every worker who qualifies for Social Security is entitled to begin taking benefits. The officer qualifies for a benefit of \$13,500 a year if taken immediately, or \$18,000 a year if they wait until full retirement age of 66. (Both amounts are in 2005 dollars and would be adjusted each subsequent year for inflation.) This officer would receive \$54,000 by age 66 if they began receiving their benefit at age 62. Holding off until age 66 will boost payments by \$4,500 a year,

but it would take 12 years of those bigger payments to break even.

So, before deciding to postpone benefits, an officer would have to be confident at age 62 that they would live at least another 16 years, to age 78. However, the break-even period is actually longer because the calculation doesn't factor the investment value of the Social Security benefits. Using a 5% after-tax rate of return, the break-even period increases by about three years, to age 81. According to the SSA's figures, the typical 62-year-old man has roughly a 57% chance of living to age 81, while the odds for an average 62-year-old woman are about 66% — basically a wash for men and a clear advantage for women. For many people, the odds are better. Actuaries know that the better educated you are and the more you earn, the healthier you're likely to be and the longer you're likely to live.

What if an officer postpones receiving their full PIA when they become eligible to receive it? The SSA does give "delay credits," which increase the payments by as much as 8% for each year after full retirement age up to age 70. Delaying from full retirement age until you reach 70, however, would pay off only if you expect to live to 85 or so. The odds of a 66-year-old man in good health reaching that age are about 45%; women have a better chance, just over 56%. So unless the person has a family history of longevity, the case for holding off until 70 isn't as compelling as that for waiting until full retirement age. (Postponing longer makes no sense, since you get no delay credit after 70.)

As you can see, the decision about when it is best to begin receiving your Social Security retirement benefit is very case-specific. The above examples are just a guide to assist you in better understanding some of the factors involved in this decision and are not meant to be a replacement for expert financial or legal advice. **FOP**

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Our social media can be a great asset to this organization. We have grown it substantially, but we need your help to get to the next level. Thank you in advance for helping with this simple act that can have such a huge impact.





FOP Partners With IACP on CRI-TAC

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

All too often, we find ourselves with much more in common with our adversaries than at odds with them. Such is the case with the National Fraternal Order of Police and the International Association of Chiefs of Police. Let's be honest: Rank-and-file FOP members often become chiefs of police and more often proudly maintain their FOP membership. We can probably agree on about 90% of issues facing modern-day law enforcement, so it was no surprise that in 2017 we were asked to partner with the IACP on a grant application for a new training initiative titled the Collaborative Reform Initiative — Technical Assistance Center, or CRI-TAC for short. In 2018, the grant was awarded to IACP through the U.S. Department of Justice Office of Community Oriented Policing Services, and President Canterbury asked that I represent the FOP as program manager for our participation in the initiative.

The basis of CRI-TAC is to provide training “by the field, for the field” nationwide to law enforcement agencies representing state, local, tribal and campus communities. As we have come to see from the Trump administration and the Department of Justice, the federal government would prefer to hear from struggling departments and offer support and training rather than sit in judgment and utilize consent decrees to impose wasteful and meaningless police reforms. As Attorney General Jeff Sessions has said, support for law enforcement is most effective when it “respects local control and accountability, while still delivering important, tailored resources to local law enforcement.” Hence, the CRI-TAC partnership was born.

You can visit www.fop.net and click on the CRI-TAC emblem that runs across our top and bottom banner to access the CRI-TAC portal, or simply go to www.CollaborativeReform.org to review the program and apply for assistance. The program can be tailored to an agency's specific needs, and partner members such as the FOP will assist in collaboration to ensure that an agency's needs are met and issues facing rank-and-file officers are heard. Subject-matter experts will be identified, and their assistance will be delivered at no cost to the requesting agency. Services provided can range from a simple resource referral to web-based training, in-person training, virtual mentoring or all the way to on-site consultation. Unfortunately, agency personnel costs cannot be provided for.

An added benefit of this program is the subject-matter experts that we, the FOP, can provide. Never before have we had such a great opportunity to assemble a list of FOP subject-matter experts in some 26 areas of law enforcement expertise, as illustrated in the CRI-TAC portal. If you are interested in being recognized as a FOP subject-matter expert, please contact me and I will provide you with the appropriate documentation to apply.

If you are planning a FOP conference, meeting or assembly of any type, I would be happy to come out and give a presentation on the initiative or provide you with handout materials. Stay safe and God bless. **FOP**

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- ▶ Domestic violence reduction and prevention
- ▶ Human trafficking
- ▶ School safety



If you have the expertise, ability and time to instruct, teach or mentor in any of the areas listed above, the FOP needs you!

Contact National Sergeant at Arms Keith Turney at ktorney@fop.org for the necessary application forms that will allow you access to become a paid resource to the Collaborative Reform Initiative — Technical Assistance Center (CRI-TAC).

For more information, go to www.fop.net and click on the CRI-TAC logo.

Training by the field, for the field



A Day of Remembrance

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

Officer down: a call over the air no one ever wants to hear. The call that changes the lives of so many forever. That call has gone out on an average of almost once a week in our country since January this year as a result of our brothers and sisters being killed in the line of duty, many having been ambushed for no other reason than the uniforms they wear. These officers and their families are paying the ultimate price simply because they came to work that day to do all they could to make their communities better and safer — the same commitment and bravery shown by thousands of officers every day.

Too often, this bravery and sacrifice is overshadowed by misinformation and the

political agendas of today's mainstream media. Report after report continues to batter our honorable profession, causing mistrust, poor community relations and a narrative that seems never-ending about how "bad" we are. Your FOP continues to develop media strategy, social media outlets and technology use to further our efforts in changing the false narrative about law enforcement in today's society. Our work in that area, together, as one organization, can never stop.

But there is that one day each year when we can drown out all the noise and focus solely on remembering and honoring our fallen. Although it will have passed by the time you read this, it is my hope and prayer for all of

you that on May 15, Peace Officers Memorial Day, this year and every year, no matter where you are, you will take that special moment. A moment to shut out all the false narratives and simply remember those who put on their uniforms one fateful day, not caring what negative things were said about their profession, and made the ultimate sacrifice for all of us. A moment to honor the families of our fallen and show them that they are never alone and their loved ones will never be forgotten.

If May 15 means to you what it means to me, I hope you will join me every year in gathering our collective thoughts and efforts

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PRESIDENT'S MESSAGE

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should hold their elected officials' feet to the fire. If they don't support the priorities of the FOP, such as the total elimination of the windfall provision, the right to collectively bargain, the Law Enforcement Officers Equity Act and due process rights for law enforcement, then we should withhold support. It is time for Congress to act.

This is the political season and it will be very active. Your National PAC is one of the tools we use to support our legislation. If you have not already done so, I ask that you please consider a donation so that we can support those who support us. Thank you for all you do for our profession, and I urge you to attend your local meetings and support your leaders in making a difference together. **FOP**

VICE PRESIDENT'S MESSAGE

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that use of force is necessary.

The study also looked at the resulting injuries, comparing the rates of injury resulting of various kinds of incidents. There were

355 incidents where a suspect sustained minor injuries, such as abrasions and contusions. Only 16 suspects suffered moderate or severe physical injuries. Of the suspects transported to medical facilities, 78% were released immediately and only 5% were hospitalized for injuries from police use of force. The 16 suspects who sustained moderate or severe injuries represent one in 65,000 total incidents.

Even when force is used, police aren't seeking to pile on. They're using the force necessary to bring a suspect under control and to stabilize whatever situation exists.

Police get into the job because they want to serve the community. That is surely true of the people I've met and know as president of the Fraternal Order of Police of Ohio, which represents over 30,000 law enforcement officers.

As with any profession, there's always room for improvement. We continue to work with local, state and national authorities to expand and improve training. We continue to push for the best equipment to help our members respond to incidents in the safest way possible — safe for them, safe for the suspects and safe for the community.

Every law enforcement officer is committed to use of force as a last resort.

We're also committed to reducing the number of police line-of-duty deaths to zero. That can start with accepting the findings of the Wake Forest study and stopping this concerted effort to turn our communities against police.

We can — and must — ensure that our communities and our police remain safe. **FOP**

NATIONAL TRUSTEES CHAIRMAN'S MESSAGE

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not only to honor our fallen brothers and sisters, but also to share with the world the importance of acknowledging their sacrifice. We must never let the negative rhetoric being spewed all around us take away from showing the world the true meaning and sacrifice of what we do every shift, every day.

I am beyond humbled to assist in giving medals to the families of our fallen at this year's FOP Memorial Ceremony. I can think of no greater honor or better way to spend May 15 than this. I ask each of you to join me, no matter where you are, on duty or off duty, at home or in the car, to take a few moments to remember them all and their families so neither are ever forgotten. **FOP**

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INSTRUMENTS

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Saluting the Fallen

2018 POLICE WEEK

Arizona

Paul Lazinsky

Arkansas

Timothy A. Braden
Keith B. Bradford Sr.*
Kevin C. Mainhart
Patrick N. Weatherford

California

Keith W. Boyer
Andrew J. Camilleri Sr.
Lucas F. Chellew
Michael R. Foley
Robert A. French
Jason A. Garner
Robert P. Rumpfelt

Colorado

Zackari S. Parrish III

Delaware

Stephen J. Ballard
Steven R. Floyd Sr.
Thomas J. Hannon Sr.

Florida

Ricky Anderson*
Matthew S. Baxter
William T. Bishop
Julie A. England Bridges
Debra L. Clayton
Joe W. Heddy Jr.
Richard S. Howard III
Norman C. Lewis
Joshua S. Montaad

Georgia

Curtis B. Billue
Michael C. Butler
Kristen N. Hearne
Touré N. Heywood*
Gregory M. Meagher
Christopher J. Monica
James M. Wallace

Illinois

Ryan M. Albin
Kevin J. Brewer
Jaimie J.A. Cox
Bernard W. Domagala
Raymond A. Murrell
Andre Van Vegten

Indiana

Aaron W. Allan

Iowa

Mark J. Burbridge

Kentucky

David R. Gibbs*
Nicholas A. Rodman

Louisiana

Shawn T. Anderson
Justin L. Beard
Robert C. Johnson*
Donna W. LeBlanc*
Michael D. Louviere

Marcus A. McNeil

Michael P. Middlebrook

Maine

Nathan M. Desjardins
Christopher M. Gardner*

Maryland

Sander B. Cohen
Sean M. Suiter

Michigan

Thomas C. Bunker
Jonathan W.R. Ginka
Donald O. Kimbrough
Timothy J. O'Neill
Eric B. Overall

Minnesota

William A. Mathews



Mississippi

James E. Clark
Donald W. Durr

Missouri

Carl T. Cosper Jr.
Kevin Dziejma*
Gary L. Michael Jr.

Montana

Mason P. Moore

Nebraska

Curtis W. Blackbird

Nevada

Charleston V. Hartfield
Chad W. Parque

New Jersey

Matthew L. Tarentino
Christopher A. Vidro*

New Mexico

Stephen L. Ackerman
Andrew J. Dominguez*
Houston J. Largo

New York

Aslyn A. Beckles*
James A. Betso*
Steven J. Bonano*
James M. Burke*
Darryl J. Burroughs Sr. *
Joseph A. Cavitolo*
Peter D. Ciaccio*
Charles J. Clark*
Charles D. Cole Jr.*
Donald S. Conniff*
Annetta G. Daniels*
Joel R. Davis
Michael K. Davis*
Leroy Dixon*
Otto R. Espinoza*
Brian S. Falb
Miosotis P. Familia

Alexander Figueroa*
Michael J. Galvin*
Deborah A. Garbutt-Jeff*
Matthew J. Gay*
Charles G. Gittens Jr.*
Michael E. Glazer*
Charles R. Gunzelman*
Kevin M. Haverly
Demetrias Hopkins*
Wayne A. Jackson*
Cheryl D. Johnson*
Robert J. Johnson
Robert W. Kaminski*
Charles M. Karen*
Stephen T. Kubinski
Craig E. Lehner
Luis A. Lopez*
Shaun M. Mahoney*
Steven D. McDonald
Denis R. McLarney*
James W. Monahan*
Robert A. Montanez*
Dennis Morales*

Patrick P. Murphy*
Edmund P. Murray*
Terrence S. O'Hara
Donald J. O'Leary Jr.*
Louis R. Pioli*
Michael V. Quinn*
Ronald A. Richards*
Peter O. Rodriguez*
Kenneth W. Rosello*
John A. Russo*
Jacqueline C. Schaefer*
Marc Simms*
Andrew L. Siroka*
Harold J. Smith*
Scott V. Stelmok*
Traci L. Tcak-Czajkowski*

North Carolina

Meggan L. Callahan
Veronica S. Darden
Jay R. Memmelaar Jr.
Wendy L. Shannon
Justin J. Smith



POLICE WEEK

Continued from page 15 >

North Dakota

Colt E. Allery

Ohio

Steven E. DiSario
David J. Fahey Jr.
Justin A. Leo
Marvin S. Moyer
Martin A. Stanton*

Oklahoma

Sean F. Cookson
Nathan B. Graves
Stephen R. Jenkins Sr.
D. Heath Meyer
Justin M. Terney
David J. Wade
Edward J. Wright*

Oregon

John E. Lawrence*

Pennsylvania

Raymond Diaz Jr.*
Shawn D. Rager*
Brian D. Shaw

Michael P. Stewart III
David M. Weaver*

South Carolina

James E. Chapman
Jason G. Harris
Devin P. Hodges
Daniel K. Rebman Jr.

Tennessee

Robert Bowlin Sr.*
Eric W. Mumaw
Jimmy D. Tennyson

Texas

Damon C. Allen
Kenneth M. Copeland
Mark G. Diebold
Floyd East Jr.
Jason M. Fann
Clinton F. Greenwood
Elias Martinez Jr.
Miguel Moreno III
Thomas P. Nipper
Steve A. Perez
Monty D. Platt
Thomas D. Ray Jr.*
Shana R. Tedder
Jerry R. Walker
Elise A. Ybarra

Virginia

Curtis A. Bartlett
Berke M.M. Bates
Henry J. Cullen III
Michael T. Walter

Washington

Randall S. Gibson

West Virginia

Aaron L. Crook

Wisconsin

Anthony J. Borostowski
Eric A. Lyons*
Jason T. Weiland

Wyoming

Mark L. Mecham

Federal

Dwight B. Blackman Jr.*
Kenneth J. Doyle
Laurie J. Fournier*
David J. Hoefler
Rogelio Martinez
Isaac Morales
Rickey O'Donald
Gerard D. Senatore*
Rex A. Stockham*

Puerto Rico

Benjamin A. De Los Santos-
Barbosa
Angel L. Lorenzo-Gonzalez
Hector L. Matias-Torres
Roberto Medina-Mariani
David Torres-Chaparro

*The officer's death occurred in a previous year but was determined to be a line-of-duty death in 2017.



BENEFITS OF FOP MEMBERSHIP

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

Legislative Office

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

Legal Defense Plan

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

Labor Services Division

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

National Peace Officers' Memorial Service

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

FOP Journal

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

FOPConnect.com

The official online companion to the *FOP Journal*, the website is for members and features expanded articles from the magazine, a product directory, regular sweepstakes and the ability to share your thoughts on articles with other FOP members.

Education Services

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

National Fraternal Order of Police University (NFOPU)

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

Charity Partnerships

• **Easter Seals:** Helping children and adults with disabilities live better lives is at the heart of Easter Seals' mission, and the FOP, as a long-standing Easter

Seals National Corporate Partner, has helped raise more than \$15 million. Donate online at www.easterseals.com and be sure to indicate your FOP affiliation when donating!

• Law Enforcement Torch Run for Special Olympics:

The FOP is committed to helping people with intellectual disabilities learn to become self-reliant and contributing members of our communities.

Disaster Relief

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

Service Providers

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



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



LINE-OF-DUTY DEATHS



THE **WHOLE** **PICTURE**

**LOSSES IMPACT DEPARTMENTS,
COMMUNITIES, LEGISLATION
AND SURVIVING FAMILIES**



BY MICHAEL B. FORTNEY, PH.D.



Each year, hundreds of law enforcement deaths are classified as line-of-duty deaths (LODDs). Although we understand that ours can be a deadly occupation, no one wants to see any of these losses occur. Not all LODDs are felonious, but each one has a farther-reaching impact than the public may realize. Often these deaths cause questioning of departmental policies, officer safety protocols, training, local crime, racial concerns and other issues. This article will examine various contributing factors to these deaths and how agencies can take steps to mitigate them, as well as discuss how LODDs affect departments, communities, legislators and families.

DEFINITION AND FACTS

The definition of an LODD may vary throughout the U.S., both anecdotally and legally when it comes to paying benefits. For this article, an LODD is the loss of an officer by felonious, accidental or natural causes. Some may also place suicides under this definition. When examining the facts behind these deaths, authors often use numbers, percentages and other quantifiable information that tends to confuse and distract people from the actual problem. Concepts that further exacerbate these discussions are correlational and causal facts. Simply because two or more events occurred at the same time (correlational) does not mean that one event caused the other to occur (causal). Also, quantitative data is often used without the associated qualitative data, which, when combined with media outlets reporting on unverified information, typically leads to the public being misled on the facts.

Trusted information on LODDs can be found from a variety of sources, including the National Law Enforcement Officers Memorial Fund, the International Association of Chiefs of Police, the Officer Down

Memorial Page, and the Law Enforcement Officers Killed and Assaulted Program of the Federal Bureau of Investigation. However, the intent of this article is not to argue percentages or numbers, but to bring awareness to the causes and possible solutions to the problems. While the majority of reported LODDs are caused by gunfire, auto crashes and job-related illness, the pain and anguish they create radiates through the community at different levels. This suffering is especially deep for those who are directly affected, such as the officer's family, close friends and colleagues. There are also those who are indirectly affected, such as the community and government officials.

LODD TYPES

When does "duty" stop or start? Do all LODD policies cover the officer who is coming to work or going home?

Although the differences between the major types of LODDs are obvious to most, they raise thought-provoking questions that may suggest changes in an agency's procedures.

Felonious cause: The leading cause of death in this category is gunshots, which may be difficult to reduce even with some of the best training available. Because a subject's true intent varies in each situation, an officer's problem-solving abilities are put to the test. When this type of death occurs, one of the first results is a review of the tactics, techniques, policies and training the department has in place. Except for ambushes, most felonious deaths involve a chance to make a conscious decision to change the outcome of the scenario. While blame lies with the suspect, simply falling back on the mentality of "Bad people just do bad things" cannot prevent future losses. Agencies should ensure that officers

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LINE-OF-DUTY DEATHS

Continued from page 19 >

are not failing to de-escalate, or even escalating, situations. Are there officers who tend to constantly be involved in use-of-force incidents? What kind of protocols are followed? Emotionally charged calls can get the best of an officer, but the ability to manage those emotions is one of the many attributes that separate them from the public. The key here is **why** officers may unconsciously or consciously escalate situations. Have they become complacent? Are they overthinking the situation or dealing with issues at home that prevent them from fully thinking about their responsibilities?

Accidental causes: Automobile crashes lead this category and can be a result of numerous reasons, but in most cases, they are totally avoidable. Yes, the urge and necessity of aiding a fellow officer or responding to a high-priority call is vital. However, if the responding officer does not make it to the call alive, did they really help? This scenario has happened plenty of times. This is where a supervisor is best utilized as an objective voice to reassure responding officers of the need to arrive alive. Do officers attend in-service scenario training involving driving vehicles? Why is this assessment and teaching of techniques so important at the academy level, but not throughout the officer's career as bad habits are formed?

Natural causes: Preexisting health conditions that no one was apparently aware of, even the officer, are the main problem here. This scenario questions the department and the individual officer as to their true level of medical readiness for duty. There is no difference in liability between putting an officer on the street who is not tactically ready and an officer who is not medically ready. Are agencies providing annual physicals with sound metrics to identify possible medical problems? Medical screening was obviously important when officers reported to the basic academy, so was that just for the

sake of liability? Please note that being physically fit and medically ready are not the same. A pending arterial blockage to the heart is not readily identifiable by a fitness test alone. Although not everyone is motivated to obtain a thorough annual physical, being made aware of unforeseen health problems is priceless. I recall a colleague in my department who was not enthusiastic to take his annual medical screenings; however, when he was diagnosed with prostate cancer, he had a new perspective. Fortunately, early diagnosis and treatment were both beneficial.

IMPACTS OF LODDS

What impact do LODDs have on a community? At the operational and strategic level, administrators, the mayor and other local officials must deal with the legal issues as well as the personal emotions of an LODD. In a felonious death, officials also must ensure that the community feels safe. In some cases, state legislators become involved, not only by offering condolences but by creating changes to legislation concerning law enforcement deaths — for example, increasing penalties for those who kill police or expanding benefits for surviving families.

At the fundamental level, the impact an LODD has on colleagues, close friends and especially the family of the fallen officer is significant. An agency loses an officer and while their position can be refilled, the person cannot be replaced. Fellow officers experience a roller coaster of emotions when

FELLOW OFFICERS EXPERIENCE A ROLLER COASTER OF EMOTIONS WHEN A LINE-OF-DUTY DEATH OCCURS.

an LODD occurs, occasionally pondering the realization of how dangerous the job can be and that the next time it may be them. FOP member Adam Rosenberg (Connecticut Lodge #33), a sergeant with the Connecticut State Police, shares that the CSP sends a notification to the entire agency about the death, placing important emphasis on the need to take care of the family and for troopers to take care of themselves. Rosenberg highlighted the recent death of a fellow trooper in March 2018, which sent shockwaves through the department: "When a trooper with over 19 years of service dies, so close to being eligible to retire, and has young children, it's devastating."

All this grief is real and long-lasting, but too often the fallen officer's family can get lost in the chaos. They are the ones who live with this daily loss and cope with the absence of their loved one. The spouse may now be faced with raising children alone, and the children struggle to deal with losing a parent too early. The family fights through various stages of grief to create some normalcy in their lives. What is being done for them? How do other officers make sure that the family is receiving the help they need (financially, emotionally and psychologically)? Is there a constant and concerted effort to ensure that those families always feel part of the law enforcement



family? Are families and officers provided mental health care after traumatic events? Is a departmental chaplain or psychologist available to them? FOP member Ralph Hoffman (Florida Lodge #33), a retired Nassau County Police detective lieutenant, recalls how his department provided this type of assistance: “Our Employee Assistance Office was where officers or their families could speak with licensed psychologists about individual or family problems. The service was free, anonymous and really helpful to a lot of people in the department.” Hopefully all agencies have this type of service readily available for their officers in the event that tragedy strikes unexpectedly.

Proactively, how many chiefs have an “all call” with families? This is where the chief can have an open dialogue with families without the officers present. Hosting this type of event regularly (such as biannually) provides an open environment where concerns or recent events in the department are addressed, and allows spouses to understand the occupation. It also opens the door to discussing home life and the stress associated with the occupation. Spouses can be great resources to understand the stressors of law enforcement and its impact on the family. A discussion of ideas and possibilities to mitigate stress at the family level is always beneficial. Maybe the family does not understand the job or their spouse’s role and they want clarification. Maybe the spouse is noticing changes in the officer at home and wants to seek help for something the officer would not do on their own. An open relationship with the chief can help facilitate solutions to these problems.

What about officers who have survived a near-death experience and are dealing with post-traumatic issues, or just the ups and downs of life? Psychological health is just as important as physical health, if not more important, but is it a topic emphasized in agencies? Failing to successfully cope with the “trifecta of stress” (operational, organizational and personal stressors) can adversely affect one’s psychological health. This cluttered mind, with no clear thought process, can exacerbate complacency and lead to horrific outcomes. However, people do not always possess self-awareness, especially when contending with their own stressors, so it takes a colleague or friend to intervene when they see these abnormal behaviors. While most will be in denial that anything is wrong, those behaviors could lead to, or be early signs of, suicidal ideation. Therefore, remember that it requires the collective effort of each agency to recognize and address their own strengths and weaknesses in order to improve overall operations.

*Dr. Michael B. Fortney has been with the FBI for over 20 years, working as a police officer and then in the intelligence and biometric fields. His military experience includes 10 years as an enlisted infantry Marine and a naval intelligence officer. He has also served as an adjunct lecturer at West Virginia University. Dr. Fortney holds a bachelor’s degree in criminal justice, a master’s in business administration and a Ph.D. in psychology, and graduated from the 222nd class of the FBI National Academy. He is a member of the Fraternal Order of Police, the FBI National Academy Associates and the American Psychological Association. **FOP***

STATE-OF-THE-ART POLICING

High-tech devices and programs upgrade law enforcement capabilities.

Are you a total tech geek? Do you know more about the newest smartphone than your Gen-Z children? Perhaps you've built a personal computer or purchased a collection of electronic gadgets, from self-guided vacuums to 4K televisions streaming high-definition programs to smart appliances that control thermostats and even track groceries. For many, the appeal of technology is that it can conduct certain operations and functions faster and more accurately than humans, and that's partly why law enforcement has embraced high-tech tools.

What's more, the tech community has come to recognize the unique needs within law enforcement. Hardware designers, along with software and application developers, continue to create products specifically to aid officers in their mission to protect and serve. And best of all, even if you're not a technophile, you don't have to understand exactly how they work to reap the benefits in speed and convenience.



PANASONIC

Toughbook 33

FRONT-SEAT COMPUTING

Convenience is the highlight of the latest generation of Toughbook laptops from Panasonic. Toughbook 33 was designed specifically with the mobile professional in mind. Its monitor is 50 percent brighter and 15 percent larger than most other devices in its class, and it has three times the resolution. Plus, the 3:2 screen accommodates easy-to-read computer-aided dispatch notifications. The monitor detaches to become a tablet, able to go anywhere. To protect against would-be cyber intruders, an infrared webcam combines with Windows Hello software to activate a biometric user authentication. Additional options include a serial port, barcode and contactless SmartCard CAC readers. Battery life runs 10 hours. MSRP \$3,649.



SAFETY VISION

Prima Elite

PERSONAL POV

Prima Elite, a body-worn camera by Safety Vision, strives to paint a complete picture from the officer's point of view. Among the technical highlights are 64 gigabytes of internal storage, 1080P video resolution and an easy touch-and-go recording mechanism. From a tactical standpoint, the camera captures as many incident details as possible with a 135-degree field of view and pre-event recording capability. Downloaded videos can only be accessed via an authorized computer. MSRP \$595.

LASER TECHNOLOGY INC.

20/20 TruVISION



SPEED CHASER

Clocking speeders with the Laser Technology Inc. 20/20 TruVISION laser is not only reliable and user-friendly, but its data storage capabilities also serve for accurate recordkeeping. AdapTec automatically adjusts for clear image capture as far away as 450 feet. Multiple zooming options home in on license plates, which can then be paired with the company's Automatic Number Plate Recognition tool. Operators will appreciate color-coded graphic icons on the touch screen as well as buttons. The photo/video laser can be either handheld or mounted on a tripod. MSRP \$6,995.



VIGILANT SOLUTIONS

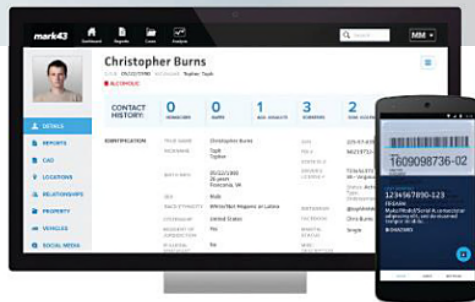
BallisticSearch Image Capture Station

INSTANT ANALYSIS

Forget about waiting days or even weeks for ballistics reports. The BallisticSearch Image Capture Station from Vigilant Solutions gets the process started at the scene. The compact (less than 8 inches tall), lightweight (a mere 1.34 pounds) device can go just about anywhere an internet connection can be secured. While onsite, the BallisticSearch Image Capture Station creates 5 MP ultra-sharp, multi-angled 3D models of discharged cartridge cases. Then users can initiate a comparison against the BallisticSearch nationwide gallery. MSRP unavailable.

MARK43

Records Management System



FAST FILING

From traffic violations to major investigations, there's always a report to file. The Mark43 Records Management System offers agencies an opportunity to organize, analyze and retrieve reports and related files with greater efficiency. The system provides standard reports and office programs, but also operations for investigative cases, including a dashboard for case tracking, full case audit history and an active master entity sync. Specialized functions have been written for booking and jail, including configurable holding areas and intake questionnaires as well as personnel tracking. To ensure proper chain of evidence, the Mark43 system includes a mobile app for barcode scanning and ID capture, and it automatically generates a custodial property report. MSRP varies.

For more technology products, visit



AXON

Citizen

TIP MANAGEMENT

It's great when the public pitches in with tips, information and digital files such as photos, videos and messages. But those requests can be a lot to sort through. The Axon Citizen evidence collection system streamlines the process. From the field, invite witnesses to submit their media via the Axon Capture mobile app, compatible with Android and iOS devices. As soon as the files are received, the program initiates a virus screening, then instantly



categorizes them, ensuring searchability, and stores them in Evidence.com. An audit trail tracks officer identification, incident, time, place and community member. MSRP unavailable. **FOP**

SAFE, SOUND AND SECURE

Innovative products offer peace of mind whether you're home or away.

When hard work pays off and you're able to purchase a family home and fill it with treasured belongings, you want everything, and everyone, to be protected from intruders and thieves. And as law enforcement professionals, you certainly want assurance that weapons are safely stored. How you go about creating that security, however, has radically changed in recent years. The Internet of Things (IoT) — the connection and sharing of data between devices embedded with electronics, sensors and other programs to track activity — has drastically expanded home security options. Smart doorbells show you who's knocking. Cameras record activity and store it, potentially becoming evidence in the event of a crime. Even traditional safes have added IoT capabilities. Here's a sampling of what's new and high-tech in home security these days.

AUGUST HOME INC.

Smart Lock Pro + Connect *Back Door Open*

It's only human nature to become absentminded from time to time and forget to lock the door on your way out, especially when in a hurry.

Then there are those occasions when you can't remember whether you did or didn't lock the door. Now you're left wondering if your home is vulnerable. The August Smart Lock Pro + Connect, from August Home Inc. can alleviate that worry. With its DoorSense, an intelligent integrated sensor, homeowners are notified via smartphones when doors are opened and closed. Plus, this advanced model can be programmed to automatically lock doors whenever closed. The platform also communicates with Alexa, HomeKit/Siri, Google Assistant and Z-Wave. MSRP \$279.



NEST

Hello

Who's There?

The Nest Hello smart doorbell is more than just a camera attached to a traditional doorbell. It also functions as an alert system, starting with sending video from a 160-degree diagonal field of view to the Nest app when someone approaches. This can be helpful to track deliveries, including capturing evidence in case of front-porch package snatchers. Nest Aware subscribers can store all video in the cloud. Additionally, you can communicate through the app, or play back one of the recorded messages to make strangers believe someone is home even when you're not. The device requires a bandwidth of 800–2,000 kbps for streaming video. MSRP \$229.



RING

Spotlight Cam

In the Spotlight

You don't have to be a Spielberg or Scorsese to set up the perfect exterior shot. The Ring Spotlight Cam line of security cameras can record scenes from the front, back or side of your home. Both the wired and battery models host 1080p HD cameras with a 140-degree field of view. Recording begins when motion is detected, including turning on two LED lights, which also can be set to a schedule. The battery model holds two 6,000 mAH removable, rechargeable Ring batteries. Or, invest in the solar version, which comes with a Ring Solar Panel to continuously charge batteries. Wired and battery models MSRP \$199 each; Solar \$229.



STACK-ON

Total Defense

Suite of Arms

When it comes to securing your firearms, having a reliable locking system is critical. Equally important is how they're stored. Stack-On's Total Defense gun safe allows owners to customize the interior with three adjustable barrel rests, including a U-shaped insert, and five adjustable shelves, which can accommodate between 36 and 40 guns. The factory-installed door organizer contains zippered pouches, MOLLE-compatible components and sewn-in gun holsters. The locking system consists of seven solid-steel live-action locking bolts partnered with three deadbolts. Choose from a backlit biometric, backlit electronic or three-number combination lock. MSRP \$999.



VIVINT

Ping

Home Movies

Whether you want to monitor childcare providers, watch over children staying home alone or document what's happening while you're away, Ping, an indoor camera by Vivint, produces a clear image. The 1080p video stream films a 155-degree view, including infrared night vision, and can serve as a motion-activated security camera when positioned near doors. However, these are not silent movies. Ping



offers two-way talk and one-touch callout so family members can remain in communication. Vivint Smart Home subscribers use the Ping system to save footage to the cloud and arrange custom mobile notifications for specific activities, from intruder alerts to confirmation that homework is underway. MSRP \$199.

SNAPSAFE

Trunk Safe

Out of Sight

Our vehicles sometimes become mobile storage units, holding tools, electronic devices and any number of other items we need to take on the road. However, opportunistic thieves see cars as easy access to such goodies. The Trunk Safe from SnapSafe helps guard personal and professional gear. The heavy-duty storage case is constructed of 13-gauge steel and topped with a 6-gauge steel door, secured by a digital lock with a key backup. It's large enough (42"W x 7"H x 13"D) to



hold a variety of items, including weapons. Internal hinges combined with gas shocks cushion the ride. MSRP \$350. **FOP**

For more home security products, visit





House Passes Bill to Make Targeting Police a Federal Crime

At this writing, the 37th annual National Peace Officers' Memorial Service and National Police Week have concluded. President Donald J. Trump gave a very powerful and emotional keynote address at this solemn event, which honored 199 officers who made the ultimate sacrifice.

Our members know the FOP has been pushing Congress to introduce legislation to better protect officers by making it a federal offense to deliberately target a law enforcement officer for serious bodily harm or death simply because of the uniform they wear. After a lot of work, Senators Orrin G. Hatch (R-Utah) and M.K. "Heidi" Heitkamp (D-N.D.) introduced S. 2794, the Protect and Serve Act. In the House, Representatives John H. Rutherford (R-Fla.), a former sheriff, and Val V. Demings (D-Fla.), a former chief of police, introduced the companion bill H.R. 5698. The House bill cleared the full Judiciary Committee in a unanimous voice vote, and then the full House passed it on a 382–35 vote during National Police Week. It was an important victory for the FOP and for all of law enforcement.

H.R. 5698/S. 2794, the Protect and Serve Act

Deliberate, targeted attacks on law enforcement officers by persons motivated by a hatred or animus toward police have been rising precipitously in recent years. In 2016, 64 officers were killed by gunfire and 33% of these officers were killed in an ambush or targeted attack.

Already this year, 97 law enforcement officers have been shot in the line of duty, 28 of whom were killed — including the two Gilchrist County, Florida, deputies assassinated by a man who fired through a window of a local restaurant. Earlier this year, the violent transnational criminal organization MS-13 called for the assas-

Just the Facts:

» A bill developed by the FOP to address the growing violence directed at law enforcement by making it a federal offense to deliberately target officers has been passed by the House and referred to the Senate. An FOP priority bill recognizing the collective bargaining rights of public safety employees was also introduced in the Senate. In addition, four more FOP-backed bills were enacted into law, ensuring funding for law enforcement initiatives and honoring fallen heroes and their surviving families.

inations of police officers in New York so the gang could "take back the streets."

National President Canterbury directed the National Legislative Office to develop legislation to address the growing violence directed at law enforcement officers.

The legislation creates a new federal offense in the criminal code and penalizes any person who deliberately targets a law enforcement officer with violence. Attacking state and local law enforcement is, of course, a state or local crime, but our bill will provide a potential mechanism to take the case into federal court under certain conditions. We made this bill a priority for the remainder of this session and are proud to report, as noted above, that the House overwhelmingly passed our bill, which was then transmitted to the Senate and referred to the Senate Committee on the Judiciary. Our staff in Washington has been meeting directly with Judiciary Committee staff in an effort to get a vote on the bill. We urge **all** of our members to contact their senators and ask them to cosponsor H.R. 5698/S. 2794, the Protect and Serve Act.

Collective Bargaining Bill Introduced in the Senate

During National Police Week, Senator Tammy S. Baldwin (D-Wisc.) introduced S. 2845, the Public Safety Employer-Employee Cooperation Act.

The bill, which is a top legislative priority of the FOP, will recognize the

right of public safety employees to form and join unions, and to bargain collectively with their employers. It is similar to legislation passed by the House of Representatives in July 2007, which nearly passed the Senate in 2010.

Public safety employees — police officers and firefighters — are virtually the only class of workers left in the nation today who are denied the fundamental right to bargain collectively with their employers over wages, hours and working

Top Priorities in Brief

H.R. 1205/S. 915, the Social Security Fairness Act

House: 181 co-sponsors
Senate: 25 co-sponsors

H.R. 964/S. 424, the Law Enforcement Officers' Equity Act

House: 38 co-sponsors
Senate: 6 co-sponsors

H.R. 4846/S. 2845, the Public Safety Employer-Employee Cooperation Act

House: 42 co-sponsors
Senate: 0 co-sponsors

conditions. This legislation will recognize these fundamental rights.

The staff in the National Legislative Office is focused on getting co-sponsors for the Senate bill as well as its House companion, H.R. 4846.

FOP-Backed Bills Now Law

We are proud to report that, since the last issue of the *Journal*, the FOP has helped usher an additional four bills to the president's desk to be signed into law. One of our bills was the vehicle for different legislation and the others were attached to the most recent omnibus appropriations measure.

The first bill, H.R. 1892, the Honoring Hometown Heroes Act, amends the U.S. flag code to allow a state governor to order that flags be flown at half-staff in the event that a law enforcement or other public safety officer working in that state dies in the line of duty. The bill passed the House with only one dissenting vote, from Representative Alcee L. Hastings (D-Fla.). The legislation then became the vehicle for a continuing resolution — a spending bill to fund the federal government and avert a possible shutdown. The FOP was successful in its fight to retain the original language, and the president signed it into law.

The FOP pursued an intense lobbying campaign in an effort to include some of our legislation into H.R. 1625, the Consolidated Appropriations Act, 2018. These include:

- H.R. 949/S.597, the Children of Fallen Heroes Scholarship Act, which eliminates the expected family contribution for a child of a fallen public safety officer for Pell grants
- H.R. 695/S. 705, the Child Protection Improvements Act, which allows organizations that serve children and the elderly to use the FBI database to conduct background checks on potential employees
- S. 2495, the Students, Teachers, and Officers Preventing (STOP) School Violence Act, which reauthorizes and expands the Secure Our Schools program
- H.R. 4477/S.2135, the Fix NICS Act, which requires all federal agencies and states to produce NICS implementation plans focused on uploading accurate, required information to the background check system

The enactment of the Children of Fallen Heroes Scholarship Act was a particularly



important victory. The bill has been pushed by the FOP for many years and had repeatedly passed the Senate by unanimous consent but was always caught up in the politics of the House. Its inclusion in the omnibus is a credit to the FOP's tenacity and effectiveness on Capitol Hill. Senator Robert P. Casey Jr. (D-Penn.) personally thanked National President Canterbury and the FOP for our efforts on this legislation, which he has introduced in several Congresses.

The FOP also played an instrumental role in the effort to include the Student, Teachers and Officers Preventing (STOP) School Violence Act as part of the omnibus bill. The FOP did not support the House bill, H.R. 4909, which had already passed the House, because it would have stripped the program out of the Office of Community Oriented Policing Services (COPS) and moved it into the Office of Justice Programs (OJP). The FOP instead backed S. 2495, which was introduced by Senator Orrin G. Hatch (R-Utah) and would preserve the program in COPS while making the same reauthorization and expansions. The FOP engaged in exhaustive negotiations with senior staff in the offices of the Senate majority leader, the speaker and Senator Hatch to craft a compromise for inclusion into the omnibus appropriations measure. The reauthorized Secure Our Schools program will remain in the COPS Office and draw funding from the OJP's Comprehensive School Safety Initiative. The expansions to the program will be housed in OJP using the same funding source.

Overall, the omnibus spending bill was good for law enforcement, with increased spending for the hiring program administered by the COPS Office as well as their active shooter program. Funding increased for the Edward Byrne Justice Assistance Grants (Byrne-JAG) program and the

State Criminal Alien Assistance (SCAAP) program. The Bulletproof Vest Partnership program was fully funded.

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 a very effective way to represent our members on Capitol Hill by supporting candidates who support us and the profession of law enforcement. As the FOP is the oldest and largest law enforcement organization in the country, it is crucial that we keep our PAC strong.

We challenge each FOP member in your lodge to make a one-time \$5 donation or, like many others, become a monthly contributor for any amount. These contributions will help grow our PAC and amplify our voice in the legislative process.

We also want to increase participation in our payroll deduction program. Participating in such a program allows PAC to grow swiftly and effortlessly and ensures that our political arsenal is ready to go year-round. By opting to participate in the NFOP PAC by becoming a monthly contributor or enrolling your lodge in the payroll deduction program, you are standing up for all of your brothers and sisters in the FOP.

To donate or learn more about participating in the NFOP PAC, contact Scott Marks at scott.marks@fop.net or call the National Legislative Office in Washington, D.C.

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// **FOR MORE INFORMATION**, please contact the National Legislative Office at (202) 547-8189.



California Assembly Bill 931 Versus *Graham v. Connor*

In response to the March 18 shooting of 22-year-old Stephon Clark by Sacramento police, lawmakers in California proposed a new law seeking to limit the use of deadly force by officers. Assembly Bill 931 amends Section 196 and 835a of the California Penal Code.

The proposed bill would make an officer's use of deadly force justifiable when necessary given the totality of the circumstances, unless the officer's own gross negligence substantially contributed to making the use of deadly force necessary. In pertinent part, the bill states that an officer may use deadly force only when such force is necessary to prevent imminent and serious bodily injury to the officer or to a third party. "Necessary" is defined under the bill as when, given the totality of the circumstances, a reasonable officer would conclude there was no reasonable alternative to the use of deadly force.

AB 931 represents another attack on the longstanding precedent governing an officer's use of force established almost 30 years ago by the United States Supreme Court in *Graham v. Connor*. The Supreme Court first outlined the parameters for an officer's use of deadly force in 1985 in *Tennessee v. Garner*, holding that the Fourth Amendment prohibits an officer's use of deadly force to prevent the escape of a suspected felon unless it is necessary to prevent the escape and the officer has probable cause to believe that the suspect poses a significant threat of death or serious physical injury to the officer or others. The court held that the officer's use of deadly force would be subject to the Fourth Amendment's reasonableness requirements.

Four years later in *Graham v. Connor*, the Supreme Court held that all claims that an officer has used excessive force — deadly or not — will be subject to the Fourth Amendment's reasonableness standard. The "reasonableness" of a use of

Just the Facts:

» In California, newly proposed legislation seeks to change the standard for an officer's use of force from "reasonable" to "necessary," attacking the longstanding precedent established by the U.S. Supreme Court in *Graham v. Connor*. However, such measures are merely political window dressing that will make little change in addressing use-of-force issues.

force, according to the Supreme Court, must be judged from the perspective of a reasonable officer on the scene. A court faced with such a case must look at the facts and circumstances, including the severity of the crime at issue, whether the suspect poses an immediate threat to the safety of the officer or others, and whether the suspect is actively resisting arrest or attempting to evade arrest by flight.

Media coverage surrounding AB 931 touted the legislation as a dramatic change to the standard that officers will be assessed by in cases where deadly force is used. Proponents of AB 931 proclaim the bill calls for an officer using deadly force **only when necessary** as opposed to **when reasonable**. In reality, legislation such as AB 931 is merely window dressing. Politicians and lawmakers may use the bill to advance ideological agendas and garner political clout; however, in practice AB 931 will change nothing for the two most important parties: the responding officer and the citizen.

A closer look at the actual language used in the bill shows that little will change. AB 931's definition of "necessary" appears to mirror the current reasonableness standard under the Fourth Amendment. Under AB 931, an officer's use of deadly force may be deemed "necessary" if, when considering the totality of the circumstances, a reasonable officer would conclude there was no reasonable alternative. Under current Fourth Amendment jurisprudence, an officer's use of deadly force will be justified if it

is "objectively reasonable" — that is, if a reasonable officer given the circumstances would have used deadly force.

Therefore, while California lawmakers and the media alike attempt to generate publicity for AB 931, the language as presently drafted changes little for an adjudicating court and nothing for a responding officer. The reasonableness standard established by the Supreme Court works. Cities and municipalities are ultimately hurting themselves by attempting to pass laws that circumvent Supreme Court precedent and place a larger burden on their own officers. Legislation like AB 931 exposes the city to greater liability without creating more accountability for the officer. From a practical standpoint, when an officer is faced with a scenario whereby they are considering using deadly force, calling the standard they will be adjudicated by "reasonable" or "necessary" is immaterial.

It is likely that there will be similar movements in other states to pass laws akin to AB 931. It is the FOP's position that legislation will not solve the dilemmas that arise when an officer uses force on a civilian. Continued campaigns to foster human interaction and neighborhood policing initiatives allowing officers to be entrenched in the communities they police are considerably more effective means for addressing this complicated issue.

AB 931 is currently located in the Senate Committee on Public Safety. It has been re-referred to the committees on public safety and appropriations. Its progress will be continually monitored by the FOP. **FOP**



Legal Defense Plan Announcement

At its most recent meeting, held in Seattle, the FOP Legal Plan Board of Trustees approved the following changes to the Plan. Although the Plan has seen some significant growth over the last few years, the number of claims being submitted has also increased. Multiple factors go into making these decisions, with the ultimate goal of financial solvency and continuing to be the best legal plan in the marketplace.

Participant Fee Change Effective January 1, 2019

Effective on the first anniversary date on or after January 1, 2019, a price increase on full coverage will be implemented. The new annual pricing will go into effect on your lodge or individual annual renewal date. (Please note that the participant fee for Civil and Criminal Only coverage has not been changed.)

Salary Reimbursement Option Change Effective April 12, 2018

Your FOP Legal Defense Plan includes a Salary Reimbursement Option (SRO). It historically said that participants whose claims involved suspension or other disciplinary actions resulting in salary loss may elect to receive reimbursement of up to three days' actual salary loss or \$500 — whichever was less. Effective April 12, 2018, this option has changed to be up to three days' actual salary with no cap on the benefit. For example, if you

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would have been compensated \$800 for three days of work, you would have previously been provided \$500 compensation under the SRO. With this change to the SRO, you will now be eligible to receive \$800. A full description of the salary reimbursement option and how to file a claim can be found by clicking the Legal Defense Plan Description link at www.foplegal.com/marketing.html.

If you have questions or would like more information, please contact Hylant, the FOP Legal Defense Plan Enrollment Administrator, at (800) 341-6038 or visit our Plan website at www.foplegal.com. **FOP**

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Never Let Them Walk Alone



Never Let Them Walk Alone, the motto of the Fraternal Order of Police Auxiliary, was adopted as our pledge of support for members of the FOP and their families. However, this motto has come to mean so much more.

Our auxiliaries offer assistance daily to FOP families and one another. We are happy to celebrate the milestones of our children, and we are present when a family is struggling to deal with the loss of a loved one. We are ready to work on events for our families and children to enjoy together, and we are the frontline support of our law enforcement officers in the community.

Our motto is even more evident each year in May, when the FOP and the FOP Auxiliary join ranks to honor the men and women of law enforcement who give their lives in the performance of their duty. Each year, Auxiliary members assist family members with care and concern when attending Police Week events. Family members are overwhelmed by the magnitude of the event, and Auxiliary members reassure them that we will Never Let Them Walk Alone in their experience. We work diligently to assure that they are treated with respect and caring.

The Memorial is a solemn tribute to

each officer, to the life they led and their willingness to serve and protect. Lodges and auxiliaries around the country plan ceremonies that will recognize the officers and their families for the sacrifices they have made.

The Auxiliary aspires to reach the day when there are no more new names to be read or inscribed on memorials, and no more new families to grieve a line-of-duty death. Until that day, the FOP and the FOP Auxiliary will remain vigilant to honor and remember those who made the ultimate sacrifice, along with their families, friends and co-workers. We will continue to demonstrate our commitment to Never Let Them Walk Alone.

The Auxiliary is the arm of your organization that is working to support the FOP's many programs and endeavors. We work to provide encouragement and support to families of law enforcement through our safety and education programs and to promote projects that are important to law enforcement families. For information on chartering an auxiliary for your lodge, contact the National FOP for referral. **FOP**

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

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