

FOP



JOURNAL

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JUNE 2019

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FOP JOURNAL

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Firearms,
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A Powerful, Heartfelt Memorial Service



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

As we stood on the steps of the United States Capitol on May 15, I looked out upon the majesty of the Mall and West Front with awe and an immense pride in being able to host the 38th annual National Peace Officers Memorial Service.

The day was bright and sunny and the weather was in full cooperation with the service: 70 degrees, light breeze and a beautiful blue sky. The white chairs sitting in the middle of the event and blue chairs to the left of the stage and red chairs to the right. It was 9 a.m. and the area was already full of people being screened by TSA and Uniformed Secret Service personnel.

I TEARED UP MORE THAN ONCE LISTENING TO BEAUTIFUL VOICES SINGING HEARTFELT SONGS, PERFORMING AT THEIR BEST TO HONOR THE FALLEN.

We were honoring 228 heroes who had made the ultimate sacrifice and we were presenting the Medal of Honor to each family. Each one unique and suffering the loss of their family member and each one hearing the promise that our nation would never forget their sacrifice and that the National FOP would make sure to keep their memories alive. The survivors are always the focus but each year as members of the National Executive Board present the members, certain families bring a tear to your eye. Perhaps they were from your home state, you may have attended the funeral for their loved one, or a child looks up at you and the hurt in their eyes chokes you up. Mom and Dad may be trying to be strong for their family members but

you can see the grief that they are feeling. Your voice cracks as you start by telling them, "On behalf of a grateful nation and the National Fraternal Order of Police, I present this Medal of Honor in recognition of the Supreme Sacrifice."

As you present the medal, the eyes of the survivor tells you that what we do in honoring our heroes is very important for their closure and for their hearts. They have just heard the President of the United States tell them how much our country respects and honors their loved ones and they have heard from the National Presidents of the Grand Lodge and the Auxiliary that we will honor our commitment to them, the families of our heroes. They have placed a flower in our wreath that once the service is completed will be taken to the memorial site, where honor guards from all across our nation will stand a 24-hour vigil.

We are asked about ways to shorten the service because it usually takes three hours plus, but if you have ever been able to see the service in its entirety and presented a medal to a family, you would quickly say that it could take all day and it would not matter. Our job is to ensure that each family understands that they are important to us and that their loved one is not forgotten. As our nation's oldest, largest and strongest law enforcement professional organization, we are committed to making their experience during this service one that will help in their recovery and healing.

This year we were honored to have uniformed officers perform songs that they had carefully chosen to sing to honor our survivors. I can tell you that as I sat across from the President of the United States, I teared up more than once listening to beautiful voices singing heartfelt songs written specifically for the circumstances.

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Monitor This Use-of-Force Bill

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



A major issue is coming to a head in the California Legislature and it could have an impact on law enforcement officers across the country. Assembly Bill 392, also known as the California Act to Save Lives, would require officers to justify using deadly force, changing the standard from "reasonable" — as defined by the U.S. Supreme Court's *Graham v. Connor* ruling — to "necessary." That means that, under the proposed bill, officers must feel confident it is necessary to shoot to protect themselves or others from danger, or they could be prosecuted for killing a person.

Some may see this change as positive, thinking that it's commonsensical that it should be "necessary" for the government (an officer) to use force on a citizen. The problem is that the difference between reasonable and necessary may be difficult to discern in the split second of decision-making, and could be even more muddled through the lens of hindsight.

Ask yourself: Is it necessary to use deadly force on a person who has an unloaded or replica firearm? What if an officer makes a tactical mistake, such as reaching into a vehicle? Does that decision make subsequent decisions unnecessary? Finally, ask yourself what happens to the officer who guesses incorrectly that the firearm is a replica or does not use the proper amount of force due to uncertainty of the rules to which he or she will be held by a prosecutor.

Our members have been guided since 1989 by the *Graham v. Connor* decision and Chief Justice William Rehnquist's famous quote: "The 'reasonableness' of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight." Every use-of-force policy in America should be built around this Supreme Court case. Our officers have been trained that this is how use of force will be judged.

What impact might the proposed changes in the California act have on recruiting and retaining officers, especially in the toughest places to work? I think we know.

This use-of-force change has been debated for years and not just in California. In fact, when I testified in front of President Obama's Task Force on 21st Century Policing in 2015, I was questioned about this very topic by Tracey L. Meares, a professor from Yale Law School. Ms. Meares believed that *Graham v. Connor* was a minimum standard and that we should have stricter standards than what the Court had implemented.

THE PROBLEM WITH THE PROPOSED CHANGE IS THAT THE DIFFERENCE BETWEEN REASONABLE AND NECESSARY MAY BE DIFFICULT TO DISCERN IN THE SPLIT SECOND OF DECISION-MAKING.

In Police Executive Research Forum's (PERF) "Guiding Principles on Use of Force" publication, former Principal Deputy Assistant Attorney General Vanita Gupta for civil rights under former U.S. Attorney General Eric Holder said: "I think it's revolutionary and transformative to be talking about going beyond current understanding of what is 'objectively reasonable' per *Graham v. Connor*. There is a real mismatch between what community standards are, what the community expects and what they think the law should be, as opposed to what the law allows for."

Assistant AG Gupta continued: "I think there is a setting of standards

within the profession, and that the courts eventually will catch on. Or the definition of what is objectively reasonable will begin to change over time, because of the work that the profession is doing on these issues. It's not going to happen overnight, but I think that what is happening right now in the country, in meetings like this, is in fact changing some of the terms of what is reasonable."

This bill also mandates that officers would have to engage in de-escalation tactics that propose to reduce tension between officer and suspect. So-called experts have said these tactics could include listening to the suspect's story, explaining the actions an officer is about to take and ensuring that the suspect's dignity is preserved throughout the interaction, according to an *USA Today* article written by Marco della Cava.

De-escalation takes place in every police situation where it is feasible. However, I believe that these so-called experts are unaware that it takes both sides of a tense situation to de-escalate. An officer can talk until he or she is blue in the face but if the subject they are talking to is not interested in listening, no de-escalation can happen. I also feel that these "experts" have no idea how fast things go from bad to worse on the street but every one of our members knows this for a fact.

If this law passes in California, it very well could be on its way around the country and bears watching from all FOP members because of the consequences that accompany it.

Shortly after this article was submitted, a coalition of California law enforcement leaders (including the California FOP) succeeded in getting amendments to the bill that allowed them to assume a neutral stance on the legislation. The fact remains that activist groups and legislators are trying to change the use-of-force standards away from the *Graham v. Connor* standards, and we must fight against those changes to protect our members. **FOP**

Refusing to Prosecute — A Modern Version of the Broken Windows Theory



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

Prosecutors are obligated to protect victims and witnesses, have consideration for the innocent and respect the rights of all citizens, including suspects and defendants. Yet, across America, a growing number of district attorneys are refusing to prosecute certain crimes, ignoring the victims' rights and the impact on communities.

In 1969, Philip Zimbardo, a psychologist from Stanford University, ran a field study in which he abandoned two cars in two cities: one in a mostly poor, crime-ridden section of New York City, and the other in an affluent neighborhood of Palo Alto, California. Both cars were left without license plates and parked with their hoods up.

After just 10 minutes, passersby in New York began vandalizing the car. First it was stripped for parts, then vandals began destroying it. In Palo Alto, the other car remained untouched. Finally, after a week, Zimbardo did something unusual: He took a sledgehammer and gave the California car a smash. Almost immediately, passersby quickly ripped it apart, just as they'd done in New York.

This field study demonstrated how something that is obviously neglected becomes a quick target for vandals and criminals. This theory eventually morphed into one of the most influential theories of criminology: the broken windows theory.

It isn't just elements of the physical environment that sets the broken window theory in motion. The same applies when district attorneys, mayors and other public officials fail to carry out their constitutional obligation to protect and to provide security to the citizens of their cities and they do so in favor of a political ideology conveniently camouflaged as "social justice."

In Dallas, Texas, District Attorney John Creuzot has declared he will "decriminalize poverty." To achieve his goal, he is enacting

aggressive policy changes in how his prosecutors handle bail and petty crimes. In an era of rampant package theft, shoplifting and car break-ins, criminals seemingly get a pass because Creuzot's threshold for prosecution is set at \$750.

In San Francisco, Proposition 47 severely reduced penalties for property crimes and since 1974, the city has seen a dramatic increase in property crime rates. Perhaps the most well-known abuse is from Chicago, where District Attorney Kim Foxx in March dropped charges against actor Jussie Smollett, who was charged with staging an attack on

BE IT PHYSICAL VANDALISM OR BLURRING THE LINES WITHIN THE CRIMINAL JUSTICE SYSTEM, THE RESULTS ARE THE SAME: BROKEN WINDOWS AND BROKEN PROMISES WILL EFFECTIVELY LEAD TO MORE DECAY.

himself and then falsely claiming he was the victim of a hate crime. Add to this a revolving door of mass criminal releases as well as the lowering of bonds for violent criminals and we have a recipe for disaster in cities all across America.

Blurring of legal lines does not make us a safer America. What happens to the victims of unprosecuted crimes? Do the criminals simply take what they want, and the victims no longer have rights to their property? Consider small-business owners — the backs upon which this country is built, many of whom are struggling to keep their doors open. How many \$750 thefts can they financially survive? How

do we, as a society, reconcile the message that a certain amount of crime is OK?

Simply look at an abandoned home or factory in Anytown, USA. Break one window and in a short time, all windows will soon be busted out. Allow graffiti on the side of a building and more will quickly follow, and so on. Be it physical vandalism or blurring the lines within the criminal justice system, the results are the same: Broken windows and broken promises will effectively lead to more decay.

The American criminal justice system may not be perfect, but it is by far better than any other in the world. We operate on the best evidence rule and allow the facts to tell an unbiased story. It is our job to properly collect and preserve the truth. Imagine a system that ignored these truths, a system that would allow for the arbitrary substitution of assumption for facts. A system that would overtly suppress facts that didn't fit our prejudice toward a desired outcome. That would be a sure recipe for chaos. Would that not be the true definition of social injustice?

FOP leaders across this country must sound the alarms and hold elected officials accountable for refusing to prosecute these crimes and ignoring the negative consequences of their actions to the very people they were elected to serve. No one knows our profession better than the dedicated men and women who pin on a badge every single day. We must offer our firsthand insight on this issue and illustrate that ignoring the rule of law leads to decay. During a recent trip to the White House, your National Executive Board expressed this very concern to President Trump and his administration and requested it, too, call out the inequities of this trend. Blurring the lines of what is legal sends mixed messages, weakens our communities and certainly makes our already difficult job of policing much more dangerous. **FOP**

The Growth of the FOP



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

Looking back over my time with the National FOP, I find it interesting how far we have come as an organization. When I was first elected to the National Board as the national trustee from Delaware in 1989, we had approximately 199,000 members in 1,743 lodges. I don't remember what the budget was back then, but I do remember that we did not have a PAC, we did not have a foundation, and we did not own any property. We did not have a Labor Services Division and there was no FOP Legal Defense Plan. All our financial transactions were done by U.S. mail and all our records were on paper that had to be stored for years. During my time as national trustee, I served on the committee that started the National FOP legal plan.

In 1999, after 10 years as national trustee, I had the honor of being elected national treasurer. At that time, we had 282,717 members in 2,084 lodges. We had a budget of approximately \$3.5 million and no PAC. We had started a foundation, which had about \$4,800 in it, and we owned a small building in Washington, D.C. We also had \$700,000 in an investment account. The FOP Legal Defense Plan had 18,000 members in 1999, and in 2000 we hired a director of labor services to assist our members with labor issues. In 2002, I developed an online voucher system that allowed members to submit vouchers electronically, cutting weeks off the time it had previously taken to be reimbursed for expenses.

During my time as National treasurer, I have watched the National FOP reach 350,000 members in 2,146 lodges, with a budget of \$7 million. The foundation has grown with a budget of \$430,000 and has \$935,000 in the bank. The Grand Lodge has \$5.5 million in an investment account. We own our headquarters building in Nashville, Tennessee, and we own a building in Washington, D.C., that is more than three times the size of our original building. The FOP Legal Defense Plan has 80,000 members and assets

of over \$21 million. Labor Services is a \$2 million per year operation now representing 113 bargaining units with 15 Labor Services employees. Many of our records are stored electronically now. We no longer have boxes of vouchers and receipts to store for seven years.

The National Lodge has also expanded the training we offer on how to operate your lodge, how to lobby your governments and how to represent your members through collective bargaining.

I have written numerous articles and made many presentations to our lodges about tax issues. Due to the constant changes in lodge leadership, this has proven to be an ongoing job. We still have many lodges

that have failed to file a tax return for three years and have lost their tax-exempt status. I advocated for and ultimately hired a part-time in-house accountant who has been assisting these lodges. This is an example of how your treasurer's office is trying to assist State and local lodges in handling their financial responsibilities. For assistance in these matters, you can email Bob Krone at Bkrone@fop.net.

I have been proud to be a part of implementing many new ideas, technologies and furthering the growth of this great organization. I look forward to serving you in the future to continue the advancement of the FOP. **FOP**

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Privileged Communication Best Practices



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

Dear Brothers and Sisters, In this era of unfounded accusations from all sides about police use of excessive force, it is sometimes hard to determine what to say to whom and when if an officer finds himself in the role of the accused. Most of us are aware of our rights under *Weingarten*, *Garrity* and *Miranda*. We know that we have the right to union representation during potentially disciplinary interviews, the right to certain immunity for statements made during compelled administrative interviews, and the right to remain silent and the right to counsel during criminal interviews. But sometimes the roles that people play can

be confusing in terms of whom we can talk to without fear of disclosure. Or put another way, it is not always clear who cannot be compelled to testify against an officer if that officer has made potentially incriminating statements.

The question is: What statements by an officer are privileged? And the answer, generally with some exceptions, is that the only person to whom privileged statements can be made is the officer's lawyer.

Immediately after use of force, most officers feel compelled to explain how what they did was reasonable under the circumstances. And the most common recipients of those explanations are other

law enforcement personnel. But almost without exception, fellow officers should not be the confidant.

Statements made to fellow officers are not privileged. In fact, the reality is to the contrary, as fellow officers can be compelled to respond to inquiries about an accused officer's statements, be it in an administrative or criminal setting. And there is no privilege affixed to union officials, so statements made to lodge or association representatives are not protected.

Even statements made to lawyers can lose privilege. For instance, statements made to an attorney in the presence of others is not necessarily privileged. And for the attorney/client privilege to exist, there must be an attorney/client relationship. Statements made to an attorney who represents the union may not be privileged, depending upon the circumstances. If the attorney represents the union, that does not mean he automatically represents the officer. Clarity in the relationship is key. Union-provided attorneys are not by definition the officer's attorney. This is especially true in the criminal setting.

The best practice is to know and understand that statements made to the officer's lawyer are privileged. If the officer has any doubt, he should speak to a lawyer and confirm the relationship to establish the privilege. For instance, suppose an officer is involved in a shooting. An attorney appears who says the officer's lodge has appointed him to assist the officer. It is imperative that the attorney, or the officer if the attorney does not, indicate that the attorney is there to represent the officer, not as the attorney for the lodge. Even if the attorney's fees are paid by the lodge or perhaps the FOP Legal Plan, it is vital — for privilege to be established without question — before statements about the event are made, that the attorney or the officer make clear that the attorney represents the officer. **FOP**



The Pilgrimage Will Soon Begin

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

We will soon be heading to New Orleans for our biennial Conference. Or should I say our biennial pilgrimage? Being your most recently elected sergeant at arms, I must admit, although I was warned, that being a national officer is no small endeavor.

A title is one thing; the awesome responsibility is much more. I've never had to answer to over 340,000 people before! Although an exaggeration, really not, as each and every member deserves the same dedicated service from your FOP and those whom you elected to serve.

I hope I have been able to meet your expectations or, better yet, exceed them!

I have tried to encourage open participation and communication among our retired and disabled members — those who are

**AT THE BIENNIAL CONFERENCE,
WE SET AND RESET
THE COURSE OF OUR
ORGANIZATION.
I ENCOURAGE YOU TO BE
PART OF THAT PROCESS.**

often forgotten. I hope I have been able to encourage our troubled members to seek help

and assistance because we all know PTSD is an injury that is real. And I hope I have raised awareness among our members when it comes to the safety and security of our activists at meetings throughout the country.

I know I have made CRI-TAC an FOP household term. Our partnership with the International Association of Chiefs of Police to provide free training to our members across the country through the Collaborative Reform Initiative — Technical Assistance Center has been very successful.

As I have often said, the FOP is many things to many people. A union,

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A Sunny Outlook for FOP's Future



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

Greetings, Brothers and Sisters! I write to you from the great state of Massachusetts, where I am checking in with our Brothers and Sisters here and supporting them at their conference. Seeing and hearing the outstanding work they have been doing here and the growth they are experiencing gives me cause to reflect on all of the amazing things that have happened in our organization during the past two years — years that you have blessed me with in allowing me to serve as your National chairman of trustees.

More so than any other time in our history, law enforcement professionals from all over the country are taking advantage of the FOP's great benefits and fraternalism. We are now standing at 346,000 members, a growth of about 11,000 members in the past two years. This continues to make us the largest and best representative organization for police professionals in the nation!

We've also established free college, worth hundreds of thousands of dollars, for our members and their families to further their education. In Texas, we've merged the Texas Municipal Police Association (TMPA) with the Texas FOP, resulting in the potential growth of 40,000 members there, with new lodges being chartered almost weekly. With input from members who tried various app platforms, we have

moved forward toward developing a mobile app to communicate with our members. We've seen young, new leaders step up in our organization who desire to lead us into the future. This was evident as we broke the attendance record for Leadership Matters in 2018, and we did it again this year, with even more new and future leaders wanting

WE CONTINUE TO GROW AND PROSPER AT A TIME WHEN THE NARRATIVE SURROUNDING OUR PROFESSION CONTINUES TO BE NEGATIVE AND ONE OF DISTRUST.

to learn how to lead within our Order. We partnered with C.O.P.S. and the Department of Justice with the CRI-TAC program to bring over \$7 million of available training funds to our members all over the country. The Officer Wellness Committee gathered valuable data through a nationwide survey so that we can learn how to serve our members better in peer support and suicide prevention. At the direction of the National Board, we've made health care for first

responders at age 55 a legislative priority in Washington, D.C. The list goes on and on.

Our growth and future outlook has never been better! It is no wonder we continue to grow and prosper at a time when the narrative surrounding our profession continues to be negative and one of distrust. Your Grand Lodge is committed to furthering our noble profession and continuing to serve our members in matters of importance to them.

I can't put into words what an honor it has been to be a part of this chapter in our FOP history. Brothers and Sisters, we have many more exciting chapters to write and I ask you to take part, too! Be active in your lodges, go to meetings and stay in tune with the good work your State and National lodges are accomplishing. Be involved, stay educated and be active in getting the work done and identifying who your next leaders will be while mentoring and helping them become our future.

Remember, together, there is nothing that can break us ... no media that can stop us, no hurdle we can't navigate. **Together**, let's move our fine and mighty Order to the highest place and continue to accomplish greatness. I look forward to seeing you all and fellowshiping together in New Orleans. Until then, Brothers and Sisters, stay in the fight! **FOP**

HELPING HEROES

The FOP Foundation supports our members in distress.

You can also help the brave men and women who risk their lives every day.

Visit www.FOP.net for more information and to donate online.

The Disaster Relief Fund is part of the National FOP Foundation, a 501(c)(3), not for profit corporation.

PRESIDENT'S MESSAGE

Continued from page 6 >

The officers who sing always thank us for the opportunity but it is we who must thank them for their dedication to our profession and for performing with all their hearts to make sure the families know how much they care about them. This was perhaps the best year I have ever seen with four performers that sang from the heart and performed at their best to honor the fallen. After we escorted the wreath to the memorial site, I was able to talk to officers as well as survivors and they all raved about the service as a whole but were very strong in their words when it came to these performances. I thank the committee who selected the performers and I want to thank them all for standing strong for the families.

To the thousands who came, I thank you. To the hundreds who work every year to make this service possible, I salute you. To the Brothers and Sisters of the FOP who gladly pay for this service, I tell you that you will forever be in my heart. To the National Memorial Committees of the FOP and our Auxiliary, I say, "Thank you for a job well done." **FOP**

SERGEANT AT ARMS' MESSAGE

Continued from page 11 >

a fraternal organization, a legislative powerhouse, a charitable entity; all of the above or some of the above. We are ever evolving to keep pace with the changing landscape of law enforcement. If a subordinate lodge finds a need to change its focus or direction, we have a diverse depth of experience within our ranks to assist, and never have I heard the word "no" to a plea for help.

We have experienced some awful times of recent. We went from being the heroes of 9/11 to the demons of Ferguson, Baltimore, New York and Chicago, to name just a few. We have suffered under a political climate that would have crushed other organizations. However, we weathered that storm and grew stronger. Our relationship with the White House has never been better.

I am proud to say that I have been a part, perhaps a small part, but a part of your elected leadership that has helped steer us through these rough waters. To sit among those whom I once admired from afar is truly an honor that you have bestowed upon me.

Every two years, we pilgrimage to set and reset the course of our organization. I encourage you to be part of that process, either by attending our biennial Conference or by giving support and direction to those you choose to represent you.

Look back where we have been, pause a moment to see where we are and look forward to the unseen challenges that we are sure to face. Leadership is tough; sometimes it means taking it on the chin for those who can't afford to. It's never a popularity contest but always a competency test.

I hope I have earned your respect in the competency challenge and I hope you elect others who have done so also. The waters ahead are sure to be filled with obstacles that will require an experienced team to navigate them.

As a side note, drop me an email at Kturney@fop.org if you wish to assist in security at our doors at the national Conference. I need all the help I can get.

God bless you all and God bless the FOP! **FOP**

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Jesus Manuel Cordova
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ARKANSAS

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Greggory Casillas V.
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Photos courtesy of Lynn Cronquist





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



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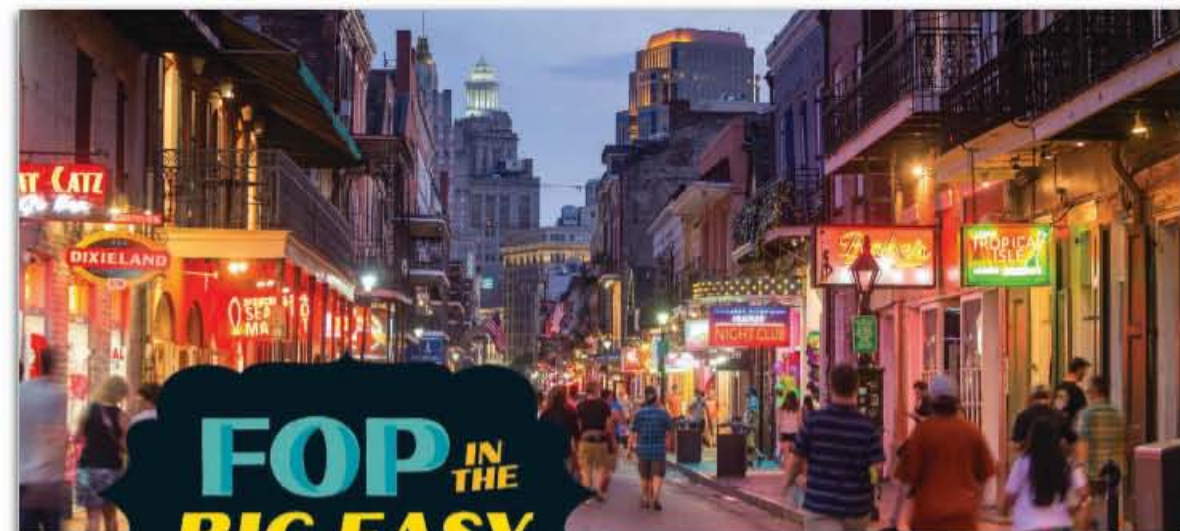
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FOP IN THE BIG EASY

Your Guide on Where to Eat, Relax and Have Fun at the National Conference

It's been 14 years since the Fraternal Order of Police held its biennial national conference in New Orleans. A few weeks after that event wrapped in 2005, Hurricane Katrina blew through, flooding the famed Louisiana city. Now, after years of rebuilding, the Big Easy has gotten its swag back and is ready to welcome FOP members and their families this summer to the 64th National Conference and Exposition.

"A lot of people don't know it, but the fleur-de-lis was designed as a symbol of rebirth, and that's what we look like. New Orleans has changed and gotten better," says Darrell Basco, president of the Louisiana State Lodge, host of the August 12-15 conference at the New Orleans Ernest N. Morial Convention Center.

Established 300 years ago as a trading camp on the Mississippi River, New Orleans has become an internationally acclaimed destination. Every winter, millions of revelers descend on the city to celebrate Mardi Gras; however, there are plenty of reasons to visit any time of year, including all kinds of festivals, big and small.

"Life in New Orleans is always celebrated," says Basco, deputy chief of the Pineville Police Department in Pineville, Louisiana.

Indeed, stroll down any street of the famed French Quarter and you'll likely hear the playful tunes of a brass band. Or maybe the jubilant sounds of a funeral procession winding its way toward one of the city's iconic aboveground cemeteries.

Even in the middle of the day, one can hear jazz notes floating through open club doors, often accompanied by aromas wafting from a melting pot of restaurants. After all, music and food are intrinsically associated with the Big Easy.

"Even some of our lodge-sponsored events are based on the music of New Orleans and the tastes of Louisiana," Basco says.

To make the most of your stay, here's a sampling of what to eat, see and do when traveling to the Conference.



GW Fins



Dat Dog



Randy B. Schmidt

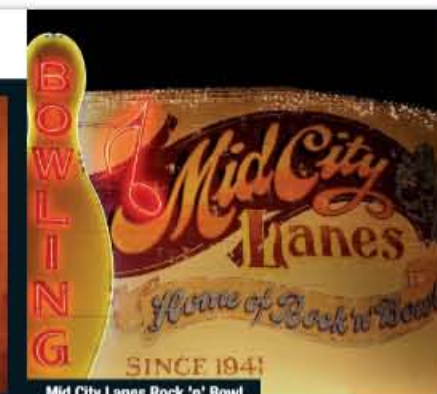
Kayak-iti-yat



Insta-Gator Alligator Ranch



Mulate's Restaurant



Mid City Lanes Rock 'n' Bowl



If you're in the mood for a more casual experience, head over to **Mother's Restaurant** in the Central Business District for an authentic po'boy sandwich and bowl of jambalaya. Be sure to scan the mementos displayed on the restaurant's military wall.

In a hurry? Grab a **Dat Dog**, a popular local favorite. You can try crawfish étouffée, the Son of a Saint Dog with alligator sausage, or improvise by choosing among 30 toppings.

New Orleans is also home to beignets, a fried pastry usually partnered with a strong cup of coffee. Pralines are another local indulgence. **Aunt Sally's** has been cooking up the nutty, caramel candy from the same recipe for multiple generations.

Serious foodies can sign up for a **New Orleans Culinary History Tour**. Historians guide visitors through unique regional tastes and tales at some of the oldest restaurants.

NOLA Nightlife

While the city offers a full menu of delicious food finds, mixologists pour out some eclectic spirits. The Sazerac, for example, may be an old-school

cocktail but it remains popular, especially at the Sazerac Bar in the famed **Roosevelt New Orleans**, a Waldorf Astoria hotel.

Want to kick back at a neighborhood joint? Pop into the French Quarter's **Longway Tavern** or its sibling **Barrel Proof**. Just outside the Quarter, you'll find **Meauxbar**, which highlights French influences in food and drink concoctions.

Although **Mulate's** is considered "The Original Cajun Restaurant," it's also a great place in the Arts District to experience the musical culture of Cajun country.

Or enjoy a relaxing evening at the **Cuban Crafter's Cigar Lounge**, where rooms are available for private parties. Feeling competitive? Challenge friends to a game of 10-pin at **Mid City Lanes Rock 'n' Bowl**, which showcases live music nearly every week.

Activities for All Ages

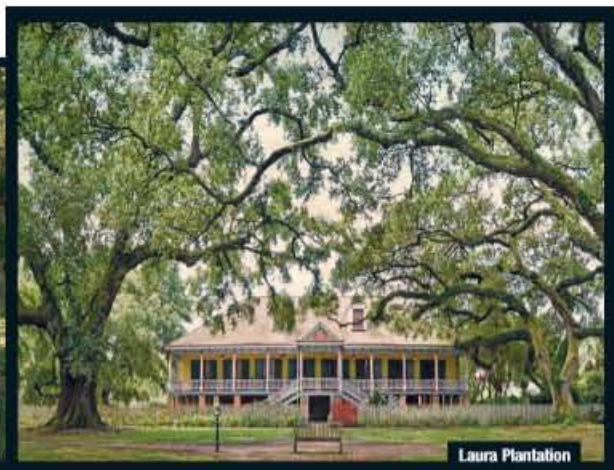
Beyond food and nightlife, New Orleans also offers plenty of activities that appeal to all ages.

Cruise the Mississippi River on the new **Riverboat Louis Armstrong**, docked only a few blocks from the convention center. The Satchmo deck is dedicated to the legendary musician, who played on steamers traveling the river before he was old enough to land gigs at clubs in town.

Continued on page 20 >



New Orleans Museum of Art



Laura Plantation

FOP IN THE BIG EASY
Continued from page 19

On land, families can play around in **Audubon Park**, part of the **Audubon Nature Institute**. Gather for a picnic near the lagoon or playgrounds, or work up a sweat on the tennis courts, along its nearly 2-mile jogging path or on the links of the **Audubon Golf Club**.

The family also will enjoy the **Audubon Zoo**, where children can get hands-on with multiple animal encounters and botanical life. At the **Audubon Aquarium**, visitors can walk through the Great Maya Reef, observe penguin antics and touch sting rays.

For a truly Louisiana outing, take the family to the **Insta-Gator Alligator Ranch**. Between mid-August and early September, more than 1,000 alligators

hatch there, and guests can watch the process unfold in their own hands.

Explore the beauty of the bayou and delta with **The Great Delta Tours**, which highlights fisheries and natural habitats. Use promo code "FOP" for discounted tickets. You can even paddle around the waterways on your own with a rental from **Kayak-iti-yat**.

Historical and Cultural NOLA

New Orleans offers visitors a collection of museums. Wander around the sculptures on the grounds of the **New Orleans Museum of Art** before viewing the galleries inside.

Veterans, officers, family members and history buffs will appreciate the **National World War II Museum's** extensive exhibits, enhanced with more than 9,000 personal accounts from veterans who served in all branches and on all fronts.

Travel River Road back to the 19th century. Stop at **Destrehan Plantation** for guided tours of the historic home and gardens. At **Whitney Plantation**, learn how the indigo and sugar economy affected enslaved peoples. Meanwhile, the **Laura Plantation** presents the Creole woman's perspective with firsthand stories.

Retail sites abound, from the **French Market District** — home to more than 40 boutique shops and 200 daily vendors at the farmers and flea markets — to neighborhood shops.

Still looking to experience more of New Orleans' charm? Basco suggests asking local residents for suggestions: "They'll give you great advice about great places. You won't have to look too far."

For more information, visit www.NOLA2019.org and www.NOLA2019.org/VisitorsGuide. **FOP**



National World War II Museum



Fresh Market in the French Market District



New Orleans
64TH NATIONAL
FOP CONFERENCE AND EXPOSITION
AUGUST 12-15, 2019

HOST LODGE EVENT SCHEDULE

Sunday, August 11

Welcome Reception

Make the short walk to Julia Street Cruise Ship Terminal on the river side of the convention center for an evening of fraternalism, entertainment and a wide variety of good food inside the air-conditioned terminal. Step outside and walk along the river as FOP cooking teams compete for bragging rights.

Monday, August 12
Mardi Gras World

Experience the largest float-designing and -building facility in the world. Experience an evening tour and party surrounded by the colorful sights and sounds of Mardi Gras with live music, dancing and great food.

Tuesday, August 13

Taste of Louisiana

Listen to live Cajun music on the main stage of

Championship Square outside the Louisiana Superdome while enjoying the taste of amazing Louisiana cuisine provided by Bec's at the Lake.

Wednesday, August 14

Rock the Dome

Extreme tailgating in the Superdome! On the north half of the field, you will experience a night of fraternalism where history has been made. There will be tables, chairs, buffet stations and entertainment. On the south side of the field, you can take part in the "Manning Football Experience," an interactive program developed by the infamous Manning family. It takes the basic skills of football — pass, catch and kick — and creates three hours of fun.

Visit
www.NOLA2019.org and
www.NOLA2019.org/VisitorsGuide
for more information.

CONFERENCE SCHEDULE

REGISTRATION

Saturday, August 10	10 a.m. – 5 p.m.
Sunday, August 11	10 a.m. – 5 p.m.
Monday, August 12	7 a.m. – 2 p.m.
Tuesday, August 13	8 a.m. – 2 p.m.
Wednesday, August 14	8 a.m. – 2 p.m.
Thursday, August 15	8 a.m. until 30 minutes after last name is called

EXPO

Sunday, August 11	12 p.m. – 5 p.m.
Monday, August 12	8 a.m. – 3 p.m.
Tuesday, August 13	8 a.m. – 2 p.m.

EVENT PACKAGE INFORMATION

Four amazing events for one low price:
All-Access Pass is \$150 per person
Go to www.NOLA2019.org to purchase event package online.

EXPO VENDORS

- 911 MEDIA
- Aetha
- American Military University
- AT&T
- Autism FYI.Org
- Big Cat Rescue
- Billy Graham Evangelistic Association
- Blackhawk
- Brodin Studios Inc.
- Bureau of Alcohol, Tobacco, Firearms and Explosives
- California Casualty Auto & Home Insurance
- California University of Pennsylvania
- Columbia Southern Education Group
- Columbia Southern University
- Concerns of Police Survivors (C.O.P.S.)
- Creative Casting
- Delta Defense LLC (U.S. Concealed Carry Association)
- Easterseals
- Electromedical Products
- Federal Signal
- Finance America – FOP Mortgage
- Financial Concepts of America
- First Tactical
- Flags of Valor
- FOP Free College Benefit
- FOP Grand Lodge Auxiliary
- FOP Washington D.C., Lodge #1
- Garden of Memories
- Funeral Home and Cemetery
- Glock Inc.
- Guardian Angels Medical Service Dogs Inc.
- Haix North America
- Heroes Vacation Club
- Home Wet Bar LLC
- Hometown Guardians
- Houston First and FOP Houston #110 (Bidding for 2023 Conference)
- Humana
- Hurst Jaws of Life
- Hylant
- Indianapolis State Lodge — 2021 Conference
- Institute of Scrap Recycling Industries Inc. (ISRI)
- International Conference of Police Chaplains
- Jack Daniels
- John Cipolla Insurance
- Lake of the Ozark Cam Police-Fire Games
- Las Vegas #1 FOP (Bidding for 2023 Conference)
- Law Enforcement GPO/NPPGgov
- Liberty Mutual Insurance
- Lincoln Financial Group
- Line of Duty LLC
- Los Caidos Inc.
- Mass Mutual
- National Institute for Occupational Safety and Health (NIOSH)
- National Insurance Crime Bureau
- National Law Enforcement Cancer Support Foundation
- National Law Enforcement Officers Memorial Fund
- National Police Credit Union
- National University
- NEP Services
- New Orleans Police Department
- North American Rescue LLC
- North Carolina FOP Foundation
- NPPFA Benefits
- Off Duty Management
- Officer Down US
- Optotraffic LLC
- Otto Trading Inc.
- Philadelphia Lodge #5 (Bidding for 2023 Conference)
- Presidio Networked Solutions (Sponsor)
- Project Peacekeeper
- Ragnasoft Inc.
- Relentless Defender Apparel
- Rock River Arms Inc.
- Rockin Feet/ Unique 4 U LLC
- Sassetti
- Stern Defense LLC
- Streamlight Inc.
- Trident University International
- Union Institute & University
- Union Life Style Benefits
- Unions-America.com Inc.
- University of Maryland Global Campus
- Upper Iowa University
- UPPER
- V.H. Blackinton & Co. Inc.
- Walden University

Mobile

VEHICLE UPGRADES ADD SECURITY AND EFFICIENCY

MODIFICATIONS

Ever since the first police vehicle rolled through the streets of Akron, Ohio, in 1899, it has served multiple purposes. They're emergency vehicles. They store equipment and gear. They act as protective barriers in dangerous circumstances. They're mobile offices. Recognizing that, manufacturers regularly introduce add-ons and modifications to further convert vehicles into a key policing asset. Some of the newest products:

Jotto Desk ZRT AR Secure Dual Gun Rack **GUN CONTROL**

Jotto Desk engaged SmartLok Technology for its ZRT AR Secure Dual Gun Rack to properly secure long guns during transportation, yet permit access at a moment's notice. Adjustable polycarbonate butt plates accommodate individual weapon positioning. The lock heads, forged from zinc, include silicone inserts for the AR barrel to help protect from damage and dampen sound during vehicle operation. The gun rack will accept one AR-15 and one Remington 870 in a vertical configuration.

MSRP \$879



SoundOff Signal mpower Exterior Full Size LED Lightbar **BRIGHT LIGHT**

Slim, low-profile and powerful describe the mpower Exterior Full Size LED Lightbar by SoundOff Signal. Measuring slightly more than 1 inch in height, each 6-inch module is approximately 50% thinner than the industry standard. That said, it produces between 5.9 and 11.6 watts of power depending on module type — alley, inboard warning and corner. Officers can choose from 66 warning flash patterns, 25 takedown/alley patterns and 11 arrow options. The housing is crafted as one piece from Silicone Clear Duty, which resists gravel pitting, scratching and cracking. Designers improved sealing to block water penetration. A higher UV and thermal stability help prevent yellowing.

MSRP unavailable



Gamber-Johnson Zirkona Medium Joiner **SUPPORTING ROLE**

What with road conditions, high-speed maneuvers and defensive driving, computers in police cars are subjected to a lot of jolting and jarring. Docking stations need a strong support system for their protection. Items like the Zirkona Medium Joiner with Two Round Mounting Plates along with a Female Threaded Adapter Kit, by Gamber-Johnson, lock in docking stations to ensure that tablets, laptops and cellphones have a smooth ride. The joiner holds up to 6 pounds in a vibrations/mobile environment, and as much as 33 pounds in static conditions. An extension tube creates extra height for adequate sight lines. A quick-adjust handle and x-axis range of motion enables users to tweak positioning. **FOP**

MSRP \$56



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Support for FOP Priorities Grows; FOP-Backed Bills Poised for Senate Action

At this writing, the 38th Annual National Peace Officers Memorial is only weeks away. The National Legislative Office is pleased to report that we have several bills poised for action between now and the start of summer.

This year's annual Day on the Hill event was a success, with more than 125 members from 18 State Lodges participating. For those participants — thank you for coming to Washington to support the FOP's agenda, and remember to follow up and maintain the relationships you created. Grassroots advocacy is not just a one- or two-time event!

Co-sponsorship for FOP Top Priorities Is Increasing

Social Security Fairness Act: Since our last *Journal* article, the Senate companion bill to H.R. 141, the Social Security Fairness Act, was introduced by Senators Corey A. Booker (D-New Jersey), Susan M. Collins (R-Maine), Sherrod C. Brown (D-Ohio) and Lisa A. Murkowski (R-Alaska) as S. 521.

This legislation, which has been a long-time priority for the Fraternal Order of Police, would repeal the Windfall Elimination Provision (WEP) and Government Pension Offset (GPO) in current Social Security law. We are pleased to report that the Senate bill, S. 521, now has 30 co-sponsors. At the close of the 115th Congress, we had only 27 co-sponsors. This is a significant increase — especially only five months into this Congress!

We can report similar success in the House of Representatives. At the conclusion of the 115th Congress, we had 195 co-sponsors on the bill. At this writing, we have 163 on H.R. 141. With the change in control in the House, the FOP is focused on getting 218 co-sponsors, which is a majority of the U.S. House of Representatives. We need 55 more!

As always, we urge all of our members to contact both of their senators and their representative and ask them to support

Just the Facts:

Co-sponsorship grows for the Social Security Fairness Act, Law Enforcement Officers Equity Act and Public Safety Employer-Employee Cooperation Act. Also, the Senate unanimously passed the STOIC Act, the Protecting America's First Responders Act and legislation to permanently authorize the Bulletproof Vest Partnership (BVP) program, the latter of which was signed into law by President Trump. The Protect and Serve Act has been reintroduced, and the LEOSA Improvements Act has been introduced.

this legislation or to thank them for being co-sponsors.

Law Enforcement Officers Equity Act: Approximately 30,000 federal law enforcement officers are classified as GS-0083 police officers who do not receive the enhanced "6(c)" retirement benefits that their colleagues in other agencies receive. Federal law enforcement officers employed by the Department of Defense, Department of Veterans Affairs, Federal Bureau of Investigation, U.S. Postal Service, U.S. Mint, National Institutes of Health and many more receive lower pensions than other law enforcement officers who have similar responsibilities. This is not fair.

The FOP has worked with our friends and allies to introduce H.R. 1195/S.473, the Law Enforcement Officers Equity Act, to expand the definition of "law enforcement officer" for retirement benefits to include all GS-0083 officers. This would provide these officers with 6(c) retirement benefits and the ability to retire after 20 years of service at the age of 50, or after 25 years of service at any age.

In the House, the bill has 36 co-sponsors — significantly more than we had at this point in the 115th Congress, which ended with 51 co-sponsors on the bill. We are working to increase the number of co-sponsors (currently one) in the Senate.

Public Safety Employer-Employee Cooperation Act: This top priority has

been introduced in the House by Representatives Daniel T. Kildee (D-Michigan) and Brian K. Fitzpatrick (R-Pennsylvania). The legislation would require that states "substantially provide" for the following rights and responsibilities:

- The right to form and join a labor organization that serves as, or seeks to serve as, the exclusive bargaining representative for nonmanagement and nonsupervisory public safety employees
- A requirement that the public safety employer recognizes the employees' labor organization and agree to bargaining
- The right to bargain over hours, wages and the terms and conditions of employment
- The availability of a binding interest arbitration as a mechanism to resolve an impasse in collective bargaining negotiations
- A requirement of enforcement of "all rights, responsibilities and protections" provided by the bill, including any written contract or memorandum of understanding through a state administrative agency or court of competent jurisdiction

If the Federal Labor Relations Authority (FLRA) deems that a state is not compliant with the provisions of the bill, then the state would have a period of time to comply or the FLRA will issue regulations that will provide for the aforementioned rights and responsibilities.

The House bill, H.R. 1154, currently

has 68 co-sponsors — which is already more than our final total (58) at the end of the 115th Congress. We are working with our friends in the Senate to introduce this bill, perhaps as early as National Police Week.

Action in the Senate on FOP-Backed Bills and BVP Signed Into Law!

The Senate considered the following three bills during National Police Week 2019:

- S. 998, the Supporting and Treating Officers in Crisis (STOIC) Act
- S. 1208, the Protecting America's First Responders Act
- S. 1231, legislation permanently authorizing the Bulletproof Vest Partnership (BVP) grant program

All three bills are strongly supported by the FOP and passed the Senate by unanimous consent. Two are still pending in the House, but we are proud to report that the House version of S. 1231, the Patrick J. Leahy Bulletproof Vest Partnership Grant Authorization Act, was signed into law by President Trump.

The House took up H.R. 2379, the House companion bill, and passed it on a 400-9 vote. The following members of the House voted "Nay" on this critical officer safety program:

- Justin Amash (R, Michigan-03)
- Jodey C. Arrington (R, Texas-19)
- Andy Biggs (R, Arizona-05)
- Jeff Duncan (R, South Carolina-03)
- Louie Gohmert (R, Texas-01)
- Morgan H. Griffith (R, Virginia-09)
- Andy Harris (R, Maryland-01)
- Tom McClintock (R, California-04)
- Chip Roy (R, Texas-21)

Following the House passage of H.R. 2379, the legislation returned to the Senate, which passed it unanimously again. The bill was sent to the president, who signed it into law — the biggest legislative victory for the FOP to date this year.

The FOP is particularly proud that the legislation was named for one of our longest-serving champions, Senator Patrick J. Leahy (D-Vermont). Senator Leahy created the BVP program with the strong support of the FOP in 1998 — more than two decades ago.

Since 1999, more than 13,000 jurisdictions have received a total of \$467 million in federal funds for the purchase of nearly 1.35 million vests. The BVP grant program can document more than 3,100 officers whose lives were saved because they were wearing soft body armor, and now, with the program permanently reauthorized, we

can be assured that this lifesaving equipment will be available for our officers in the future.

The Supporting and Treating Officers in Crisis (STOIC) Act: The STOIC Act would revive and expand programs designed to help officers and their families with stress reduction, suicide prevention and the promotion of overall mental health and wellness. We protect our officers' physical safety by providing them with tools like antiballistic body armor that has saved the lives of thousands of officers. However, it is a sad fact that we lose more officers to suicide every year than those who die in the line of duty. We must do more to help the officers suffering from job-related stress and address the need for better mental resiliency and wellness for our officers and their families.

The Protecting America's First Responders Act: The Public Safety Officer Benefits program is of critical importance to law enforcement and their families. In just the last few years, we have supported important reforms to the PSOB program and its processes to evaluate and award death and disability claims. However, the PSOB program is currently burdened

Continued on page 26 >

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with unreasonable definitions of the terms "catastrophic injury" and "gainful work" that prevent officers disabled in the line of duty from receiving the benefits to which they are entitled. This, combined with the absence of any guidelines for the adjudication of disability claims, has resulted in the denial of PSOB benefits to officers whose service-connected injuries would be viewed as eligible by almost every other component of the federal government. This legislation, S. 1208, updates the PSOB disability determinations and the definition of "gainful work," making it more consistent with existing federal law.

Update: The Protect and Serve Act

Representatives John H. Rutherford (R-Florida) and Val V. Demings (D-Florida) have reintroduced H.R. 1325, the Protect and Serve Act. The legislation, which would make it a federal crime to deliberately target a law enforcement officer with violence, currently has 15 co-sponsors.

The legislation passed the House last year on a 382-35 vote and we are working to get committee action on the bill in the coming months.

Update: The LEOSA Improvements Act

Representative Donald J. Bacon (R-Nebraska) has introduced H.R. 1156, the LEOSA Reform Act, in an effort to address several issues with the Law Enforcement Officer Safety Act (LEOSA).

The bill, which has 19 co-sponsors, would extend the LEOSA exemption to apply to the Gun-Free School Zones Act, national parks and certain federal buildings like post offices or Social Security Administration buildings. The bill would also extend the exemption to magazines so that officers are not exposed to legal jeopardy in states that have limitations on the number of rounds or capacity of a magazine.

The FOP is working with our friends in the House to build support for the legislation as well as working to develop a companion bill in the Senate.

Other Legislation

The FOP has been working with the House Committee on Financial Services on better protecting our nation's financial institutions from transnational criminal organizations and terrorist operations that are using our banks, financial institutions and other means to profit from their illegal activity. The FOP has endorsed H.R. 2513,

the Corporate Transparency Act, which would combat this misuse of U.S. shell corporations by requiring the U.S. Department of the Treasury, specifically the Financial Crimes Enforcement Network (FinCEN), to collect beneficial ownership information from corporations and limited liability companies formed under state laws. It is vital that such information, once collected, be available to law enforcement at every level — local, state, tribal and federal — using the appropriate protocols. Once FinCEN has the ability to share this information, law enforcement will be able to investigate possible connections between these corporations and terrorist funding.

It is expected that the committee will act on this legislation soon and that the bill may be considered on the House floor during National Police Week.

The FOP also worked with Representative Peter T. King (R-New York) and other members of the House Committee on the Judiciary to refine a bill Mr. King introduced earlier in the Congress, H.R. 816, the Officer Sean Collier Campus Police Recognition Act.

On April 18, 2013, Sean Collier of the Massachusetts Institute of Technology (MIT) Police Department was ambushed and murdered by the Tsarnaev brothers in the wake of their bombing of the Boston Marathon. Although Officer Collier was killed in the line of duty, his family was ineligible for the death benefit administered by the Public Safety Officers' Benefit (PSOB) program because he was not employed by a public agency as required by law (34 USC 1010284(9)). The bill introduced by Representative King would amend the federal statute and extend the PSOB benefit to law enforcement officers employed by an institution of higher education, who have full police powers and whose agencies are certified by the state in which they operate.

Although the bill is ready for committee action, no hearing or markup has been scheduled.

Support the PAC!

A key component of our National Legislative Program is the National Fraternal Order of Police Political Action Committee (NFOP PAC). We are urging every FOP member in your lodge to make a donation and to consider becoming a monthly contributor. We also encourage lodges to consider participating in a payroll deduction program. 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. **FOP**



Can You Afford Not to Have Coverage?

The FOP Legal Defense Plan has hit an all-time milestone. We are happy to report that the plan has now enrolled over 90,000 members — a true sign of a phenomenal benefit the Grand Lodge has to offer.

Legal defense coverage has become a necessity for law enforcement as the frequency and cost of allegations against peace officers continue to rise. The FOP Legal Defense Plan is owned and operated by the FOP and designed to meet the exposures you face every day while working. The FOP Legal

considering the frequency, severity and cost as these allegations and incidents continue to rise?"

Before selecting a non-FOP-sponsored legal defense coverage, consider the benefits of the Legal Defense Plan:

- Sponsored by the Fraternal Order of Police Grand Lodge
- Operated by the FOP Legal Plan Inc.
- Protecting thousands of FOP members since 1995, currently over 90,000 participants strong
- Must be an active FOP member in good standing to participate
- Designed specifically for law enforcement officers
- Affordable, Comprehensive and Responsive duty-related legal defense coverage
- Off duty out-of-scope administrative coverage included
- No limits on coverage for Administrative, Civil and Criminal when using a plan attorney
- Choice of own attorney with legal fees paid on your behalf
- Coverage appeals and plan management is controlled by a FOP Board of Trustees versus an insurance company or an outside organization
- Financial and professional security during a time of intense public scrutiny of police officers
- Relieves the stress and financial burden of a lengthy legal defense battle
- Supported by a strong organization sending a message of a strong defense

Costs

New annual pricing. Based on the most recent actuarial analysis, claim activity and with the best interest of the plan in mind, the Board has implemented the following prices effective January 1, 2019. These prices will go into effect for

current plan participants on their annual renewal date after January 1.

- Group Full Coverage (ABC) \$300/annual
- Individual Full Coverage (ABC) \$310/annual
- Group Civil/Criminal Coverage (BC) \$64/annual
- Individual Civil/Criminal Coverage (BC) \$68/annual

For more information about the plan, visit the webpage at www.foplegal.com or contact Hylant (enrollment administrator) at (800) 341-6038. **FOP**

CAN YOU IMAGINE YOURSELF OR YOUR LODGE HAVING TO DEFEND YOU AGAINST ALLEGATIONS STEMMING FROM INCIDENTS THAT OCCURRED WHILE YOU WERE DOING YOUR JOB?

Defense Plan provides defense coverage of law enforcement professionals for Administrative, Civil and Criminal type actions, proceedings and investigations.

Can you imagine yourself or your lodge having to defend you against allegations stemming from incidents that occurred while you were doing your job? Can you imagine the emotional roller coaster one faces when allegations or, even worse, charges are brought against you for actions conducted within the scope of employment? We understand it, we have experienced it, and we have defended it for the last 24 years. The plan has serviced over 30,000 claims and paid out over \$80 million in legal fees over the life of the plan. Ask yourself this, "Can you afford not to have coverage or protection

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Jim Crowley — “You Don’t Mess Around With Jim”

A great line from a great song from a great songwriter: “You don’t mess around with Jim.”

Army veteran who served in Vietnam. A decorated street cop. A fierce defender of the meek. No, you don’t mess around with Jim Crowley.

Jim had more to do with bringing the FOP to Utah ... hell, he **did** bring the FOP to Utah.

He was born on June 24, 1947, and drafted into the Army in June of 1965. He was shipped to Vietnam. Didn’t do much there. All he did was enough to receive the National Defense Medal, Meritorious Unit Citation Medal, Vietnam Service Medal and the Good Conduct Medal. He was honorably discharged in 1968.

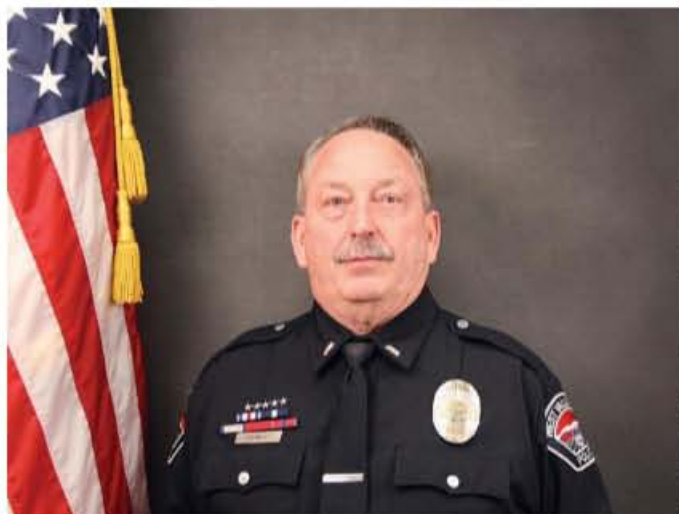
In April of 1976, he attended the police academy and became a police officer for the Salt Lake County Sheriff’s Department. In 1980, the city of West Valley founded their own police department. Jim was sworn in with West Valley City Police Department that year. He was honored as Officer of the Year in 1991, with a Certificate of Merit in 1992 and a Distinguished Service Award in 2010. He retired in 2013 at the rank of lieutenant. This was the type of illustrious career that most of us can only dream of ... except that he got hurt a lot.

“West Valley Policeman Gets All the Breaks”

That was a headline of a *Deseret News* article about Crowley. WV Lieutenant Jim Stroud, who was interviewed about Crowley, said, “He’s just one of those gung-ho aggressive types, and I mean aggressive in a positive sense. He’s always on the prowl. We even assigned him to an office job, and he got hurt — and he’s not accident prone. I think the city’s lucky to have him. The insurance company isn’t.”

All the while, Brother Crowley was FOP like nobody else could be.

Brother Crowley served as West Valley Lodge president for 10 years and secretary for



West Valley City Police Department via Facebook

two years. He also served as Western States co-chairman for four years, from 1993-1997. He became Utah’s national trustee in 1989 and was the longest serving trustee at the time of his death with 29 consecutive years. In 2011, Salt Lake hosted the National FOP Conference, with Jim serving as the conference chairman. No real beer in Salt Lake, but a great conference nonetheless.

Brother Crowley, unable to attend the National Board Meeting in Independence, Ohio, in October 2018, visited with his FOP Brothers and Sisters via Skype. It was a sensitive time for all of us in attendance, but we thank God we were able to be part of this emotional and somber event.

Jim passed away on November 3, 2018. A large number of his FOP Brothers and Sisters converged onto Salt Lake City to say one last goodbye to our fellow cop, FOP Brother and friend. The services were beautiful, and Jim was sent off in a manner he greatly deserved. At a reception that

evening in Jim’s honor, Jacob Crowley was sworn in as Utah’s newest, and second, national trustee. President Chuck Canterbury officiated the swearing-in.

Brother Crowley left behind sons Jacob, James, Joey and daughter Holly Rabanne. Jim also had nine grandchildren and 346,000 FOP Brothers and Sisters. He spent his entire adult life serving the citizens of his country, state, county and city with blood, sweat and a lot of broken bones.

He loved police work.

He loved the FOP.

He loved us.

Rest in peace, Brother Crowley, your seat on the board of directors is left in good hands.

James Flores (New Mexico) is the chairman of the National FOP History Committee. The members of the committee are Dewey Stokes (Ohio), Adolph South (Alabama) and Michael Young (Maryland). FOP

Post-Janus Update: Response From States and Courts

We have been tracking fallout from the *Janus* decision issued by the U.S. Supreme Court on June 27, 2018. The Court ruled 5-4 that state laws requiring nonunion employees to pay fees to the union are unconstitutional on First Amendment grounds. Unless an employee affirmatively consents to pay, neither agency fees nor any other payment to the union may be deducted from a nonunion employee’s paycheck.

Post-*Janus*, our tracking of the fallout is twofold: legislation and litigation. First, we are following responses by state and local legislatures impacting public employees. Second, we are watching the court dockets as lawsuits are pending in nearly all federal district courts post-*Janus*.

New state and local legislative measures are in place in response to the *Janus* decision. First, as an attempt to encourage membership and recruit new members, several states have amended their public employee collective bargaining laws to require union access to existing employee contact information and new hires to meet with union representatives while on the clock. For example, California requires the public employer to provide the exclusive representative mandatory access to its new employee orientations. It further requires the public employer to provide the exclusive representative with the contact information of any newly hired employee within 30 days of the date of hire. Cal. Gov’t Code §§ 3556, 3558. New York and New Jersey have enacted similar laws providing the exclusive representative access to public sector employees. See N.J. Stat. Ann. 34:13A05.13; N.Y. Civ. Serv. L. § 208.

Second, new laws make it more difficult for union members to revoke their membership or opt out. For example, New Jersey law passed prior to *Janus* limits government employees who previously joined the union to a 10-day window in which they can opt out of their membership.

Just the Facts:

➤ State responses include requiring union access to employee contact info and for new hires to meet with union representatives, making it harder for union members to opt out or permitting unions to offer services to members only. Courts likely won’t order agencies to refund fees collected before *Janus*. The U.S. Supreme Court declined to hear *Uradnik v. Inter Faculty Organization, et al.*

Finally, legislation has been introduced or passed granting unions the ability to offer services to union members only, at the exclusion of nonunion employees. For example, legislation passed July 2, 2018, in Rhode Island mitigated police officer and firefighter unions from the obligation to represent employees in grievances/arbitration if they were not members of the bargaining unit within 90 days prior to the event that caused the grievance. See RI H 7377.

At a local level, the California cities of Berkeley and San Francisco passed resolutions urging their mayors to work with the public-sector unions to ensure the health and success of the unions. In Alaska, the City of Anchorage responded to *Janus* by defining its duty of fair representation. The ordinance passed August 28, 2018, clarifies that an organization does not violate its duty of fair representation or commit an unfair labor practice when it charges a nonmember reasonable costs or fees for bargaining representation or where it denies nonunion members representation altogether.

Litigation emerged in the federal district courts across the country post-*Janus*. In particular, lawsuits seeking the retroactive refund of agency fees taken from public employees who were not union members are abundant. These suits demonstrate unions’ broad exposure to litigation after *Janus*. However, a district court ordering the refund of agency fees taken prior to the *Janus* decision is unlikely. Several district courts have concluded that unions relied in “good faith” on existing legal precedent when it collected the fair-share fees prior to *Janus*.

See *Danielson, et al. v. AFSCME, Council 28*, No. 3:18-cv-05205 (W.D. Wash. 2018).

In Ohio, a group of plaintiffs challenged the union’s “revocation policy” that restricts the employees’ ability to opt out. The plaintiff/public employees resigned from the union, but the union continued to deduct agency fees on the basis that the revocation policy limits employees to a 15-day window as to when they can opt out. See *Smith, et al. v. AFSCME, Ohio Council 8*, No. 2:18-cv-1226 (S.D. Ohio 2018). The case was voluntarily dismissed by the plaintiffs on January 18, 2019. To date, unlike the retroactive refund of agency fees cases, there is not settled law on the opt-out issue.

Perhaps the most significant post-*Janus* case is *Uradnik v. Inter Faculty Organization, et al.* The plaintiff petitioned the U.S. Supreme Court to hear her case. She challenged the constitutionality of the union’s status as the “exclusive representative” for public employees, claiming it violates her First Amendment rights **not** to speak and **not** to associate. The petitioner sought to capitalize on Justice Alito’s comments in *Janus*, which described the exclusive representation arrangement as a “significant impingement on associational freedoms that would not be tolerated in other contexts.” The lower courts denied her motion for preliminary injunction and held that her claims were foreclosed by precedent. See *Minnesota State Board of Community Colleges v. Knight*, 465 U.S. 271 (1984) and *Bierman v. Dayton*, 900 F.3d 570 (8th Cir. 2018). On April 29, 2019, the Supreme Court declined to hear the case. **FOP**



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National Conference to Educate Delegates



The Grand Lodge Auxiliary's 39th Biennial Conference in New Orleans, Louisiana, will have something for everyone. This year's informative presentations focus on auxiliary offices, from subordinate to State to National, to provide leaders and future leaders of the auxiliary with instruction and insight to a position they currently hold or aspire to. An additional presentation will be offered to auxiliaries in existence less than three years to assist them with questions and issues they may have.

A new committee has been appointed to create guidelines and information for members and delegates attending National Conference for the first time. It is difficult to know what is expected of you as a representative of your subordinate or State auxiliary if you have not had an opportunity to attend previously. Communications will be mailed to auxiliaries several weeks prior to National Conference. They will provide guidance in areas such as meeting attire, meeting requirements and reports and customary practices of State and subordinate auxiliaries. A meet-and-greet at the beginning of Conference is intended to help our newest delegates and previous delegates to National Conferences gather in a less formal setting. We are looking forward to welcoming and getting to know our new delegates.

The Auxiliary Expo booth will illustrate many of the Auxiliary's projects and programs, and I hope you are able to visit the booth. Delegates from several states will staff the booth and will be available to answer your questions regarding the Auxiliary and how an auxiliary could benefit your lodge.

The Grand Lodge Auxiliary, initiated by the Auxiliary's National Peace Officers' Memorial Service Committee, continues to offer the beautiful challenge coin depicting a replica of the Medal of Valor presented to the families of our fallen heroes at the Memorial Service in May and the United States Capitol on the back. We have now produced a second challenge coin depicting a replica of the National

Peace Officers Memorial Badge in place of the Medal of Valor. Sales of these striking coins have allowed the Auxiliary to make donations to the Fraternal Order of Police Foundation. At this year's Conference, the Grand Lodge Auxiliary will again present the Foundation with a very nice contribution.

The "Auxiliary Informer" is the monthly electronic newsletter of the Grand Lodge Auxiliary that keeps members advised of progress of national programs as well as events happening in state and subordinate auxiliaries nationwide. Articles welcoming newly formed auxiliaries and articles from local auxiliaries sharing their latest successful membership project are published to provide other auxiliaries with new ideas. The National Auxiliary promotes our ways and means projects and committee-sponsored raffles while State and local auxiliaries advertise their fundraisers, inviting members' participation nationwide. If you would like to receive this monthly electronic publication, please contact our editor, Susan Vargo, at auxinformer@gmail.com.

The Auxiliary is ready to work for you. We are the wives, husbands, sons, daughters, parents, siblings and extended family members of your lodge. We are the frontline supporters of your law enforcement community. What impacts and involves you impacts and involves us. We have a vested interest in you, your job, your welfare and your lives. We work closely with our parent lodges on fundraisers and events to assure that the FOP and their families know that we will "Never Let Them Walk Alone." We would be pleased to provide you with more information regarding how you can join the Auxiliary or how to organize an auxiliary for your lodge. The Auxiliary can be reached at the Grand Lodge Fraternal Order of Police website, www.FOP.net, under the "About" tab, drop down "FOP Auxiliary." **FOP**

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



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